

PROPOSED PERKINS COUNTY CANAL



Nebraska Senators Touring the Perkins County Project Area and Other Water Facilities on September 29, 2022.

Nebraska and Colorado signed the South Platte River Compact in 1923, to settle a case brought by Nebraska's Western Irrigation District, which provides for an equitable distribution of the waters of the South Platte River between Nebraska and Colorado.

The compact was approved by the Legislatures in Colorado and Nebraska and was approved by the United States Congress.

The waters of the stream under the compact may be utilized to their highest benefit by the States of Colorado and Nebraska, through which it flows, without the possibility of vexatious litigation between the States with respect to the waters of the South Platte River.

There are two key provisions of the Compact.

FIRST - Article IV limits irrigation season uses in Colorado to benefit the Western Irrigation District, which diverts water from the South Platte River near Big Springs, NE. Under this provision, Colorado is required to limit its users when a flow of less than 120 cubic feet per second (cfs) is available at Julesburg.

SECOND - **Article VI authorizes Nebraska to build a Perkins County Canal to divert 500 cfs during the non-irrigation season.** However, since the Perkins County project remains unfinished, Nebraska cannot divert the 500 cfs unless the canal is built. Colorado continues to ramp up its own diversions and related water uses during the non-irrigation season which will result in a dry South Platte River in Nebraska if the canal is not built.

Irrigation Season (Apr. 1 to Oct. 15)
•120 cfs minimum flow
•Currently in effect

Non-Irrigation Season (Oct. 15 to Apr. 1)
•500 cfs minimum flow
•Colorado not yet enforcing without completion of Perkins County Canal

In pursuing its Article VI rights, Nebraska may acquire land and divert the water in Colorado for subsequent uses in Nebraska. Specific lands and routes are not specified in the Compact and will be determined based on a variety of factors that will be evaluated through a design process approved and funded by the Nebraska Legislature in 2022.

Why a Compact

- Water rights are administered within a state
- In the early 1900s, Western Irrigation District was not able to divert their Nebraska water right because of diversions in Colorado
- A lawsuit was initiated against Riverside Irrigation District in Colorado
- Delph Carpenter, an attorney in Colorado, initiated the idea and discussions for river compacts
- The South Platte River Compact was the first started in the United States

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In the 1890s there was a severe drought occurring. Farmers from Perkins County began digging a canal in Colorado from the South Platte River that was never completed. During the development of the South Platte River Compact, the Keith County Community Club proposed the Perkins County Canal be allowed in the South Platte River Compact.

Impacts to Nebraska if the canal is not built

- A dry South Platte River in Nebraska October 15 to April 1
- Decrease agricultural water supplies
- Jeopardize municipal water supplies for Lincoln, Omaha, and other Platte River communities
- Threaten the cooling water supplies for the Nebraska Public Power District's Gerald Gentlemen Station, Nebraska's largest electric generation facility
- Decreased flow would undercut the capacity to generate hydroelectric power in Nebraska

FACTS

- The water from the canal will be used in the Platte River Basin in Nebraska
- Nebraska needs to protect the water Nebraska has been receiving
- The canal will benefit the Platte River Basin throughout Nebraska
- There will be no new irrigated acres in the South Platte NRD
- Project construction could take a decade

A canal and associated storage facilities, as approved by Legislative Bill 1015 in 2022, will be known as the Perkins County Canal Project, and will be developed, constructed, managed, and operated by the Nebraska Department of Natural Resources. At the time of this publication, the proposed route of the canal has yet to be determined.

This is the right time and Nebraska cannot wait any longer. It is essential to the economic prosperity, health, and welfare of the people of the State of Nebraska, and to the environmental health of the entire Platte River Basin across Nebraska to protect Nebraska's full entitlement to the flows of the South Platte River as provided for in the South Platte River Compact.

What is Next

- The Nebraska Department of Natural Resources engages stakeholders and completes the design
- The Nebraska Legislature must approve funding for land purchases and construction



Portions of previous canal construction efforts, which began in 1891, remain visible along Interstate I-76 near Julesburg.