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February 15, 2006

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Terri A. Lorenzon, Director
Environmental Quality Council

Mr. Mark Gordon
Chairman
Environmental Quality Council
Herschler Building, 1W
Cheyenne, WY 82002

RE: Water Quality Rule Petition to Amend

Dear Mr. Gordon:

The Wyoming Stock Growers Association (WSGA) appreciates this opportunity to comment on the Petition to Amend Water Quality Rule, Chapter 2. WSGA represents over 1,000 Wyoming cattle producers and landowners. Many of our members are impacted by water discharges associated with development of the state's minerals. Our comments today are limited to that portion of the petition that requests that Appendix H of the rule be amended by adoption of a quantity parameter.

WSGA recognizes that there are numerous examples, in particular in the Powder River Basin of significant and severe damage to grazing and agricultural lands from large water flows. At the same time, many of our members throughout the state, including the Powder River Basin, have been the beneficiaries of discharge water flows. In fact, particularly during recent times of drought, some landowners have been highly dependent on such waters.

WSGA does not believe that a one-size-fits-all regulatory approach to addressing produced water flows is appropriate. Significant progress on this matter has been made since the early days of CBM development through proactive planning and the fostering of cooperative relationships between landowners and CBM producers. Unfortunately, not all producers and not all landowners have come to the table in good faith. Increased regulation that can impact all landowners and producers is not an acceptable method to address these cases.

The amount of water that is "actually used" by wildlife and livestock is not easily quantifiable. Is this the amount that is actually consumed by the animal? Is it the amount that is necessary to provide a minimal flow to assure a readily available supply from which the animals can

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comfortably drink? Or is it the amount that contributes toward a more favorable habitat for the animals? These questions are not easily answered. The answers may not be the same in all cases.

Finally, it is WSGA's position that DEQ lacks both the statutory authority and the professional expertise to address water quantity issues. This field is appropriately left to the jurisdiction of the State Engineer.

WSGA urges that the petitioners request to include a quantity parameter under beneficial use of produced water be denied. Petitioner's second request, to amend effluent limits, should be addressed using the best available peer-reviewed scientific data regarding potential impacts on livestock and wildlife.

Thank you for your careful consideration of our comments.

Sincerely,



Jim Magagna
Executive Vice President