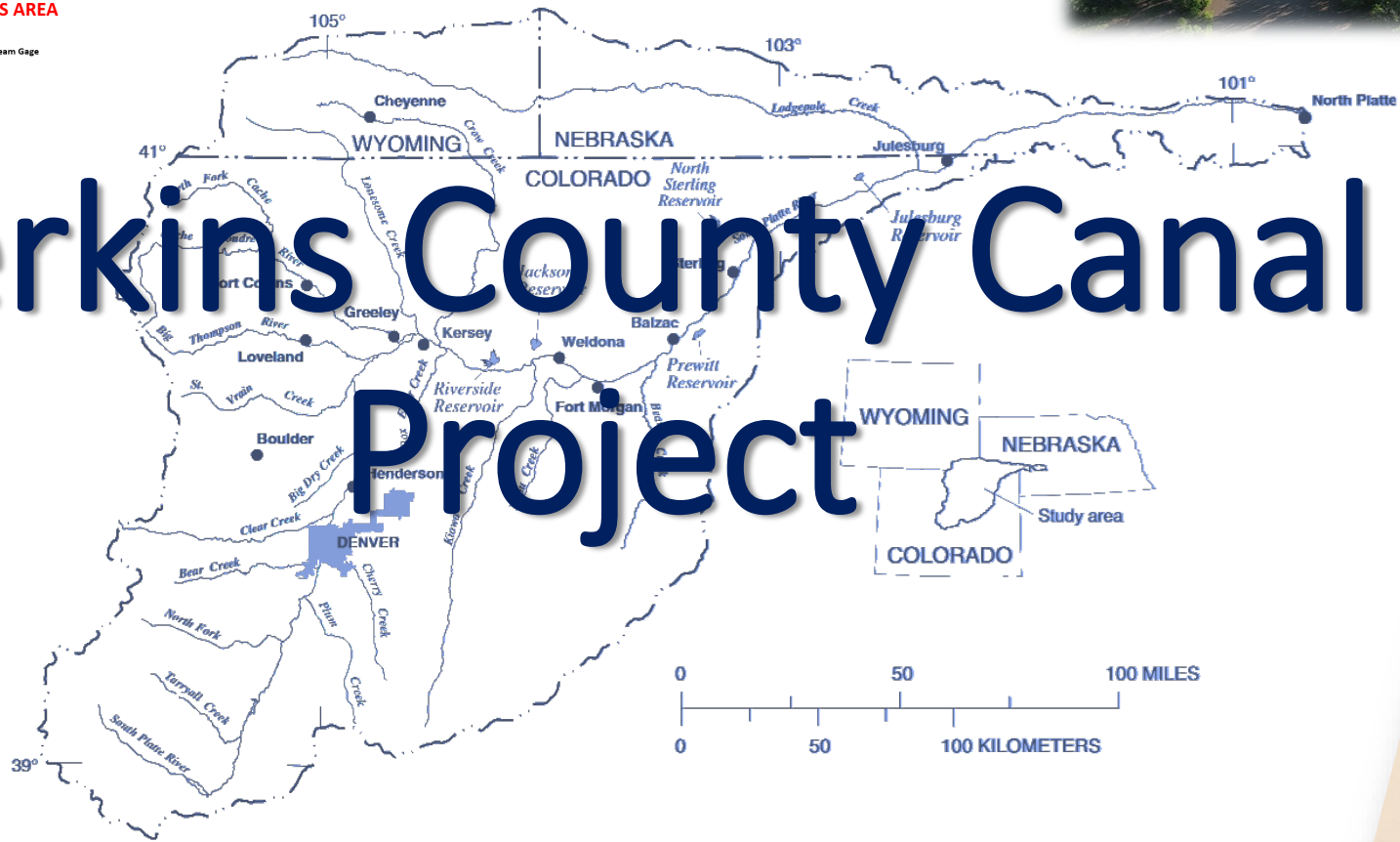
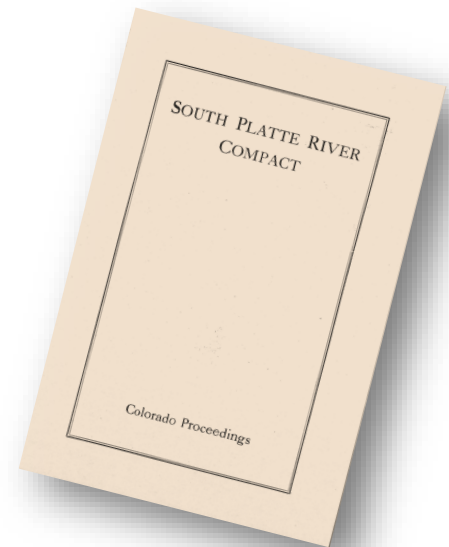


Perkins County Canal Project



Base from U.S. Geological Survey and U.S. Census Bureau digital data, 1974 to 1993



Article VI of South Platte Compact

ARTICLE VI.

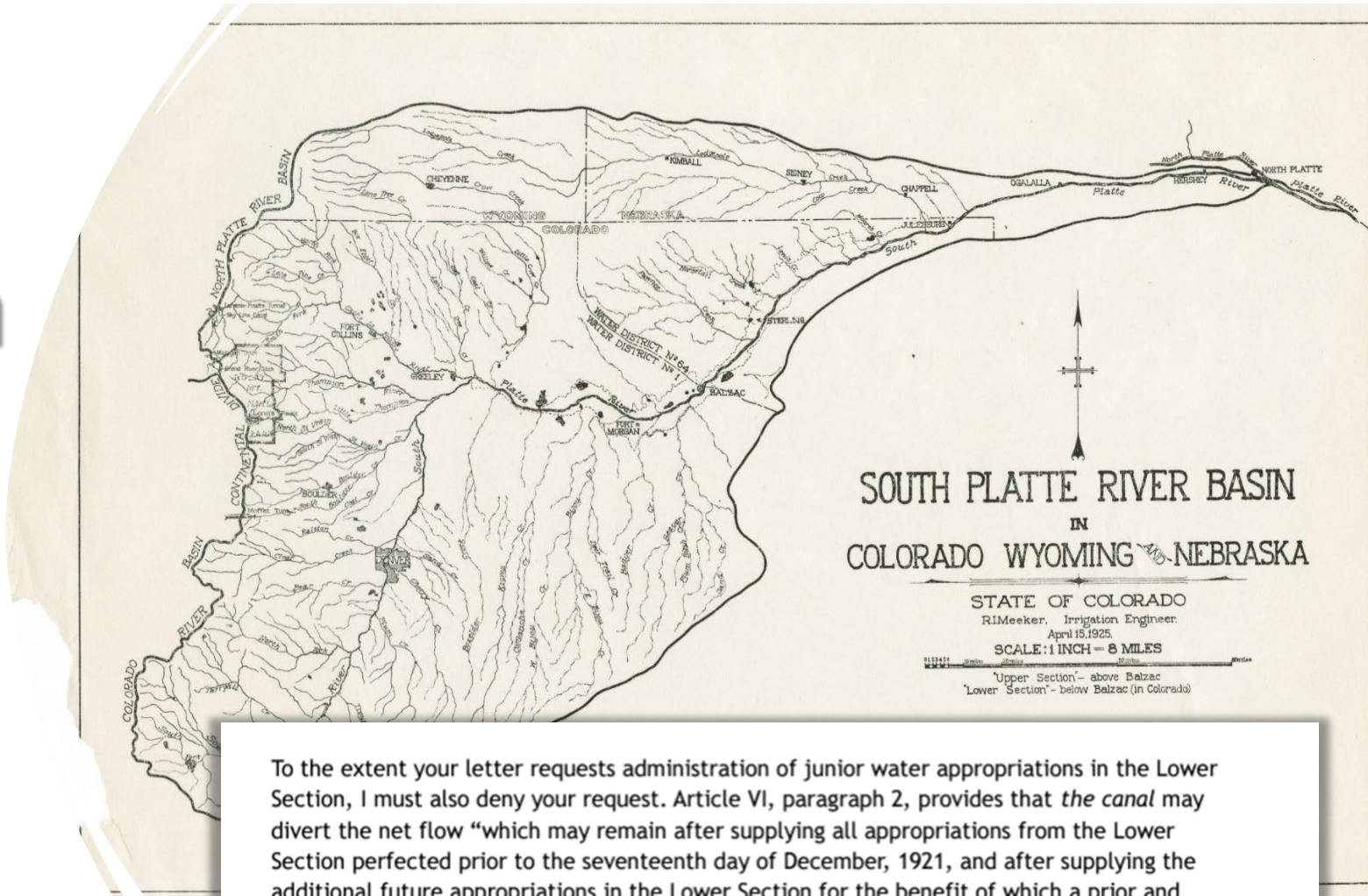
It is the desire of Nebraska to permit its citizens to cause a canal to be constructed and operated for the diversion of water from the South Platte River within Colorado for irrigation of lands in Nebraska; that said canal may commence on the south bank of said river at a point southwesterly from the town of Ovid, Colorado, and may run thence easterly through Colorado along or near the line of survey of the formerly proposed "Perkins County Canal" (sometimes known as the "South Divide Canal") and into Nebraska, and that said project shall be permitted to di-

“It is the desire of Nebraska to ... cause a canal to be constructed and operated for the diversion of water from the South Platte River within Colorado, for irrigation of lands in Nebraska; ... and that said project shall be permitted to divert waters of the river as hereinafter provided.”

MAP
of the
SOUTH DIVIDE CANAL.

Scale, 100 feet = 1 inch.
Contract, Plans & Surveying, Mark A. Smith,
Assisting Engineer, City and County Engineers,
Denver, Colo., E. M. Smith, C. C. Smith.

Why is Nebraska building the Perkins County Canal?

