

# SECURING NEBRASKA'S WATER FUTURE



## LB 1015 – PERKINS COUNTY CANAL PROJECT ACT: DEVELOP, CONSTRUCT, MANAGE, AND OPERATE THE PERKINS COUNTY CANAL PROJECT

Senators gave final approval to LB 1015 by a 42-4-3 vote April 12, 2022, and the bill was approved by Gov. Ricketts April 18, 2022. The bill proposes to build a canal that would divert South Platte River water from Colorado to Nebraska under a 1923 interstate compact. The compact entitles Nebraska to 120 cfs of water during the summer. Nebraska also has the right to 500 cfs of water during the non-irrigation season but only if it builds a canal to divert it from the river in Colorado to a reservoir system in Nebraska. The Legislature allocated \$53.5 million from the cash reserve to begin design and engineering studies and buy option on land where the canal would be built. The project is managed by the Nebraska Department of Natural Resources (NeDNR).

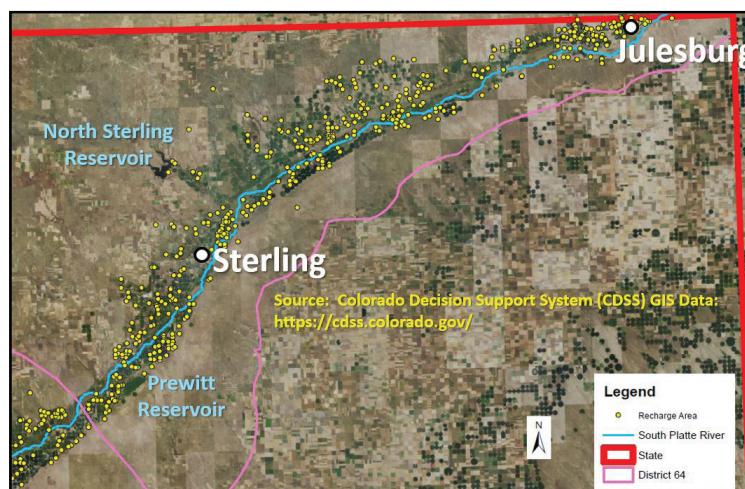
Nebraska and Colorado signed the South Platte River Compact in 1923, to settle a case brought by Nebraska's Western Irrigation District, which provides for an equitable distribution of the waters of the South Platte River between Nebraska and Colorado.

There are two key provisions of the Compact:

- Article IV limits irrigation season uses in Colorado to benefit the Western Irrigation District near Brule, 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, CO.
- 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 of water 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.

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 through a design process.

## WHAT'S AT STAKE IN THE SOUTH PLATTE BASIN?



Currently, Colorado has approximately 500 recharge projects in the lower section of the South Platte River (Water District 64). Many of the water rights associated with these projects would likely be junior to the proposed Perkins County Canal.



*What Nebraska Expected based on the Compact.*



*Colorado's long-term distribution goal*

Colorado is planning approximately 300 more projects and more than \$10 billion to ensure no "excess" water leaves their state. Colorado's plans would cause a nearly 90% reduction in flows coming into Nebraska.

# PERKINS COUNTY CANAL & SOUTH PLATTE COMPACT

## WHY A COMPACT?

The South Platte River Basin includes portions of Colorado, Nebraska, and Wyoming. The river rises in Colorado and flows into Nebraska just east of Julesburg, CO. Nebraska and Colorado signed the South Platte River Compact in 1923 to settle a case brought by Nebraska's Western Irrigation District and to divide the waters of the river.

The South Platte River Compact was the first started in the United States.

The Compact is a contract and is also embodied in state and federal law.

In the 1890s there was a severe drought occurring and 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.

## WHY DO WE NEED THE CANAL NOW?

- Water from the canal will be used in Nebraska's Platte River Basin benefiting the state from west to east.
- Colorado is currently planning ~300 projects and more than \$10 billion to ensure no "excess" water leaves their state. Colorado's plans would cause a nearly 90% reduction in flows coming into Nebraska.
- Nebraska needs to protect the water it has been receiving from Colorado.

## WHAT HAPPENS IF THE CANAL IS NOT BUILT?

- The South Platte River in Nebraska will be dry from Oct.15 to April 1.
- Agricultural water supplies will be decreased and municipal water supplies for Lincoln, Omaha, and other Platte River communities could be jeopardized.
- Cooling water supplies for NPPD's Gerald Gentlemen Station, Nebraska's largest electric generation facility, would be threatened.
- Decreased water flow would undercut the capacity to generate hydroelectric power in Nebraska.
- Communities in over-allocated areas could face additional water restrictions and regulation resulting in less production and economic development.
- Without the Perkins County Canal project, more reliance will be placed on the North Platte River and those water users.

## WHAT'S NEXT?

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

This is the right time and Nebraska cannot wait while Colorado rapidly diverts flows from the South Platte River. Securing our water is essential to the economic prosperity, health, and welfare of Nebraskans. We must protect the environmental health of Nebraska's Platte River Basin and our full entitlement to the flows of the South Platte River as provided for in the South Platte Compact.

*"As part of the Platte River Recovery Implementation Program and to meet the goals established by the legislature, Central Platte NRD has spent \$20M to return a required 18,500 acre-feet to the river. Nebraska could receive this same amount of water every 18 days with the proposed canal."*

—Lyndon Vogt

Central Platte NRD General Manager

## FAST FACTS



500 cfs of water could fill Lake McConaughy in 5-6 years.



The City of Lincoln wellfield receives 7% of its recharge for drinking water from the South Platte River.



An investment of approx. \$550 million will yield more than \$1 billion in benefits.



The project ensures Nebraska has water for drinking, economic development, agriculture and wildlife.

## SOUTH PLATTE STAKEHOLDERS GROUP

Nebraska's Natural Resources Districts  
[www.nrdnet.org](http://www.nrdnet.org)

Nebraska Public Power District  
[www.nppd.com](http://www.nppd.com)

Central NE Public Power and Irrigation District  
[www.cnppid.com](http://www.cnppid.com)

Western Irrigation District

For more information go to:  
<https://dnr.nebraska.gov/perkins-county-canal>