

Prospect Land & Cattle Co. L.L.C.
P.O. Box 653
Powell, WY 82435
January 29, 2007

Wyoming Environmental Quality Council
122 W 25th, Herschler Bldg, Rm 1714
Cheyenne, WY 82002

Attention: Environmental Quality Council Members

I am providing some additional comments that I was unable to provide at the hearing on Thursday, January 18th due to time limitations.

For a brief review, I provided you with some color pictures of our ranch on Cottonwood Creek that receives discharges from the Hamilton Dome Oil field and has since the early 1970's. I commented that if it were not for this water discharge we would be out of business because we have not had water for irrigating and livestock drinking due to the drought beginning in 1999.

I am in totally against the petition that has been filed with you for rule changes, primarily concerning coal bed methane in the Powder River Basin. My experience over the many years has been that if something is established for one area it will soon be the basis for all related areas.

There has been very limited coal bed methane developed in the Big Horn Basin but it is only a matter of time before it is developed in this area. The entire Big Horn Basin is underlined with various coal seams and at one point in time there were active mining taking place at Gebo and Kirby, Wyoming.

I believe the present levels as established for the various minerals have not caused any problems in drinking water for livestock, wildlife, waterfowl, pheasant, sage grouse, chukker partridges or any of the forage produced or grazed in the area. Therefore these standards should not be reduced as requested in the petition by the Powder River Resource Council. We would greatly appreciate having more of this quality water. If and when any coal bed methane produced waters are available with a maximum of the present standards we would utilize them without any negative effects.

The next area of particular concern is providing authority to the Department of Environmental Quality having any supervision or control of water quantity. This responsibility is the direct responsibility of the State Engineer's Office and the Board of Control. Let this department do what it was established to do and not interfere creating mass confusion.

Again, if this petition is approved the total economic impact of it would be astronomical in terms of loss of jobs and income to communities, schools, towns and the State as a whole. To quote from the Billings Gazette of January 28, 2007, John Wagner, administrator of DEQ'S Water Quality Division, said that "the proposed rules would indeed prohibit the discharge of most coalbed methane water on the surface", and that "I don't see how any applicant could submit an application to us that could meet this rule".

I know there are some problems out there, but this petition would only create more difficulties rather than fewer in the overall picture. I firmly believe if those involved would sit down with an open mind and be willing to give and take a little bit many, if not all of the problems could be resolved, however when a few want everything their way it will only cause more harm to everyone involved.

In closing, I know in my mind that the PETITION before you is not the answer!!

Respectfully,
James Hillberry

P.S. I did not receive any stipend from any Oil Company for Travel or Lodging in going to Cheyenne to appear before you.

*11/7/08 addendum
The recommendation of the Water and Waste Water
Advisory Board to leave the criteria as presently
established.*

COMMENTS TO ENVIRONMENTAL QUALITY COUNCIL
January 17, 2007

My name is James Hillberry and I have an ownership in a ranch in Hot Springs County, Wyoming.

I am a 3rd generation person involved in agriculture in Hot Springs County. My grandparents homesteaded in Hot Springs County in the late 1890's and the family continues to maintain a presence of land ownership and agriculture operations in the county.

I have an ownership in a ranching operation that is just north of the Hamilton Dome Oil field on the Cottonwood Creek drainage. Our water rights provide water that comes in part from the discharge from the Hamilton Dome Oil field that commingle with other waters in the creek or by direct diversion from the oil field discharge. We have a supplemental water right issued by the State Board of Control for use on our irrigated lands and pastures. This irrigation water has provided us the ability to produce a significant amount of hay for the livestock and more importantly a water source for the livestock when grazing in the "badlands" and not requiring us to haul water.

We have found the water quality to be very suitable for all types of livestock, cattle, horses, sheep etc, and have never had a case or problem of any type of toxicity relating to the water. We have observed that this water provides the necessary ingredient for substantial growth of willows, trees and grasses along the entire streambed. It was very evident to all those who toured Cottonwood Creek this summer observing the benefits of this discharge. When we crossed the dry creek at Frank Robbins ranch you would see dying tree, grasses, and willows, yet about a mile east you see flourishing trees, willows, riparian areas and wildlife.

This discharge water is the life blood of Cottonwood Creek from its discharge to the confluence with the Big Horn River. It provides for many ranches that are providing families with a means of support and in turn provides for the economic viability of the entire county, and particularly the schools systems.

This water helps provide the necessary habitat for a substantial amount of wildlife including deer, antelope, sage chickens, ducks, geese and many other birds and water fowl.

The present standards and criteria of discharged water as listed for surface run off should be retained without any reductions as evidenced by the uses in the Cottonwood Creek drainage and other drainages throughout the Big Horn Basin.

Wyoming presently has one of the best departments of water administration as evidenced by the Office of State Engineer, Board of Control and therefore no other agency should have any influence on our water rights that have been granted for many years.

Agriculture producers must be given the option to sign a waiver to use discharge water, not "may be given" for discharges that have beneficial use and exceed some of the limits established.

It does not appear that has been sound science used to establish some of the limitations established. The science used needs to be developed in the areas of the state where these waters are being used and not based on some publication on work in California or other areas or based on some hypothetical model.

I believe all references to "naturally irrigated lands" should be struck from the proposed changes and let Section 20 remain in its present form as it has for many decades.

I encourage you to put aside the petition to separate the types of surface water discharge whether it is from Oil & Gas production or Coal Bed Methane production—produced water is produced water!!!!

In closing, the proposed changes will have a very serious economic effect on our ranch personally, by allowing modification to the discharges in our area it will have a substantial effect to the entire county, school system and employees now working in the area.

I would also request that you don't forget the Big Horn Basin area and that you schedule hearings in the area prior to making any final decisions.