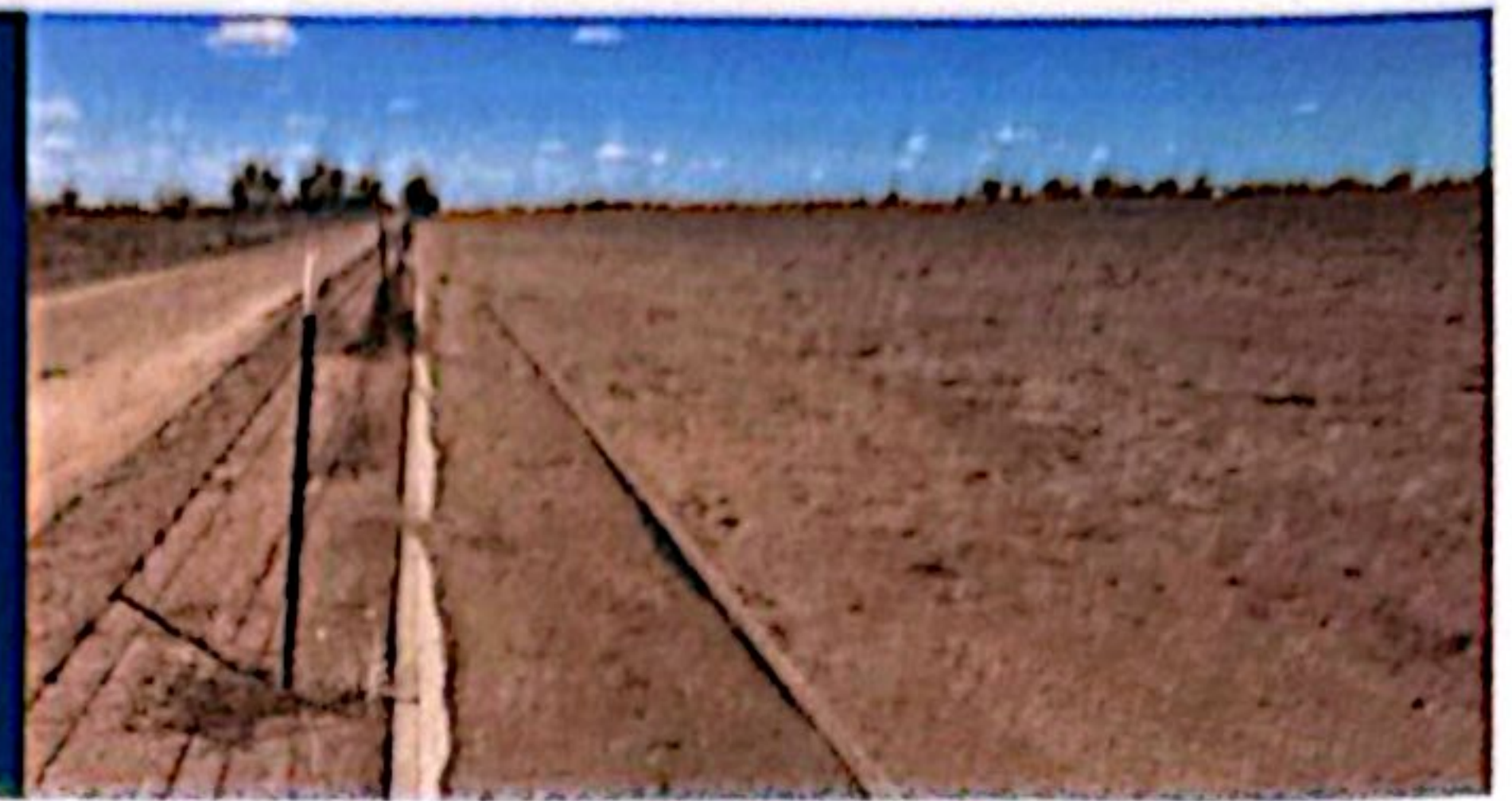


WHEN WATER LEAVES THE LAND, RESPONSIBILITY SHOULDN'T

# Vote YES on HB26-1340

Ensuring Responsible Reclamation of Permanently Dried-Up Farmland



## THE ISSUE

More than 100,000 acres of irrigated farmland in the Arkansas River Basin have been permanently dried up, often to supply municipal water demands many miles away. Most of this land was poorly reclaimed, forcing neighboring landowners and rural communities to deal with the consequences: soil erosion, blowing dust, weed proliferation, increased fire risk and public safety concerns.

