

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

2 June 2004

RE: NPDES Permits WY0051217, WY0051233 and WY0051373

Mr. Olin Sims, Chairman
Environmental Quality Council
Herschler Building
122 West 25th Street
Cheyenne, WY, 82002

FILED
JUN 03 2004
Terri A. Lorenzon, Director
Environmental Quality Council

Dear Mr. Chairman,

As an affected land owner and a protestant of NPDES Permits WY0051217, WY0051233 and WY0051373 we are appealing the issuance of these permits and desire a hearing before the Environmental Quality Council to present our concerns.

The following are a few reasons that the 4W Ranch is filing this appeal.

Chapter 1, Section 20 of the Wyoming Surface Water Quality Standards intends to protect the agricultural water supply by prohibiting degradation which will cause "... a measurable decrease in crop or livestock production." **Granting Discharge Permits of CBM Waste Water into the Cheyenne Drainage will be in direct violation of this.**

In the Wyoming Surface Water Quality Standards, Chapter 1, Section 8(a)(ii) basically states that a new source of pollution must ensure that all existing water uses are fully maintained and protected. **Granting Discharge Permits of CBM Waste Water into the Cheyenne Drainage will be in direct violation of this.**

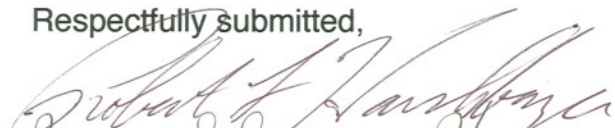
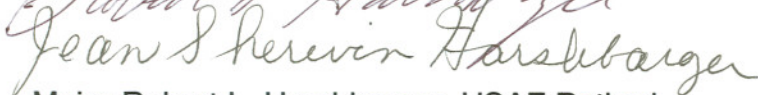
Several sections in Chapter 1 of the Wyoming Surface Water Quality Standards allude to "esthetic degradation". Historically, the Cheyenne River as meanders through the 4W Ranch is not a perennial system. The ecosystem of the Cheyenne River drainage and the historic agricultural practices developed within the drainage are based on an intermittent and ephemeral stream flow. To allow continuous CBM discharge in quantities great enough to alter the basic stream flow will adversely impact the significant esthetic characteristics of one of Wyoming's least developed river drainage's. **Granting Discharge Permits of CBM Waste Water into the Cheyenne Drainage will be in direct violation of this.**

In the permit itself; Part II; Sec B. Responsibilities; Para 10. Property Rights; states: "The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights nor infringement of federal, state or local laws or regulations." **Granting Discharge Permits of CBM Waste Water into the Cheyenne Drainage will be in direct violation of this.**

The existing "**water rights**" and irrigation practices currently in use within the Cheyenne River drainage system have been developed over the last 100 years in response to the intermittent and ephemeral character of the drainage. The continuous discharge of CBM water could essentially turn the system into a perennial stream changing the character and the esthetics of the Cheyenne River Valley.

The 4W Ranch has "**irrigation water rights**" on the the Cheyenne River (Sherwin No. 2 Ditch, P21903D). The Cheyenne River is an ephemeral stream as it meanders through the 4W Ranch. The discharge of any CBM Waste Water into the Cheyenne River Drainage upstream to the 4W Ranch has the potential to deny the 4W Ranch owners their historic "**water rights**" and the potential to permanently damage their personal property.

Respectfully submitted,

Major Robert L. Harshbarger, USAF Retired
Jean Sherwin Harshbarger
Owners, 4W Ranch

cc. John Corra, Wyoming DEQ
Bill Barret Corp
Merit Energy Co