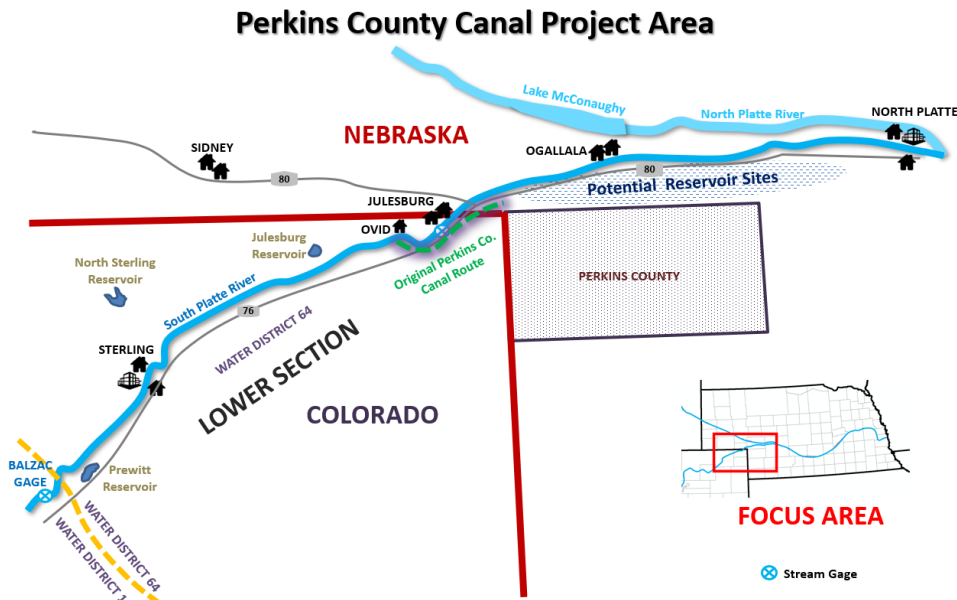


To the extent your letter requests administration of junior water appropriations in the Lower Section, I must also deny your request. Article VI, paragraph 2, provides that *the canal* may divert the net flow “which may remain after supplying all appropriations from the Lower Section perfected prior to the seventeenth day of December, 1921, and after supplying the additional future appropriations in the Lower Section for the benefit of which a prior and preferred use of thirty-five thousand acre-feet is reserved” for Colorado, among additional limitations in the Compact. Because Nebraska has not constructed the Perkins County Canal, there is no basis for Colorado to administer junior water appropriations in the Lower Section

1313 Sherman Street, Room 821, Denver, CO 80203 P 303.866.3581 dwr.colorado.gov
Jared S. Polis, Governor | Dan Gibbs, Executive Director | Kevin G. Rein, State Engineer/Director

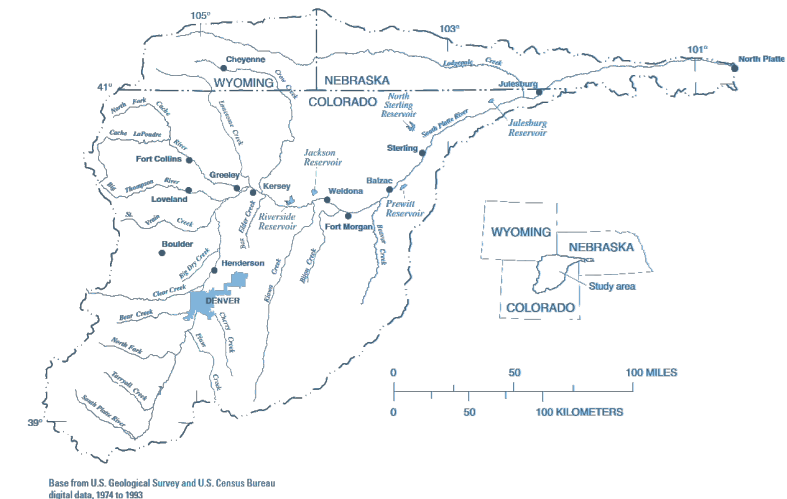
December 15, 2022, Letter from Kevin Rein (Colorado State Engineer)



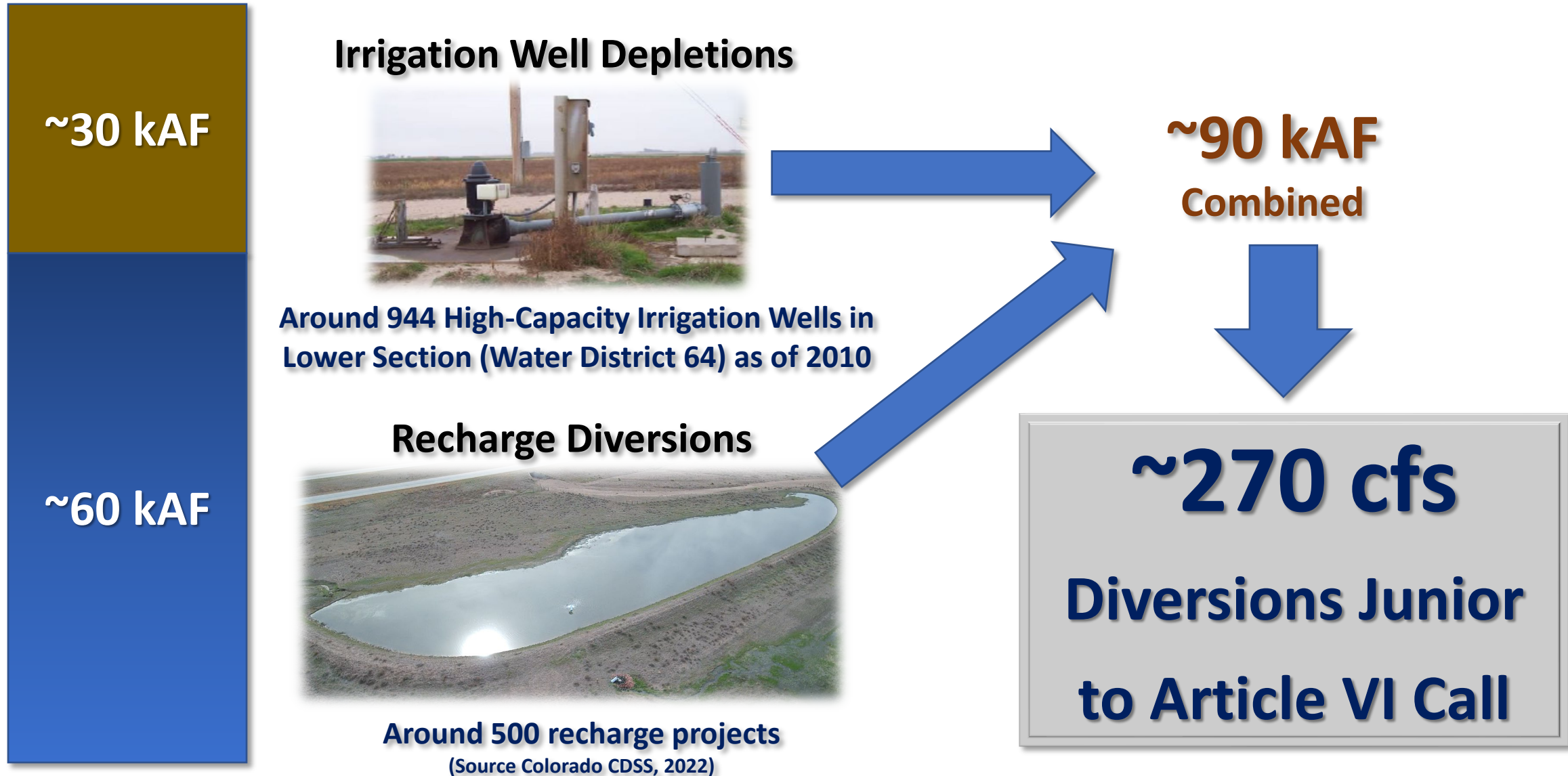


The South Platte River Compact conditions Nebraska's winter season water entitlement on construction of the Canal. Without the Canal, Nebraska cannot exercise this entitlement.

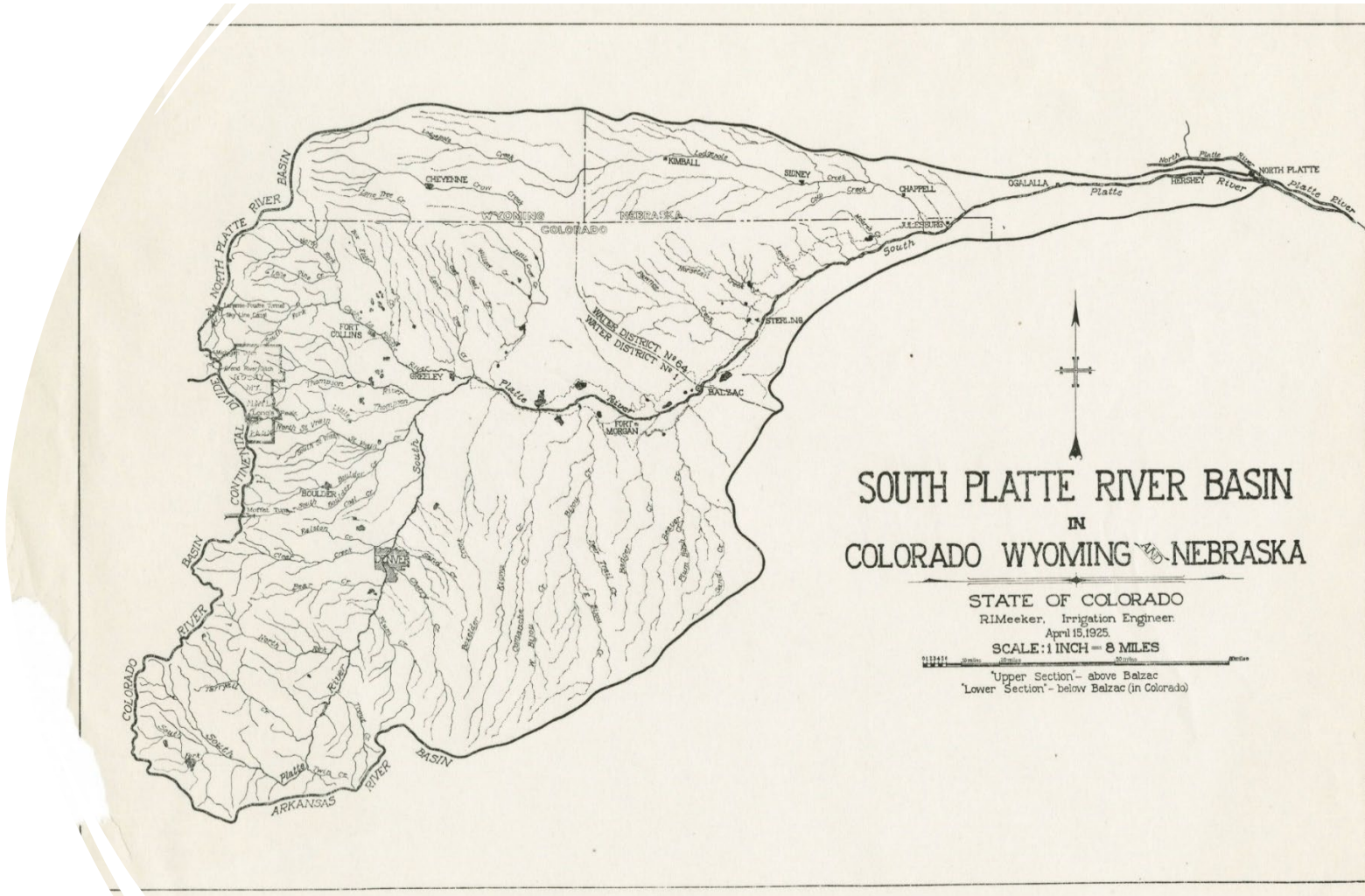
When the Canal is constructed, water will continue to flow into Nebraska when Nebraska calls on its 1921 priority.