Current law, enacted in 1992, requires revegetation to be considered, but does not ensure it is completed.

## WHAT'S NOT WORKING

- Existing law does not define expectations, responsibilities, or accountability.
- Parties often negotiate land reclamation requirements on a case-by-case basis in water court and through separate 1041 permit processes with the local county, increasing time and cost.
- Rural counties often lack the resources or expertise to engage effectively in water court.
- Poorly reclaimed lands create significant long-term impacts for counties and neighboring landowners.

## WHAT HB26-1340 DOES

- **Requires Reclamation:** Permanently dried-up farmland in the Arkansas River Basin must be revegetated or converted to dryland farming, unless exempted because the land will be re-irrigated or developed.
- **Ensures Accountability:** The owner of the changed water right is responsible for completing successful revegetation or conversion to dryland farming, similar to when other natural resources are extracted from land.
- **Adds Independent Oversight:** A neutral third-party expert conducts annual field reviews and reports progress.
- **Aligns with Local Criteria:** Incorporates revegetation criteria from the local county through an associated 1041 permit, intergovernmental agreement, or other adopted criteria. If none exist, site-specific criteria will be established during the change case.
- **Incentivizes Timely Compliance:** Applicants may either: 1) Use the full amount of water immediately for the changed uses by posting a performance bond or other financial security with the local county; 2) Use a portion of the water immediately for the changed uses, with additional use tied to reclamation progress; or 3) Comply with water use restrictions for the changed uses as established in an associated 1041 permit or intergovernmental agreement. In all cases, all water remains available for irrigation.
- **Applies Prospectively Only:** Applies only to new change-of-use decrees in Water Division 2 (Arkansas River) issued on or after January 1, 2027 where permanent dry-up will occur. Does not affect existing decrees.

## WHY IT MATTERS

- Protects neighboring property rights from dust, weeds, and erosion.
- Reduces long-term costs and burdens on counties and rural communities.
- Provides clear, predictable rules for water users.
- Ensures land is responsibly protected when water is permanently removed.

