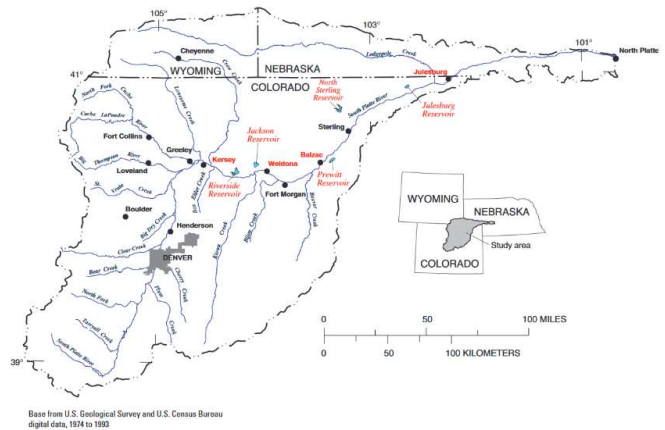


South Platte Compact and Perkins County Canal Project

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 compact is a contract and is also embodied in state and federal law.

There are two key provisions of the Compact. First, Article IV limits irrigation season uses in Colorado to benefit the Western Irrigation District near Brule, NE, and other Nebraska water users. 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.



South Platte River Basin (Source: USGS)

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**

Second, Article VI contemplates a diversion (at that time envisioned as the Perkins County Canal a.k.a. South Divide Canal) and authorizes Nebraska to divert 500 cfs during the non-irrigation season, as well as any additional available flows, into the canal. **However, since the Perkins County project remains unfinished, Colorado continues to ramp up its own diversions and related water uses during the non-irrigation season without restriction.** Construction of the Perkins County Canal (or similar project) will change this, requiring Colorado to limit its use during the non-irrigation season to achieve Compact compliance and to preserve flows for Nebraska.

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 the design process. Portions of previous canal construction efforts, which began in 1891, remain visible along Interstate I-76 near Julesburg. Once constructed, the project will protect at least 500 cfs in priority for Nebraska, utilizing a portion of the South Platte River supply currently being claimed by Colorado.

Article VI of the Compact...

“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 divert waters of the river as hereinafter provided...

Link to Full Text of the Compact:

<https://dnr.nebraska.gov/sites/dnr.nebraska.gov/files/doc/about/statutes/CompactAndDecrees2010.pdf>