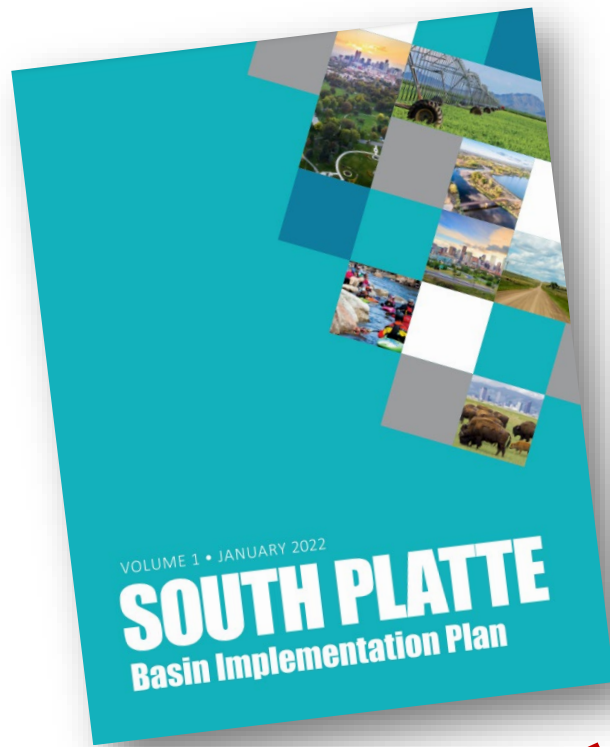


“Junior” Non-Irrigation Season Diversions in Colorado



Foreseeable Future Without the Canal





Colorado legislation, policies, and planning documents identify a substantial shortage (over **400 kaf** for agriculture and around **250 kaf** for municipal uses) needed to meet Colorado's 2050 demand in South Platte Basin (Colorado's South Platte Basin Implementation Plan 2022)

Figure 6. Baseline and 2050 Projected Average Annual Agricultural Diversion Demand, Demand Met, and Gaps

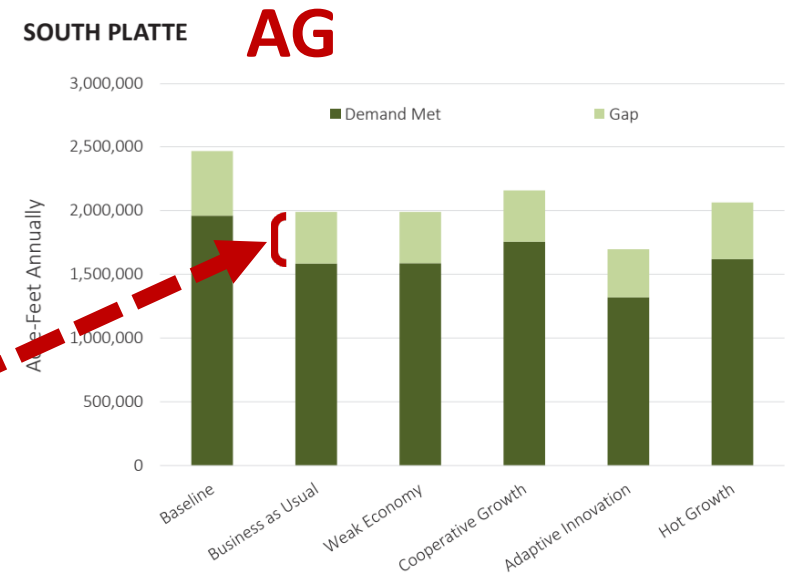
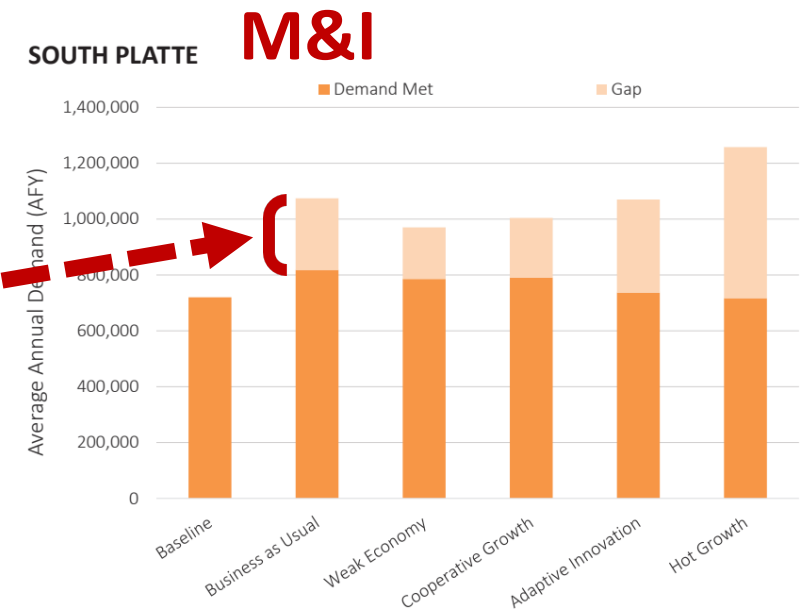
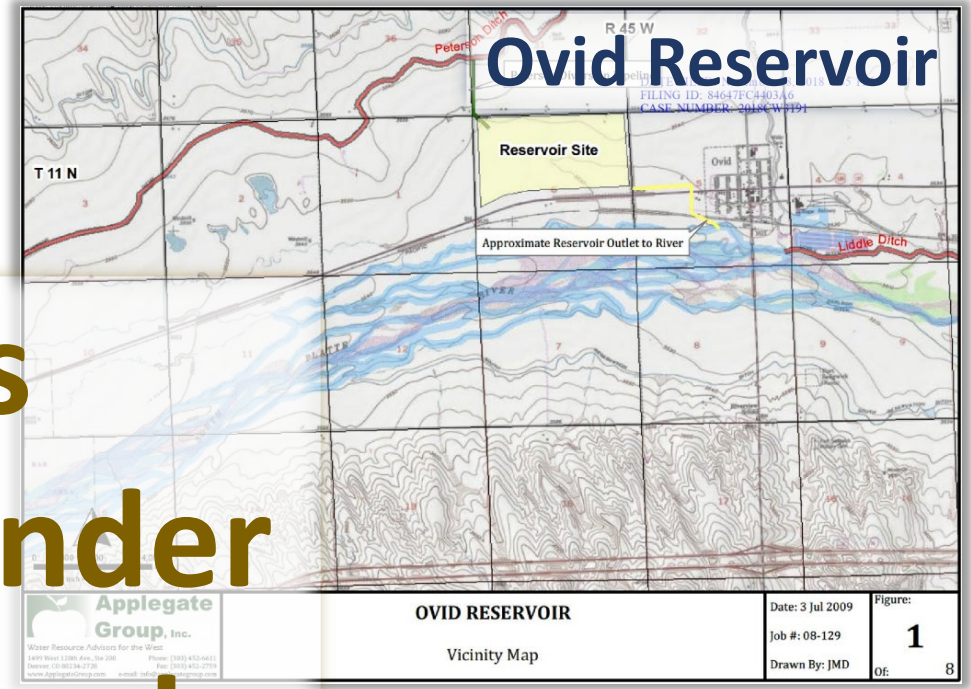
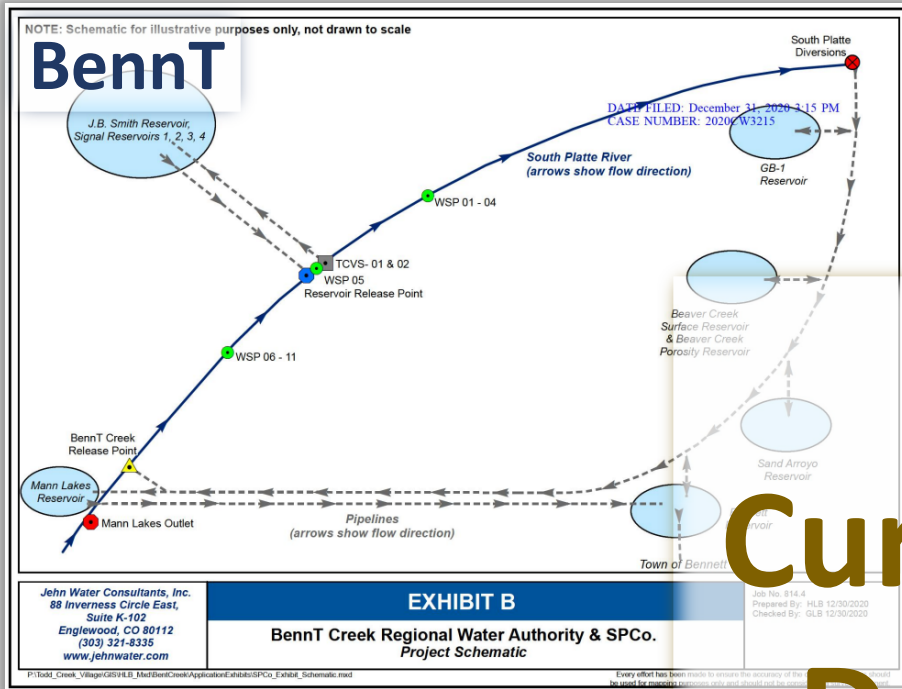
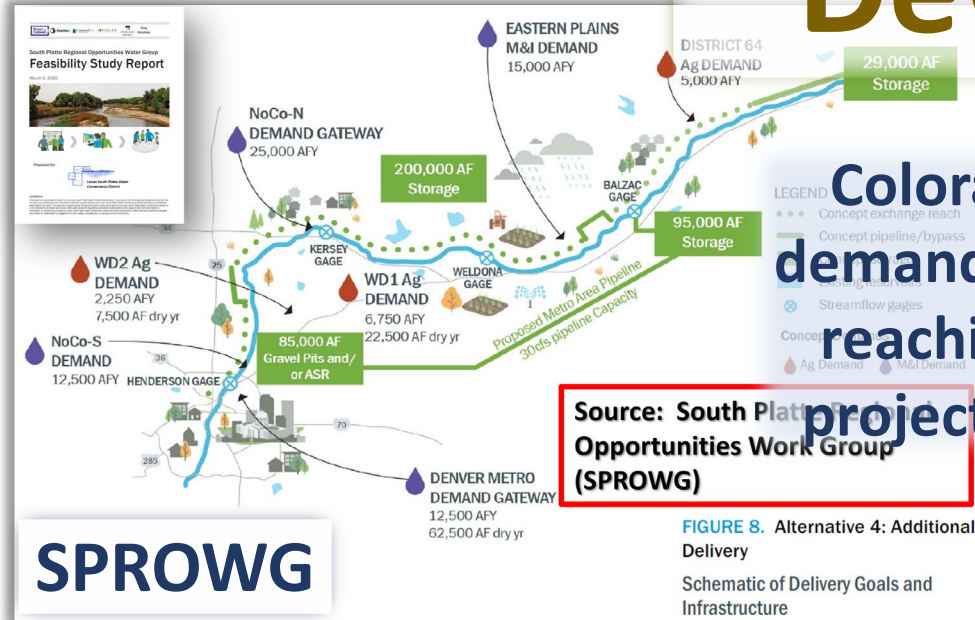


