

**FILED**

**SEP 06 2006**

Terri A. Lorenzon, Director  
Environmental Quality Council

4W Ranch, 1162 Lynch Rd.  
Newcastle, WY 82701

4 September 2006

Re: Barrett Motion for Summary Judgment; Docket No. 04-3801

Jon Brady, Hearing Examiner  
Environmental Quality Council  
122 W. 25th Street  
Herschler Building, Rm 1714  
Cheyenne, WY 82002

Dear Sir,

The 4W Ranch is responding to the Bill Barrett Corporation Motion For Summary Judgment.

The 4W Ranch opposes Bill Barrett Corporation Motion for Summary Judgment for the following reasons:

First and foremost, how can a Summary Judgment be justified with just one and only one deposition? The deposition started at 10:30 hrs. on the morning of 27 July 2006 in Douglas, WY in a relaxed and informal manner. We were led to believe that the deposition should only last between two to three hours. It turned out to be for us a grueling marathon, ending a little past 17:00 hrs. with a 40 minute lunch break around 14:00 hrs.. This long session left us mentally exhausted and emotionally drained. It seemed that we answered questions and reanswered the same questions over and over, primarily dealing only with surface water and not with ground water which we contend will be a more detrimental factor to our lands due to the unique makeup and nature of the Cheyenne River Channel.

About 5 minutes before the session ended we were offered the opportunity to bring up any other of our concerns. In the meantime counsels were remarking about the need to get back to Cheyenne as they were already late for dinner engagements, etc., the Court House was shutting down for the day and asking us to turn off the lights and leave the doors locked behind us. Guess who was left to turn out the lights and lock the doors, yours truly.

Section 6. Article 1; Declaration Of Rights of the Constitution of the State Of Wyoming reads: "Due process of law. No person shall be deprived of life, liberty or property without the due process of law." Will the granting of a Summary Judgment after a single one-sided deposition be considered due process? Due process in this hearing will only be the granting to the owners of the 4W Ranch the opportunity to appear before the Environmental Quality Council to present their case. To date we have met everything asked of us in a professional, timely manner. We have spent hundreds of hours of research in preparation for our appearance before the Environmental Quality Council. We assure the Council that we will present a professional presentation for your consideration without the aid of legal counsel.

Is not the burden of proof upon Barrett Corporation to prove that there will never be damage to our Private Property through their discharging polluted CBM Waste Water

into the Cheyenne Water Basin (Watershed) upstream of the 4W Ranch? This Motion for Summary Judgment is just a means on their part to avoid answering some tough and pertinent questions that we will present to their witnesses.

On page 2 of the Motion For Summary Judgment:

II. There is No Dispute that Discharge Water Under Bill Barrett Company's Permits has Not Impacted the 4W Ranch. The 3rd sentence reads: "The water that is not consumed in irrigation percolates into the channel bed and does not flow beyond Mr. Moore's property or the boundary of the Plan of Development for the Palm Tree Project, which is approximately 69 stream miles upstream of the 4W Ranch." Our contention is that this water has now become ground water in the channel alluvium and is moving downstream towards the 4W Ranch.

Page 5 of the Motion:

"Further, The Harshbarger's have no standing to bring their claims before this council. To demonstrate standing before a judicial body in Wyoming, plaintiffs must demonstrate tangible interest." Our questions are:

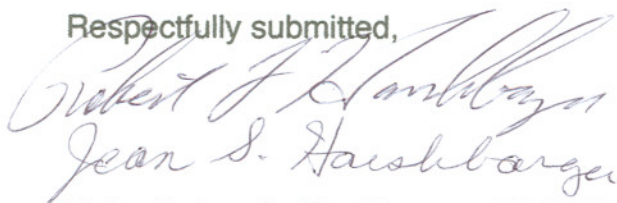
(1.) Is not the group of 7 Wyoming Citizens composing the Environmental Quality Council in actuality a "Hearing Body and not a "Judicial Body"?

(2.) Does not the 4W Ranch have tangible interest in the protection of its own private property?

(3.) The 2nd question is in fact answered on page 6 of the Motion For Summary Judgment, 1st para., 3rd sentence: " A plaintiff must allege that he has been or will in fact be perceptibly harmed by the challenged agency action, not that he can imagine circumstances in which he could be affected by agency's actions."

The 4W Ranch request that the Bill Barrett Corporation Motion for Summary Judgment be denied.

Respectfully submitted,



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Owners/Operators 4W Ranch

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