

AGRICULTURAL USE PROTECTION POLICY (Chapter 1, Section 20)

I. Purpose

All surface waters in Wyoming are protected to some extent for agricultural uses. “Agricultural uses” are described in Chapter 1, Section 3 as being either stock watering or irrigation. The standard that applies to the protection of these uses is contained in Chapter 1, Section 20 which states:

*Section 20. **Agricultural Water Supply.** All Wyoming surface waters which have the natural water quality potential for use as an agricultural water supply shall be maintained at a quality which allows continued use of such waters for agricultural purposes.*

Degradation of such waters shall not be of such an extent to cause a measurable decrease in crop or livestock production.

Unless otherwise demonstrated, all Wyoming surface waters have the natural water quality potential for use as an agricultural water supply.

All water quality standards are established for two reasons. The first is to provide a benchmark against which a determination can be made as to whether a waterbody is impaired and requires some kind of corrective action. The second is to provide a basis for establishing permit limits on regulated activities (WYPDES & Section 404 permits). The purpose of this policy is to provide guidelines to be used by the Water Quality Division when translating the narrative goals expressed in the Section 20 standard into appropriate WYPDES permit limits where maintaining agricultural use of the receiving waters is an issue.

Agricultural use of surface water is an opportunistic endeavor. The varying uses as well as the different qualities of the water found in the state are many and the farming and ranching industries have always had to make do with what water is available. The goal expressed in the Section 20 standard is simply to maintain surface water quality at a level that will continue to support the local agricultural uses that have developed around it.

Though the goal is simple, achieving it is not. For the most part, managing water quality for continued agricultural support requires managing the concentration and chemical makeup of dissolved solids. Because of local differences in crop types, soil types and natural water quality and availability, it isn't possible to establish simple numeric criteria for pollutants such as TDS and SAR that will allow an efficient use of surface water for irrigation purposes. The determination of what is acceptable water quality for irrigation must necessarily involve an evaluation of local agricultural practices and background water quality conditions. For livestock watering uses, it is somewhat less complicated because there are fewer variables to consider.

c. Irrigation Waiver

An exception to EC or SAR limits established under the Tier 1, 2 or 3 procedures may be made when affected landowners request use of the water and thereby accept any potential risk to crop production on their lands. Irrigation waivers will only be granted in association with an irrigation management plan that provides reasonable assurance that the lower quality water will be confined to the targeted lands.

d. Reasonable Access Requirement

The procedure for establishing default EC and SAR limits is intended to provide the ability to permit the discharge of high quality water without an obligation to conduct site specific studies. In practice, the use of the default procedure will only apply where permitted discharges are of exceptionally high quality. In many applications, appropriate limits for EC and SAR will have to be based on refined procedures rather than default. Because the refined procedures require the acquisition of site-specific data, it is necessary that permit applicants and/or the DEQ have reasonable access to obtain the required information. In circumstances where a landowner chooses to deny access for the purpose of developing a Section 20 analysis, EC and SAR limits will be based upon the best information that can be reasonably obtained and may be less stringent than Tier 1 default limits.

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