Figure 4. Baseline and 2050 Projected Maximum Annual M&I Demand Met and Gaps





Projects Currently Under Development



Projects Currently Under Construction

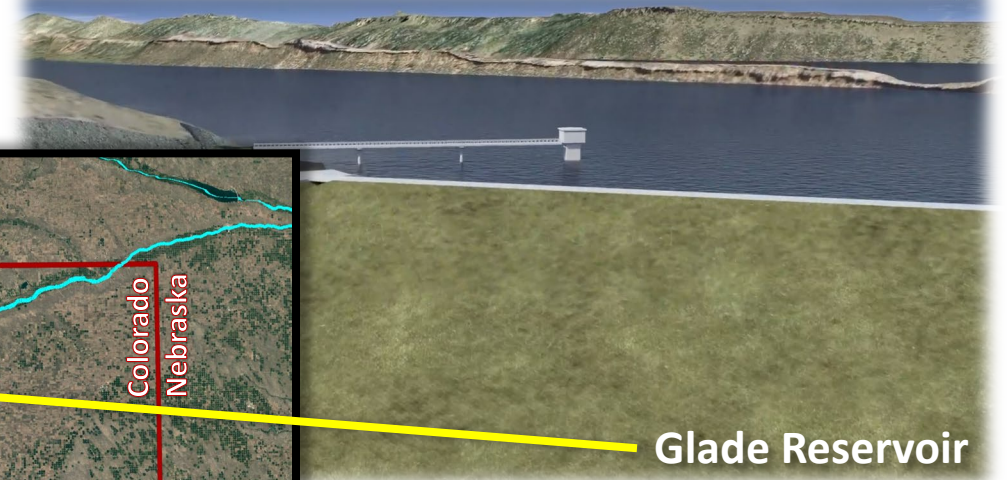
Chimney Hollow Reservoir Project



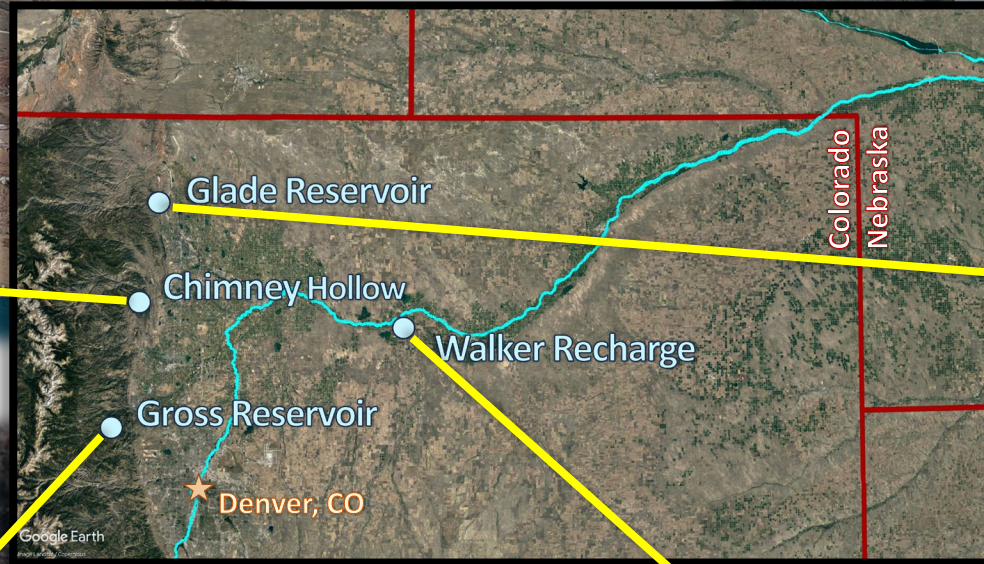
Chimney Hollow

Chimney Hollow - Nov. 14, 2022

Glade Reservoir Flyover



Glade Reservoir

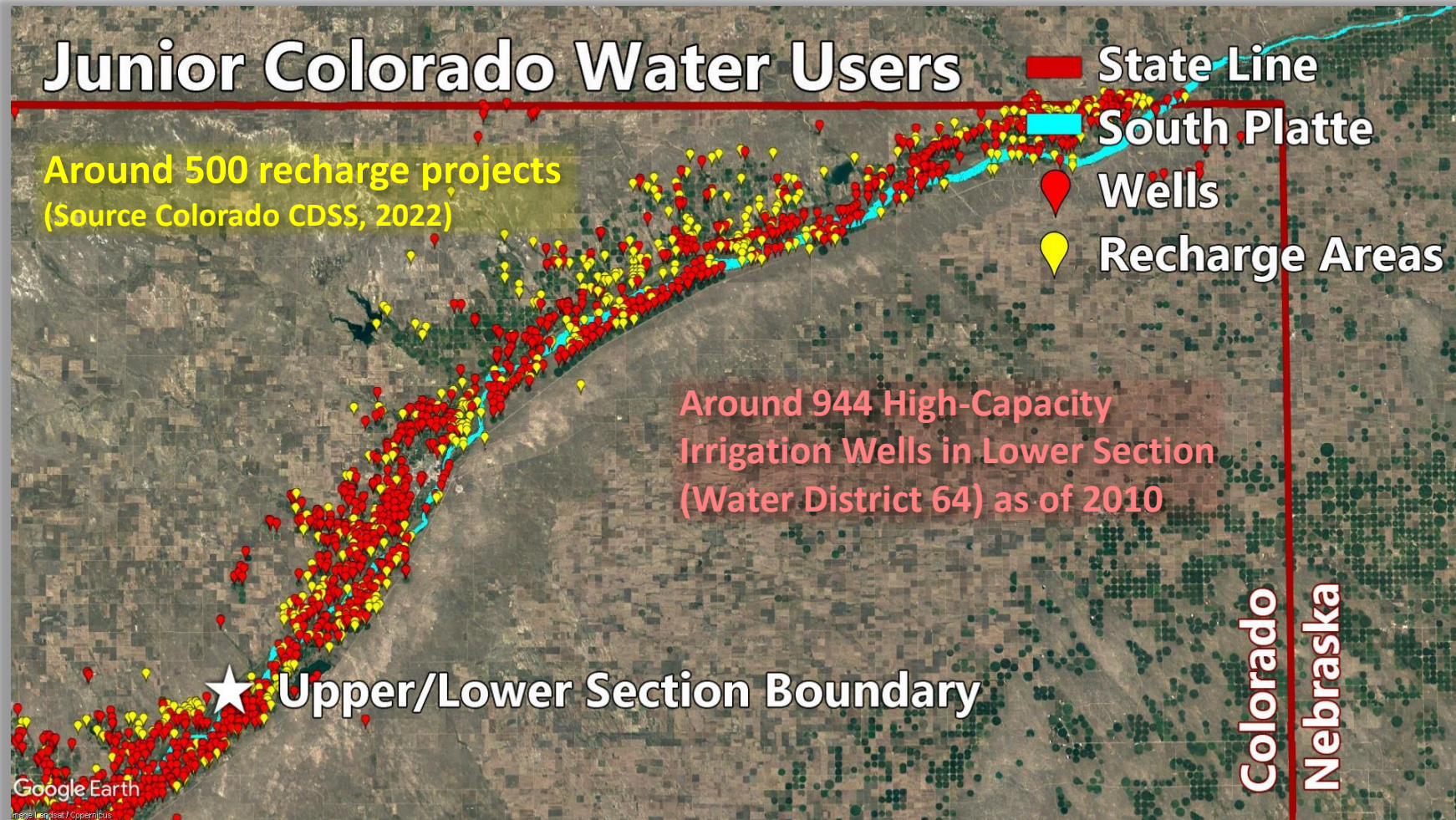


Gross Reservoir Expansion Project



Walker Recharge Project

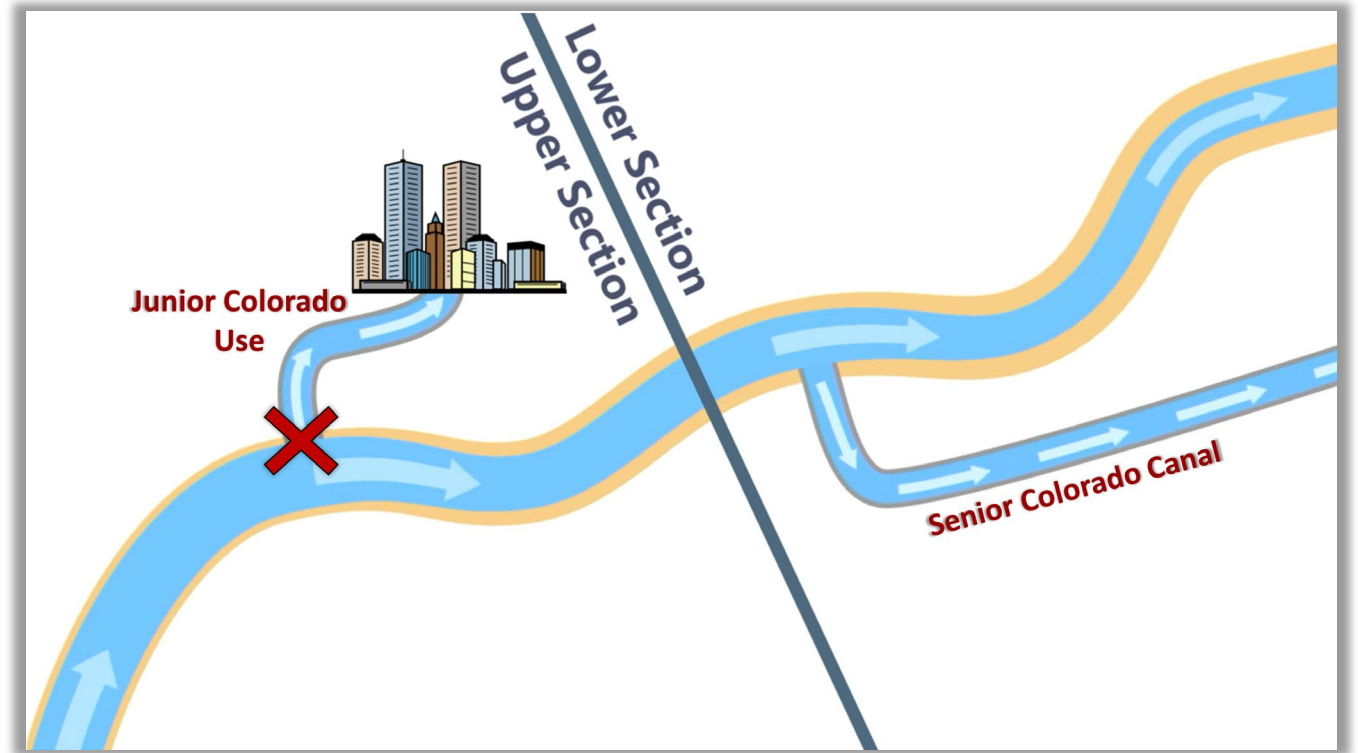
Existing Junior Groundwater Wells and Augmentation Structures



These uses (as well as existing Colorado augmentation projects and groundwater wells) will be junior to the Canal.

