



COLORADO
Division of Water Resources
Department of Natural Resources

To: Tom Riley, Director, Nebraska Department of Natural Resources
Jesse Bradley, Deputy Director, Nebraska Department of Natural Resources
From: Kevin Rein, State Engineer, Director of Colorado Division of Water Resources
Mike Sullivan, Deputy state Engineer, Deputy Director
Date: July 14, 2022
Subject: Considerations for Nebraska's Perkins County Canal

Dear Tom and Jesse,

Mike Sullivan and I appreciate the opportunity to talk with you again on July 18 regarding Nebraska's construction of the Perkins County Canal. In our discussions since January 10, you have asked whether Colorado has questions about the Canal's construction, whether we have input regarding the location of the Canal, and whether we want to participate in Nebraska's land acquisition process. Nebraska, however, has provided few, if any, details of its plans, making it difficult to formulate specific questions. . Further, as you can understand, it is not effective for either of our states for Colorado to venture opinions on a project we know so little about. As I have stated previously, if Nebraska is willing to share details of its plans, then Mike and I are willing to review them to ensure that Nebraska is considering important aspects of water rights, Colorado water administration, and hydrology. To further facilitate that, we previously suggested you share with us the yield analysis that Nebraska has performed for the Canal so that we could offer constructive comments. To the extent you would like to share that, our offer still stands.

Due to our daily administration of water rights on the lower end of the South Platte River, we are aware of several factors that could affect the Canal's yield when operating under the terms of the Compact. In preparation for our meeting on July 18, and to assist Nebraska in its analysis of the Canal's cost-effectiveness, we would like to share some of those factors.

We suggest that it would be helpful for Nebraska to ensure you have given due consideration to the following factors:

- Non-irrigation season discharge of the South Platte River at the *Cooper Bridge Gage near Balzac*, its amount, and its administrative availability to satisfy District 64 demands,
- Non-irrigation season diversions by the Julesburg Reservoir senior water right in District 64,
- Administration of the Canal's diversions with regard to *superior claims* of users in Nebraska during the non-irrigation season and the irrigation season,
- Whether flow in the South Platte River in District 64 is legally available for the Canal's diversion



- The potential for operational impacts to the Canal due to icing during the non-irrigation season

As I mentioned, these factors might influence the Canal's yield. You have not indicated whether Nebraska has analyzed them or addressed other considerations unrelated to administration, operations, and hydrology such as federal permitting, Compact provisions for the Canal's location, and potential changes in flows due to development upstream of District 64. Therefore, we have no suggestions for you at this time on those considerations.

This is only a partial list of factors for Nebraska's consideration. It is not effective for Colorado to state positions on any of these matters at this time but we'll continue to extend an offer to review your detailed plan.

Sincerely,



Kevin G. Rein
State Engineer, Director

