Perkins County Canal Project
“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.”
Why is Nebraska building the Perkins County Canal?

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

Irrigation Well Depletions

Around 944 High-Capacity Irrigation Wells in Lower Section (Water District 64) as of 2010

Recharge Diversions

Around 500 recharge projects
(Source Colorado CDSS, 2022)

~30 kAF

~60 kAF

~90 kAF
Combined

~270 cfs

Diversions Junior to Article VI Call
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).
Colorado plans to satisfy this demand by relying on water now reaching Nebraska, and many projects already are underway.
Projects Currently Under Construction

- Chimney Hollow Reservoir Project
- Gross Reservoir Expansion Project
- Glade Reservoir
- Walker Recharge Project
These uses (as well as existing Colorado augmentation projects and groundwater wells) will be junior to the Canal.
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.
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.
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 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.
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.
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.
The program is yet undefined.

Needs appear minimally to include:

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

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