Upper/Lower Section Connections

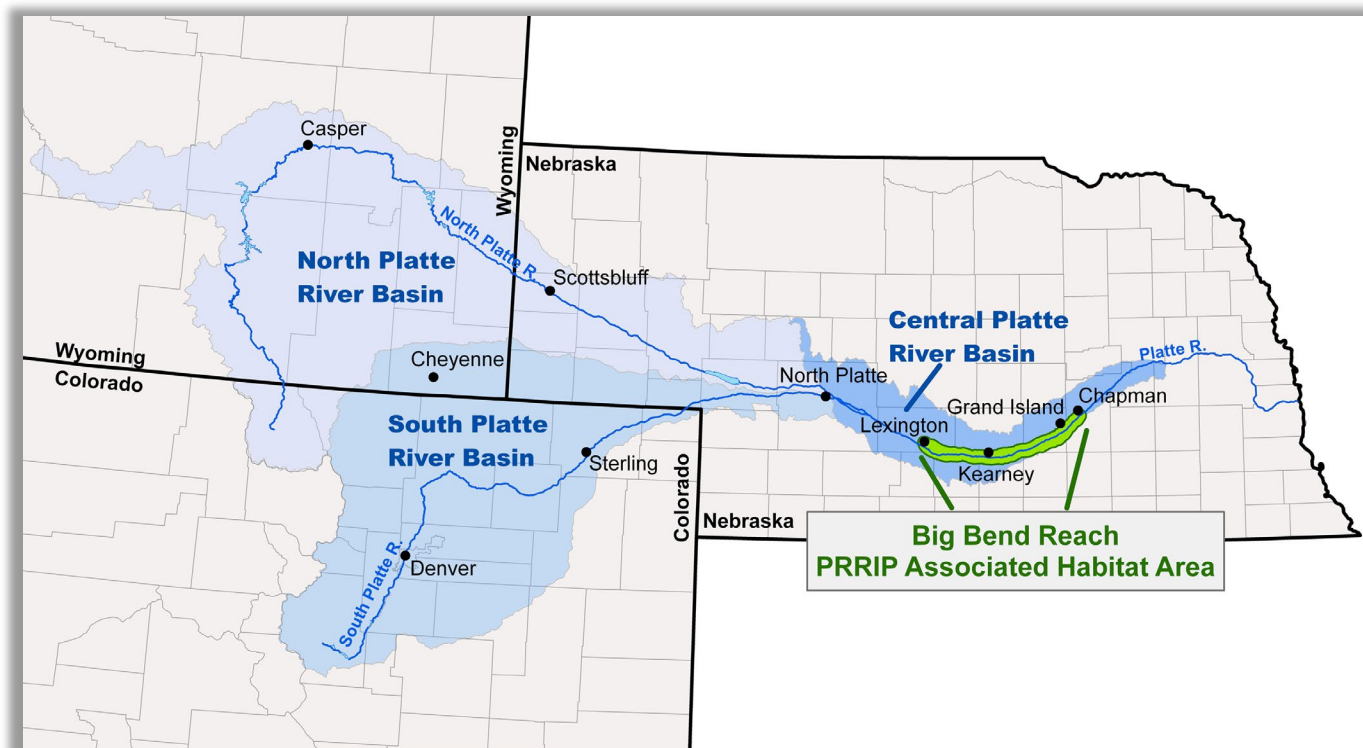
While the Compact divides this portion of the basin into an Upper and Lower Section, Colorado law does not recognize that distinction, so Lower Section users junior to the Perkins County Canal could still call out users in the Upper Section with rights junior to theirs.



PRRIP

Both the Platte River Recovery Implementation Program and Colorado's New Depletions Plan (a Program element) will allow South Platte River depletions to increase by about 100 kaf.

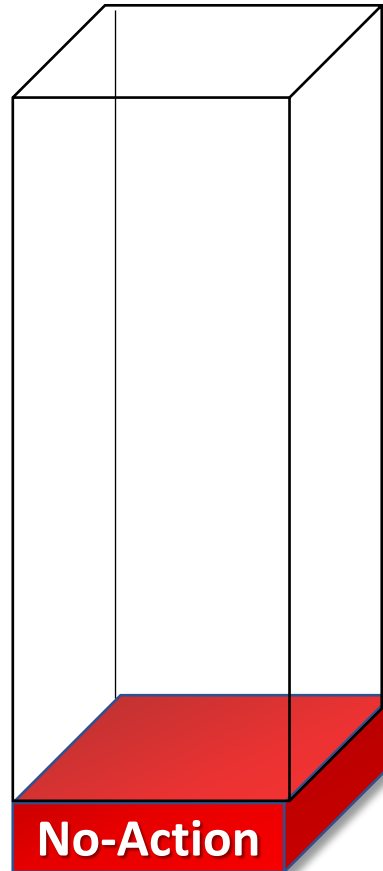
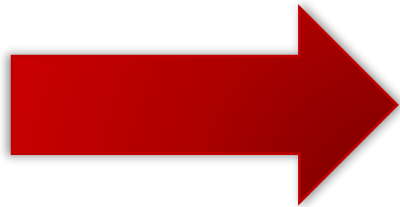
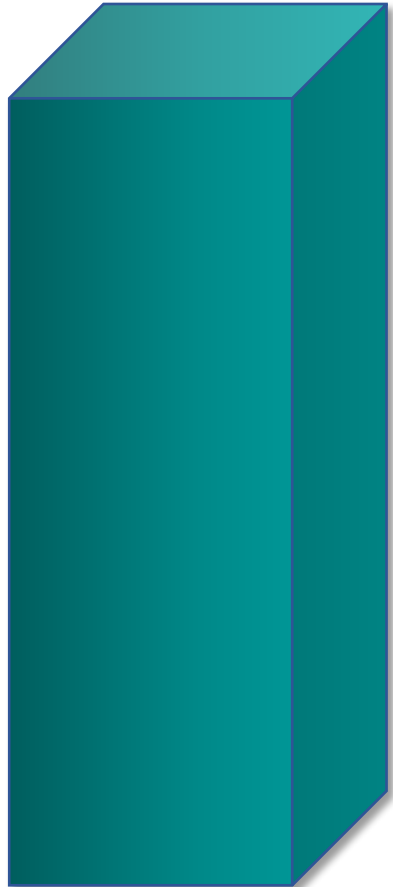
These environmental impacts have already been considered and accepted by the Program participants and the U.S. Department of Interior.



NO ACTION: Stateline Flows

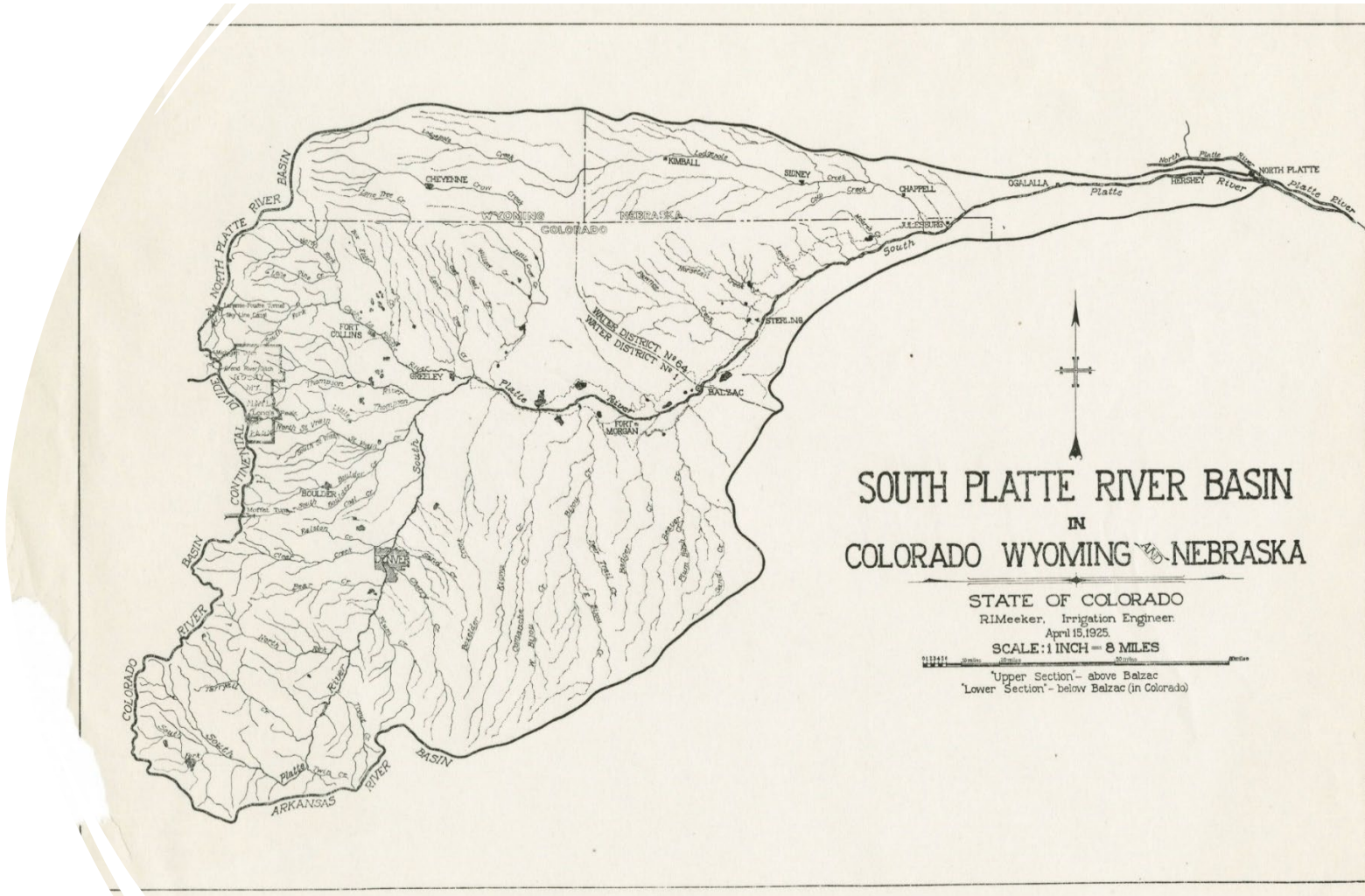
Current

Future

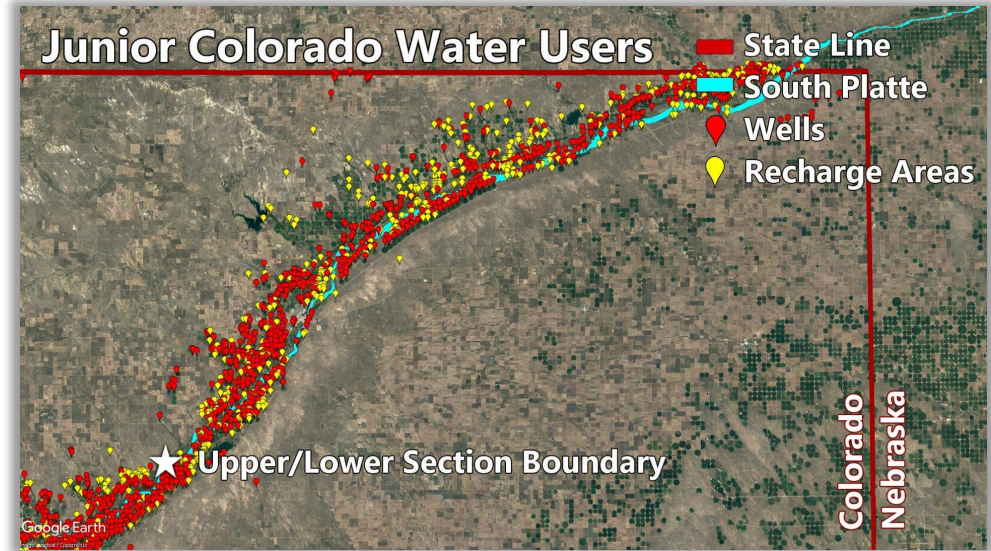


Without the Canal, Colorado plans to increase its consumptive uses such that the only water crossing the state line is the minimum flow of 120 cfs from April 1 – October 15 (roughly 47 kaf).