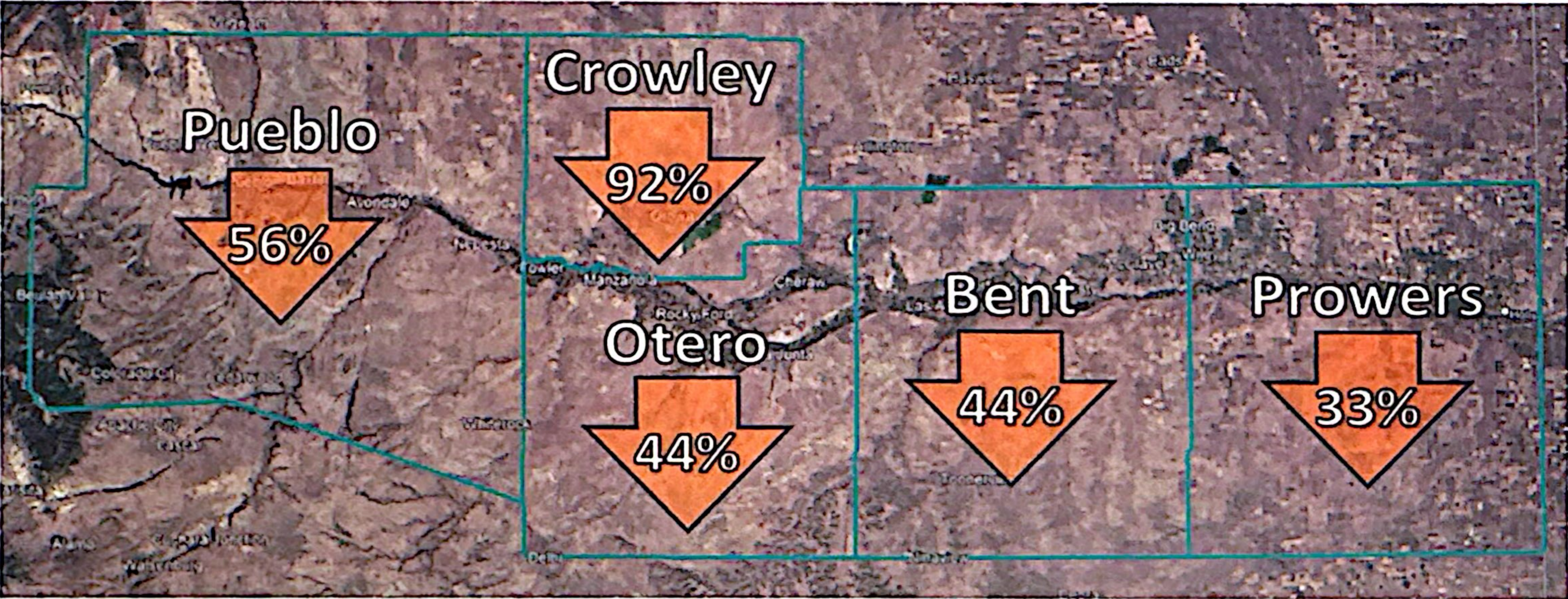
## BOTTOM LINE

HB 26-1340 ensures that when agricultural water is permanently removed, the land left behind is responsibly reclaimed.

It sets clear standards, ensures accountability, and provides flexible paths to compliance, while incorporating input from local counties and protecting neighboring landowners and communities.

