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Jim Ruby, Executive Secretary
Environmental Quality Council

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WYOMING ENVIRONMENTAL QUALITY DIVISION

TO: Environmental Quality Council
% D.E.Q. - Water Quality Division
Attn: David Waterstreet
FAX: 307 777-5973

Re: Section 20 - Wyoming Water Quality Rules related
to agricultural protection.

E.Q.C. members:

I am a rancher with irrigated land on Wildcat Creek (Campbell County, Wyoming). There are about 285 Acres of meadows which have irrigation rights dated 1901, 1904, 1905, and 1966. Many of these same acres are also sub-irrigated from Wildcat Creek. Never has there been a problem with plants or trees dying until 1999 when Coal Bed Methane water started being discharged down Wildcat Creek. All the trees at the upper and lower ends of my ranch died. All the natural & native grasses were killed, by 2000.

The continuous flows were shut off in 2000, and the D.E.Q. started allowing discharges in April and October of each year. Since there were no live plants to hold the soils, these new discharges washed away the soils in the creek and left very steep banks (where vegetation cannot grow) instead of the U shaped channel of previous years.

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The native grasses along with some introduced grasses (brome, intermediate wheatgrass) have never come back in the channel of Wildcat Creek. This creek channel grass used to provide a substantial amount of winter grazing. This grazing is no longer available due to the CBM water discharges.

I sued the D.E.Q. and Redstone Resources when no action was taken to protect my water rights for irrigation and to protect the alfalfa meadows and grasses along the creek. Four other CBM operators joined Redstone against me in the lawsuit.

We appeared before the E.Q. Council for hearings on the discharge problems. Hearings were never completed as the week allocated was not enough time, so additional hearings were scheduled for 2 or 3 months later. In the meantime, the State of Wyoming offered to settle with me. Then the CBM producers also offered to settle. The deciding factor in my agreeing to the settlement agreements was that I was to receive irrigation quality water as determined by my soil scientist, Dr. James Bauder, and their scientist Dr. Grant Carden, working together.

Because Sodium Adsorption Ratios take a long time to obtain from water samples, & because so many water samples had been tested, the SAR's

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could be obtained by testing Electro Conductivity, which is available immediately. The scientists determined that an E.C. of 2000 was acceptable for irrigation, and 2400 could be used if I knew that a huge quantity of water would be available for flushing the salts. This agreement was reached in 2005, and at no time have the CBM operators given me any indication of the E.C. of the water they were preparing to discharge.

Each time I would start to irrigate with rain water or snow melt, the CBM operators would apparently start discharging stored CBM water and the water quality would get so high in salts that I had to stop irrigating.

My irrigation structures have two foot diameter pipes through them to let large quantities of water pass through. In 2008 (early June) CBM operators let so much water out of reservoirs that the water flooded my meadows with water with an E.C. of 3.8 to 4.1. My scientists determined that between 102 and 136 cubic feet per second was flowing. This caused the loss of more alfalfa on my meadows.

On May 6, 2007, CBM operators discharged water that at the start of my irrigated

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meadows was at least 25% more than in 2008.

The 2 foot culverts could not handle this much water and flooded my meadows and killed large quantities of my alfalfa plants. The plant losses are very visible and I tried to get the D.E.Q. to come look. They have not done so, and I am appealing to the F.O. Council to develop standards which will protect me and the many other ranchers who are being damaged by these unregulated discharges.

My ranch has always been able to support two families because of our irrigation rights and our ability to grow large quantities of hay for a cheap winter feed supply. The indiscriminate dumping of CBM water (a waste product of CBM gas production) is threatening this ranch and its ability to be an economically viable operation.

Because of the arrogance of the D.E.Q. in refusing to survey damages to my ranch, and in refusing to help enforce the settlement agreement which is supposed to get me irrigation quality water, I am again asking you to protect me from the discharge of this garbage water.

The CBM operators are being allowed to discharge their produced water and

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This forces me to sacrifice my way of making a living so that CBM producers can make more money, and shirk their responsibilities to produce the CBM gas in an ecologically sound manner, and thus protect our environment and save this water, which if treated would probably be usable for irrigation, and human drinking purposes.

Very Sincerely,

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