Foreseeable Future WITH the Canal

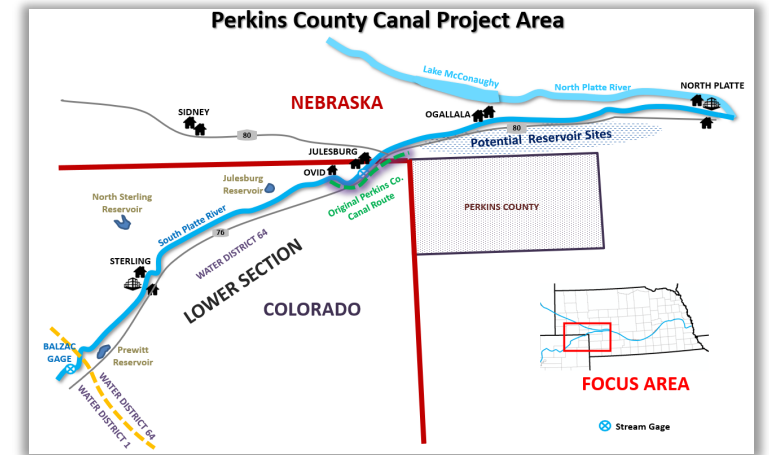
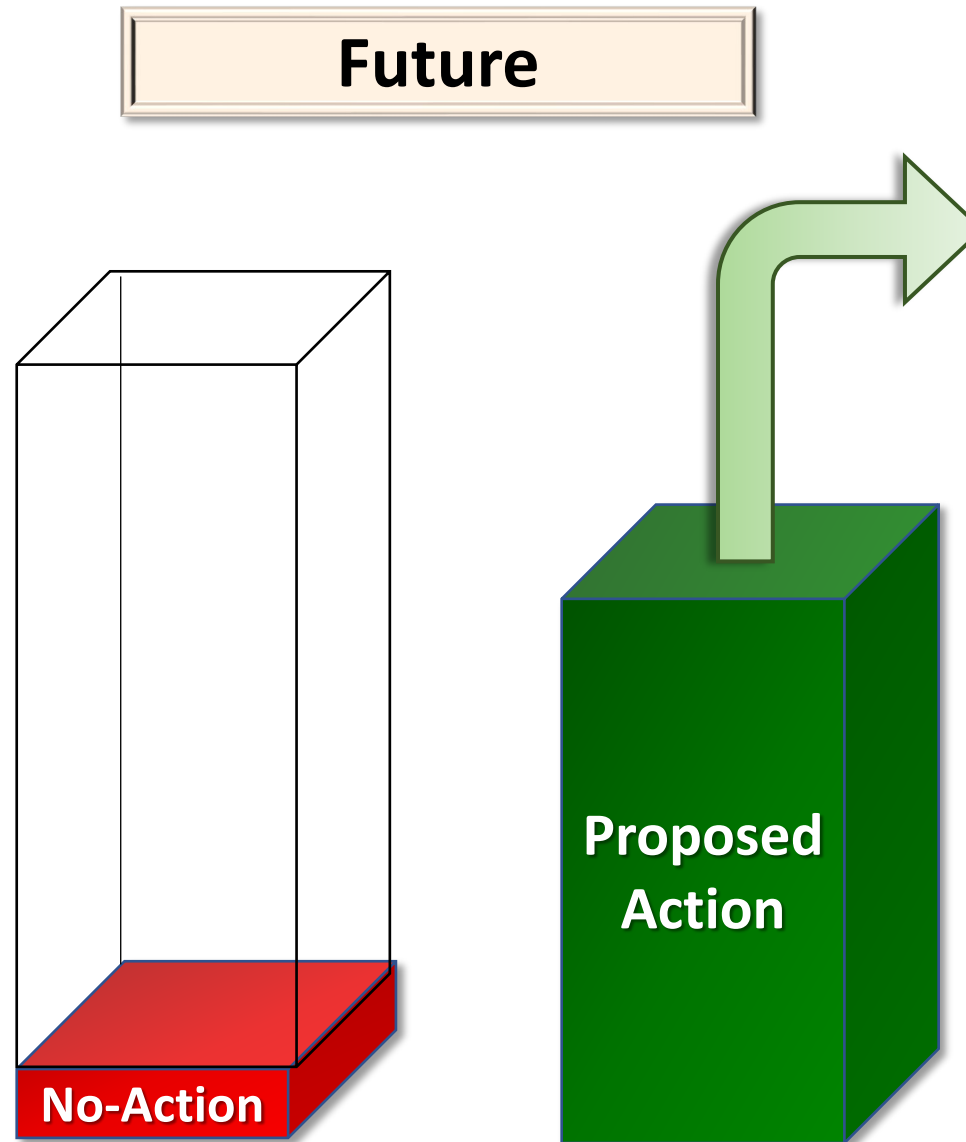


When the canal is operational, Nebraska can call out junior uses in the Lower Section.



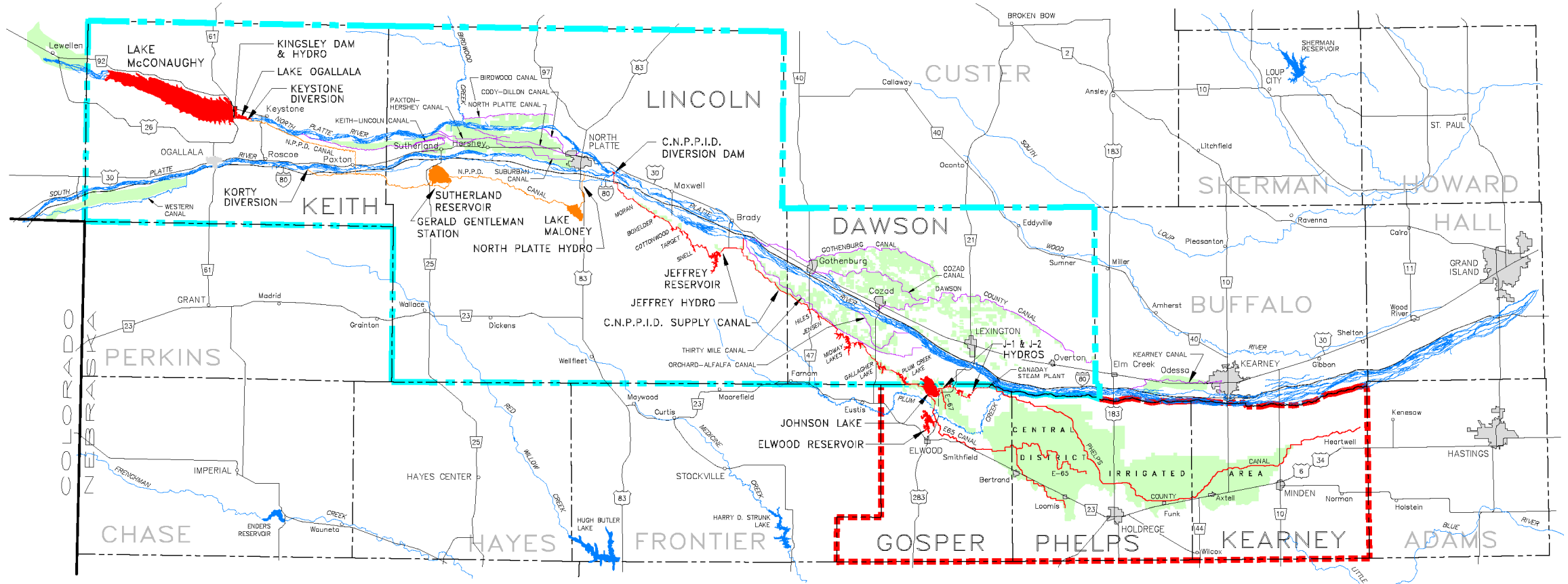
Nebraska's full exercise of its rights under the Compact and Nebraska's laws will preserve current flows because Nebraska state laws and the Nebraska New Depletions Plan require post-1997 uses to be mitigated.

WITH Project: Stateline Flows



With the Canal, state line flows will be protected. Return flows originally intended for Nebraska would no longer be consumptively used by Colorado and instead would flow into Nebraska.

Nebraska is not constructing the Canal for the purpose of expanding its water consumption – the intent is to firm existing supplies.