**Vote YES**  
**on HB26-1340**  
**Ensuring Responsible Reclamation**  
**of Permanently Dried-Up Farmland**

# Decline in Lower Arkansas Valley Irrigated Farmland - 1978 to 2022

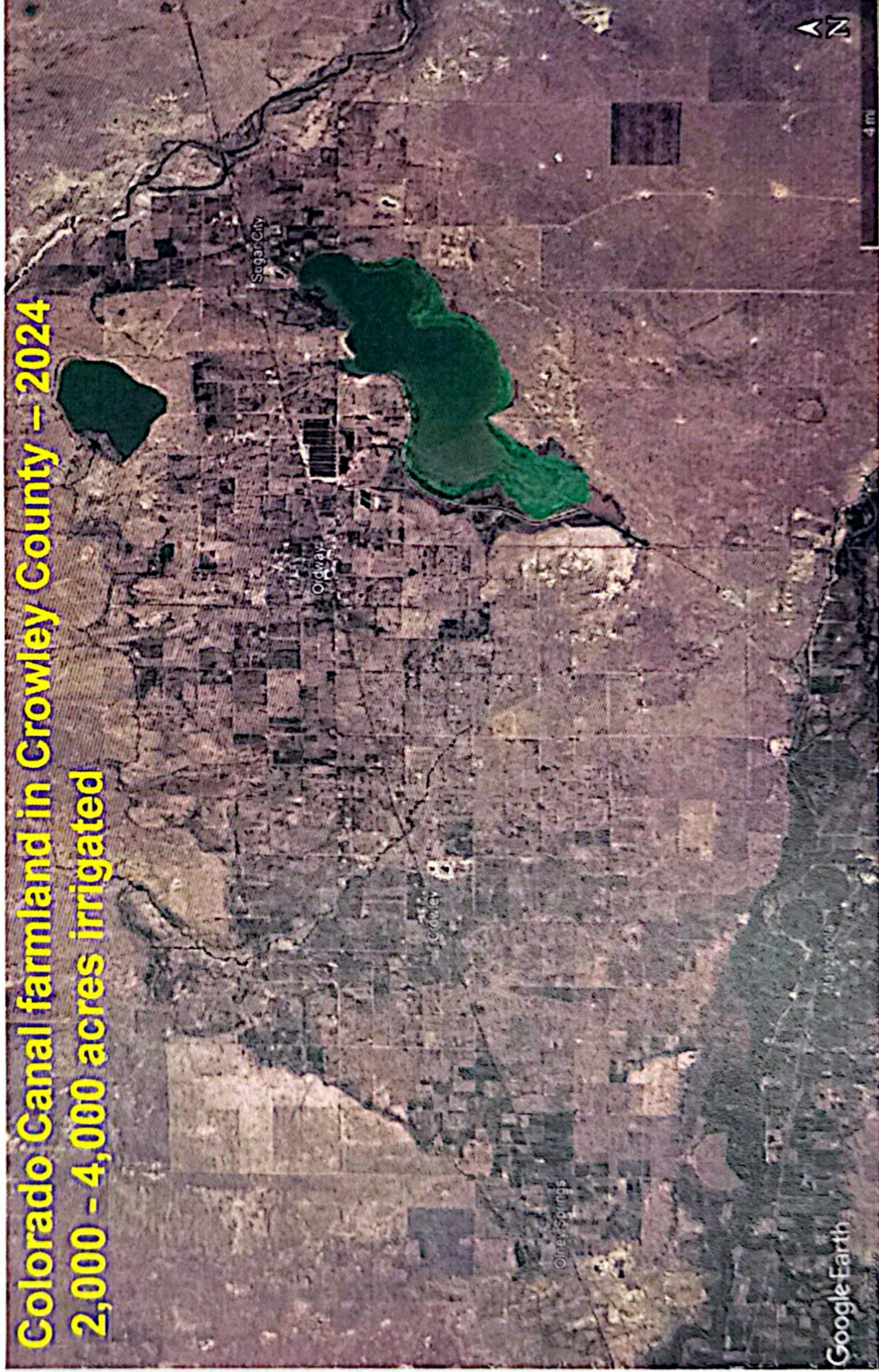


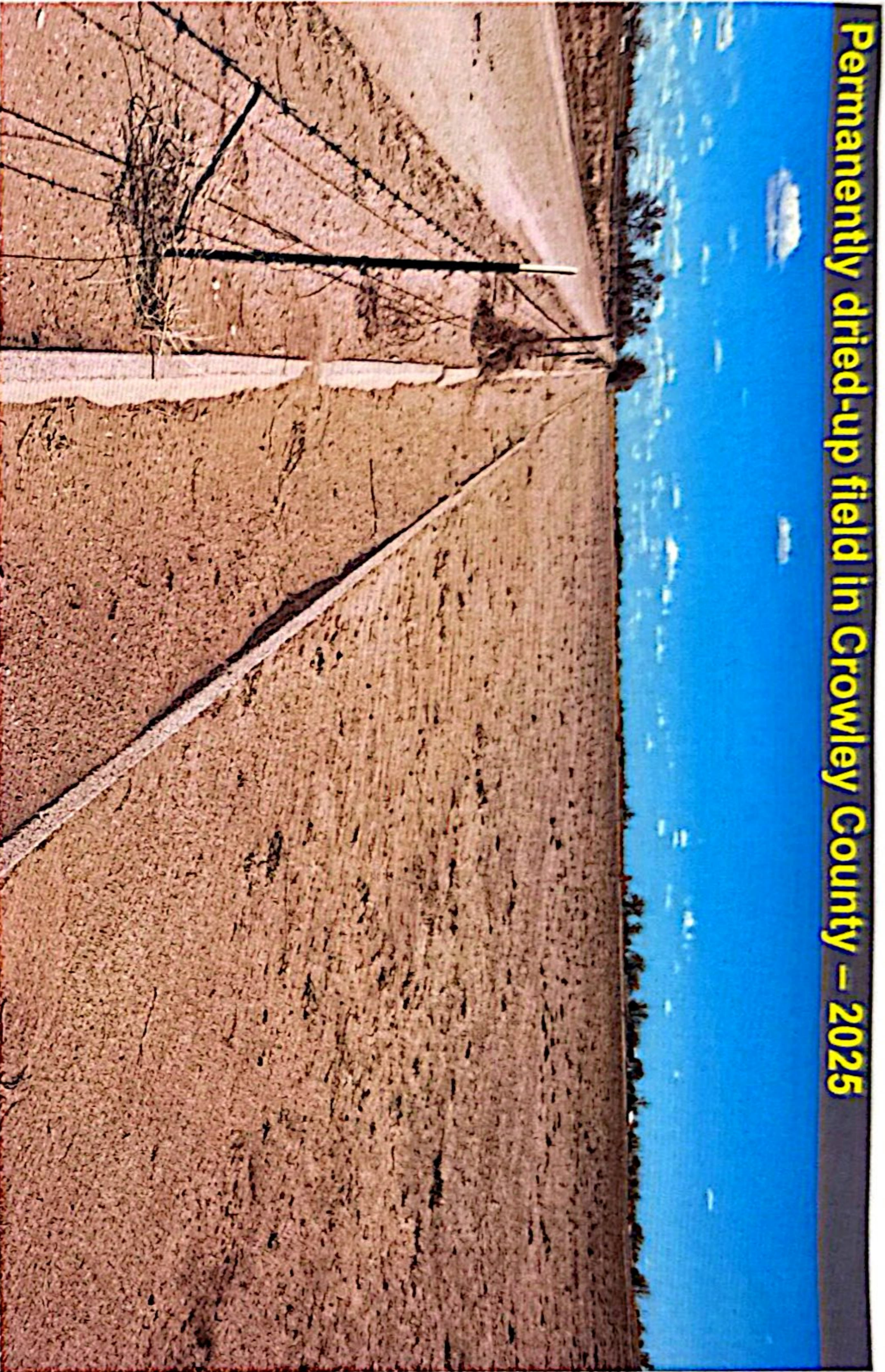
Source: USDA National Agricultural Statistics Service  
Resulting from a combination of factors, including buy and dry, compact compliance, and decreased river flows.