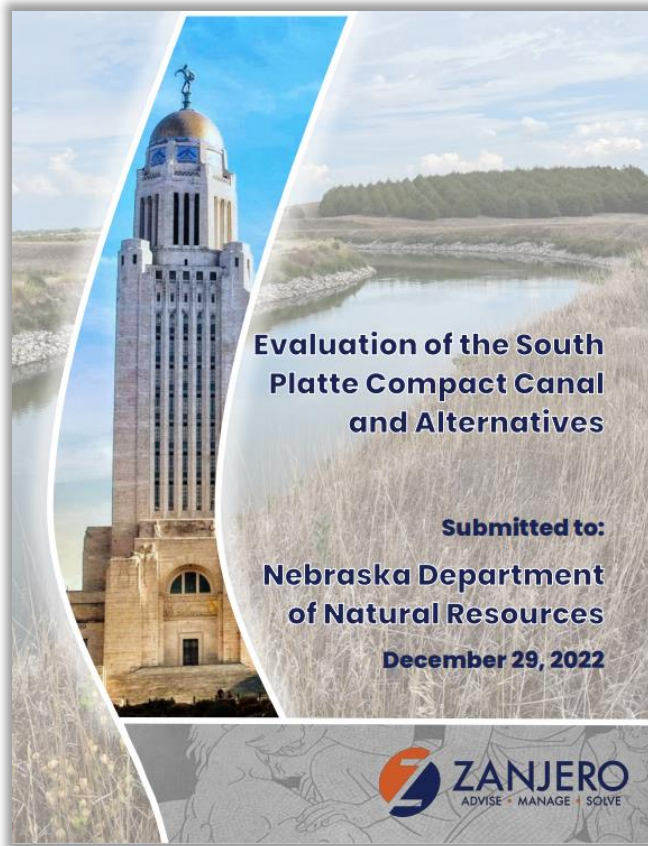


0 10 Mi

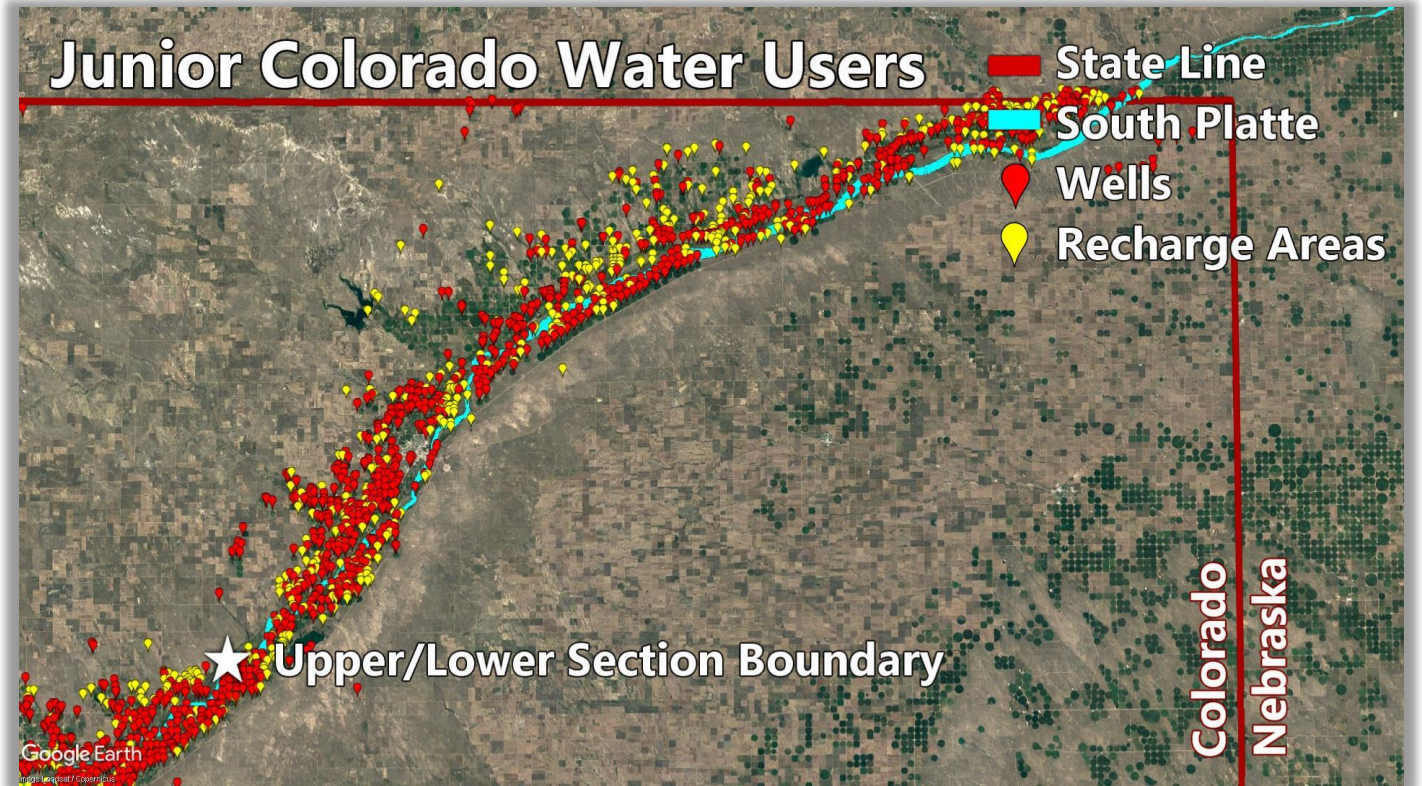
 = SURFACE IRRIGATION



CENTRAL
Nebraska Public Power
and Irrigation District
Holdrege, Nebraska



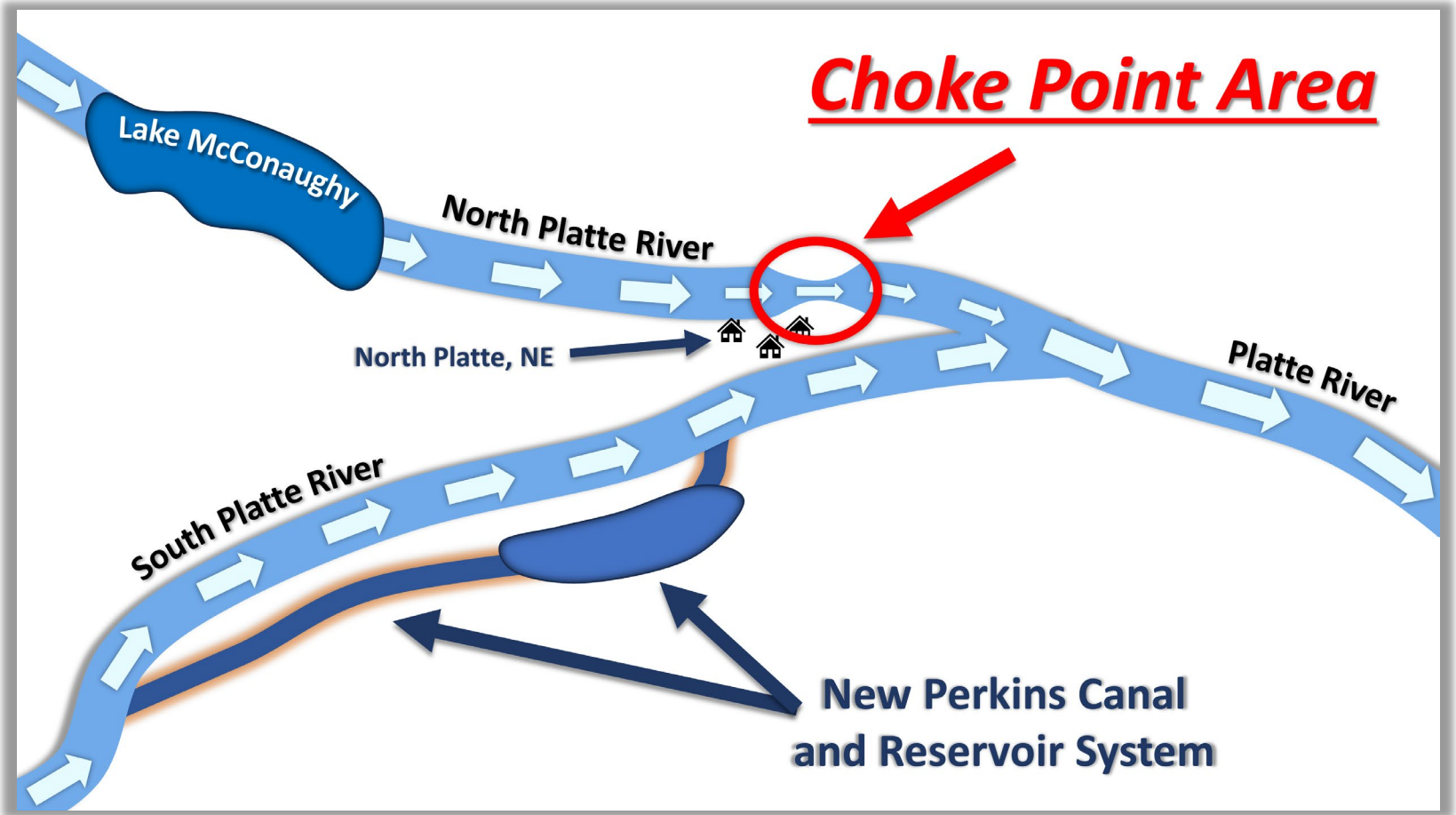
Analyses show that roughly 75 kaf – 100 kaf of water will be available to Nebraska during the winter season when the canal is operating.



So, Canal depletions would be no greater than current junior Colorado depletions that have already been authorized in the Lower Section under the Program.

Addressing #1 Issue for USFWS

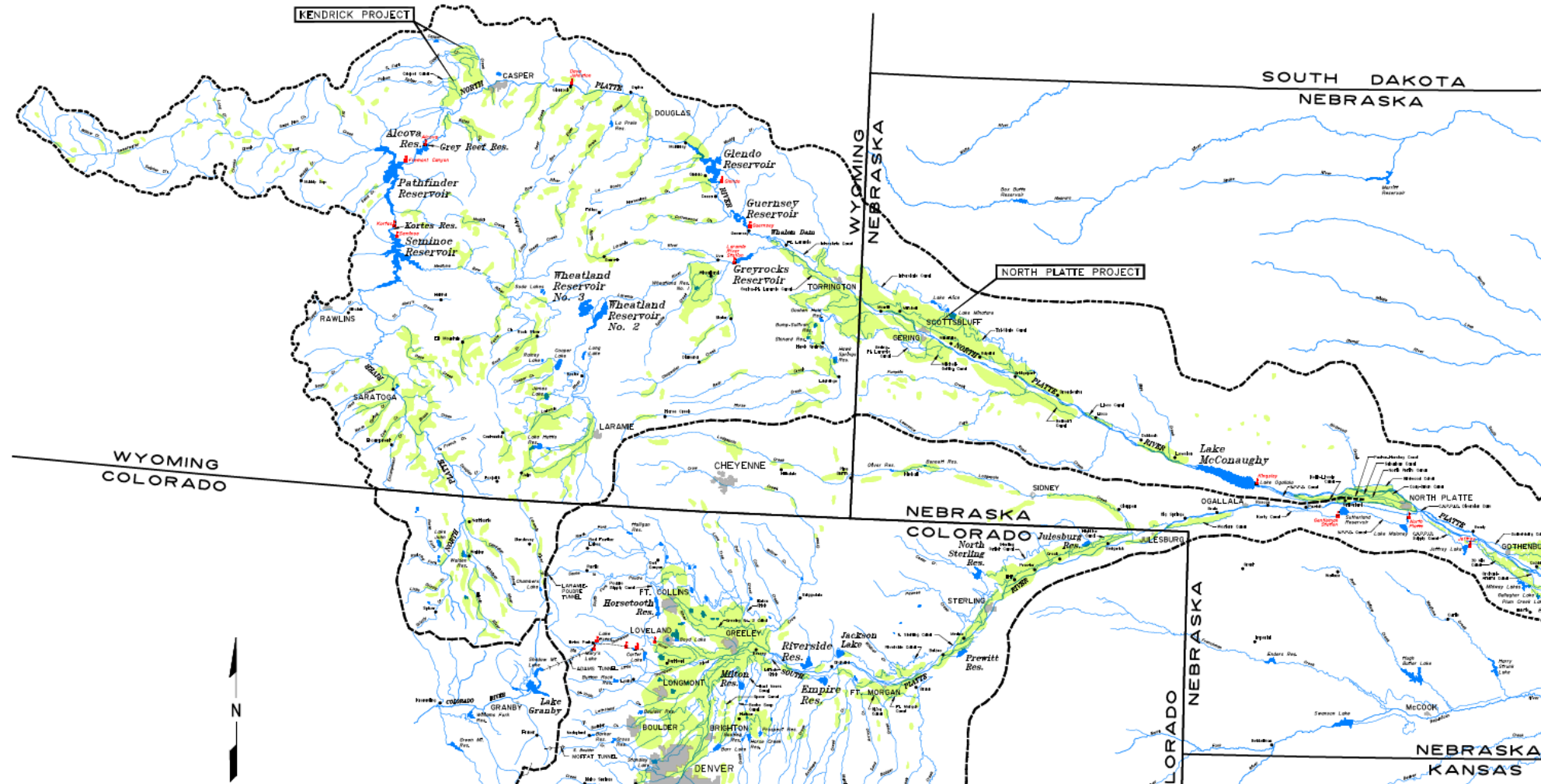
Cooperative management of the Canal can create opportunities to solidify Program water objectives and maximize outcomes for all three states and the Federal parties.



For example, the Canal and reservoir system offers a unique opportunity to fully address conveyance limitations that are critical to USFWS water management and fully attaining Program milestones.

Relieving Pressure on USBR Facilities

The Canal will lessen stress on North Platte River flows for mitigation water and minimize controversy during negotiations over a second increment for the Program.



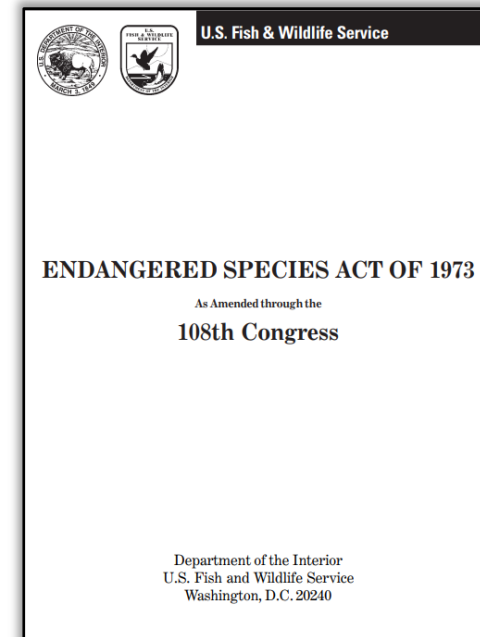
PCC Requires NEPA and ESA Analysis

No federal funding or direct federal action involved. The primary “hook” is likely to be issuance of CWA 404 permit(s) to construct infrastructure in and through waters of US.



No Action Alternative

1. Will reduce the amount of water entering the program reach.
2. Continued constraints associated with the chokepoint.
3. Leaves water action plan projects in limbo.



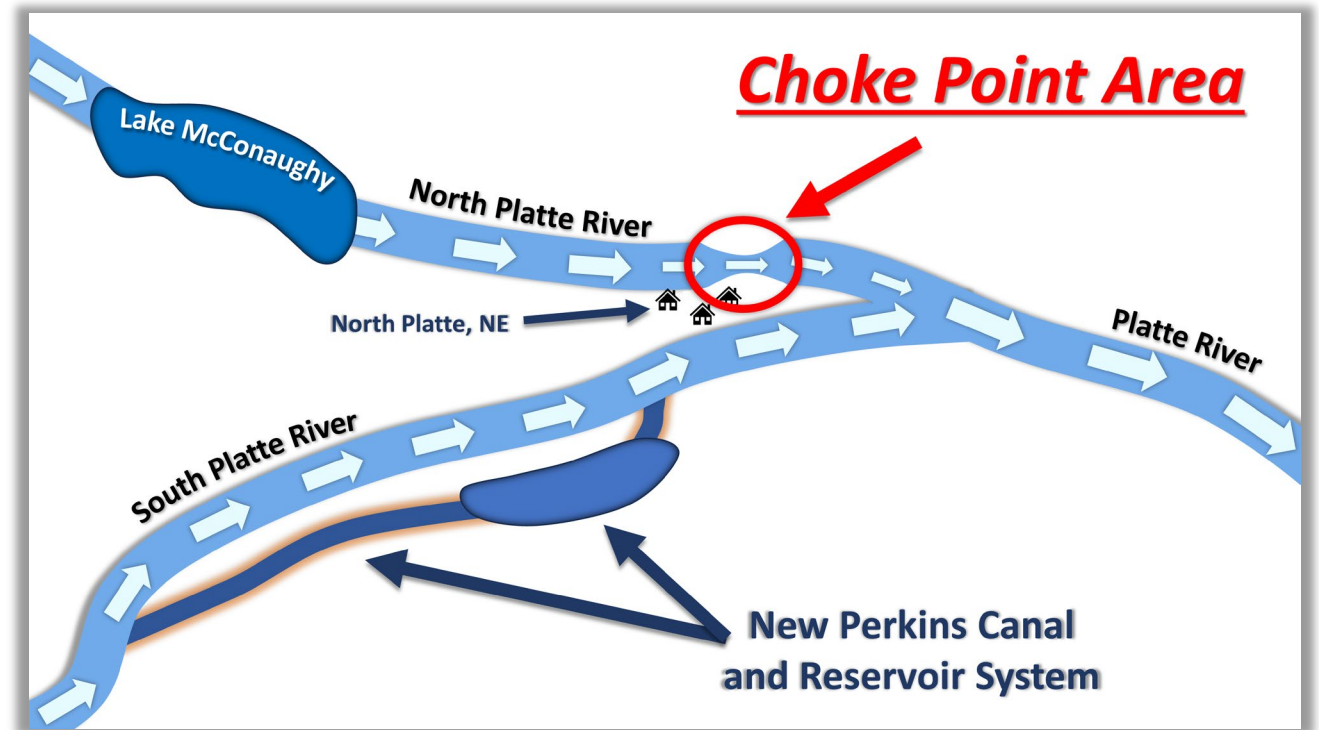


PRRIP Second Increment Would Require NEPA and ESA Analysis

The program is yet undefined.

Needs appear minimally to include:

- 1) Securing water supply.
- 2) Resolution of the “Choke Point” problem.

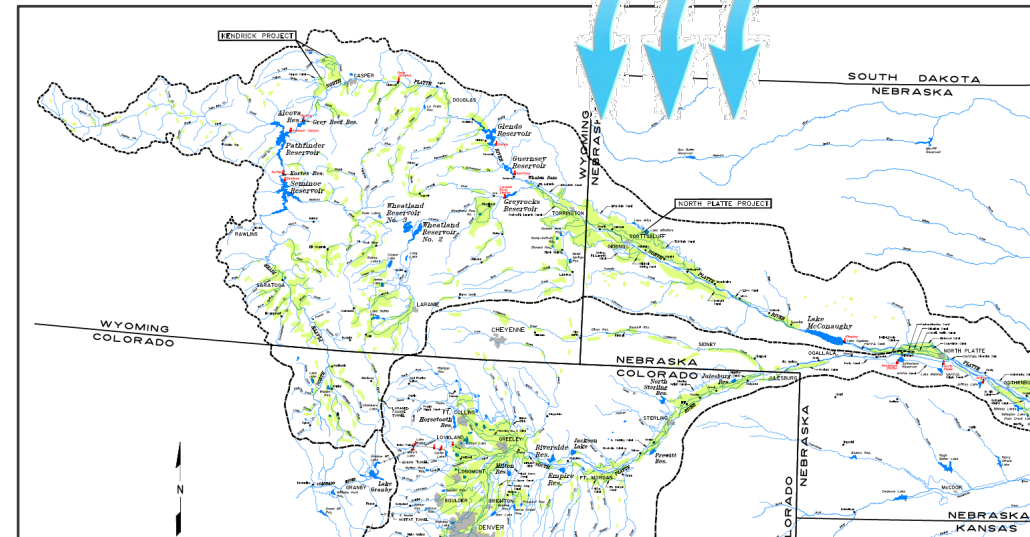
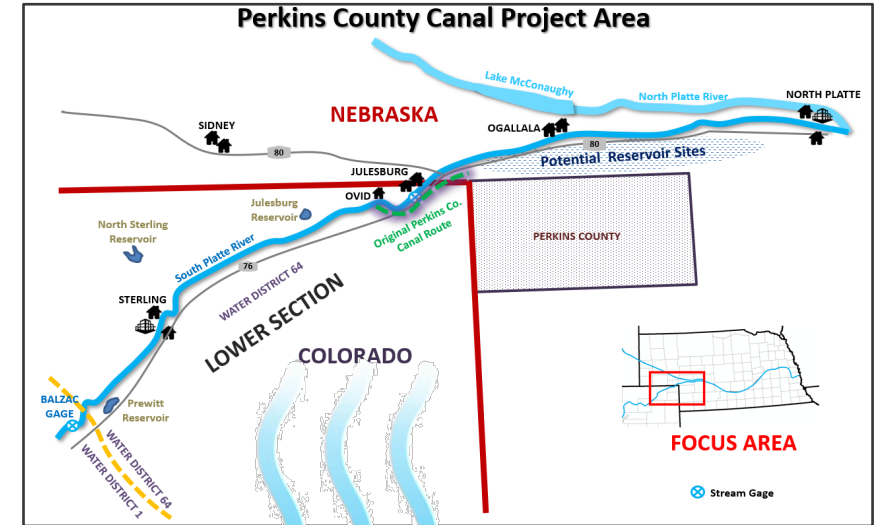


Potential Benefits of a PCC Proposed Action Including PRRIP Dedicated Water

Nebraska could provide water through the PCC project (exchanges and surplus water) to be used for PRRIP purposes.

Benefits

1. Secures water supply.
2. Increases operational flexibility and resolves choke point problem.
3. Reduces stress on water supplies in North Platte System, including federal reclamation projects.
4. Improves chances of ensuring a second increment.





NEPA Analysis for PCC Will Precede NEPA Analysis for PRRIP Second Increment

Planned PCC Timeline	Likely Second Increment Timeline
Finalize Proposed Action - Spring 2024	Finalize Proposed Action - 2029?
Initiate Scoping Spring - 2024	Initial Scoping - 2029
Draft EIS Spring - 2025	Draft EIS - 2030
Final EIS / ROD Issued Spring - 2026	Final EIS /ROD - 2031
Implement Selected Alternative Summer - 2026	Implement Selected Alternative - 2032

END