**Colorado Canal farmland in Crowley County – 1987**  
**> 50,000 acres irrigated**

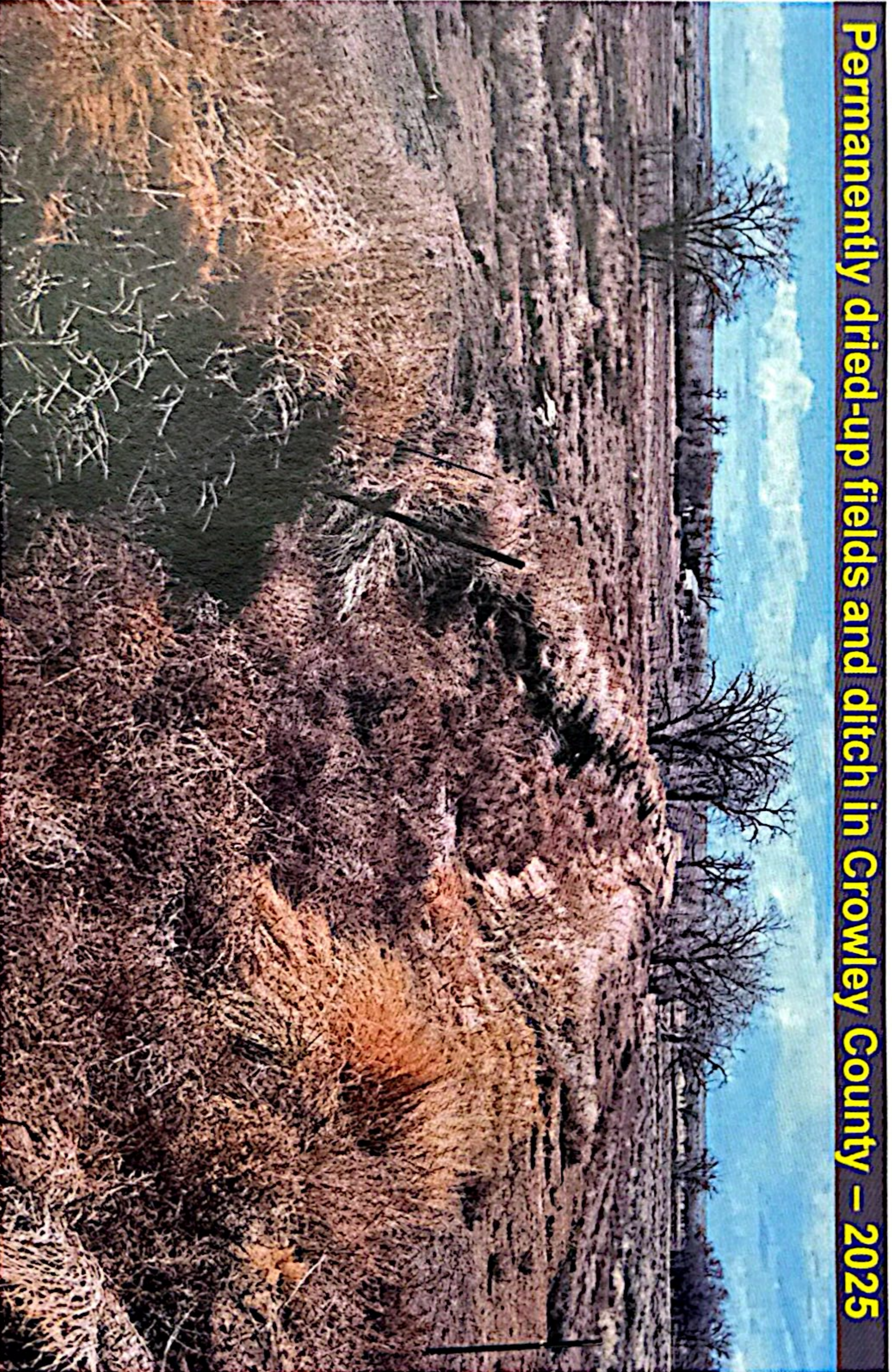


**Colorado Canal farmland in Crowley County – 2024**  
**2,000 - 4,000 acres irrigated**





**Permanently dried-up field in Crowley County – 2025**



**Permanently dried-up fields and ditch in Crowley County – 2025**