

SUMMARY TIMELINE

2016 – Colorado’s legislature adopts HB16-1256. This bill directed Colorado agencies to determine the amount of flow leaving Colorado in “excess” of South Platte River Compact (Compact) requirements and to evaluate potential reservoir sites in the South Platte basin

2016 – The Nebraska Department of Natural Resources (NeDNR) and the Nebraska Attorney General’s Office begin intensified review of Colorado’s activities and the Compact requirements.

2017 – The South Platte Storage Study (SPSS) is published by Colorado – the report is the result of the HB16- 1256 legislation. The conclusion is that 300,000 acre-feet/year of “excess flows” are leaving Colorado. Several potential reservoir sites are ranked and listed as potential alternative sites to utilize these “excess flows.” Report findings are based on Nebraska not exercising its non-irrigation season Compact entitlements.

2018 – The South Platte Regional Opportunities Water Group (SPROWG) publishes a report outlining plans to develop a portion of the remaining “excess” South Platte River flows identified in SPSS. The SPROWG report concludes that this initial multi-billion dollar set of projects would be a cost-effective means of providing water supplies to Colorado’s front range communities.

2019 – The Nebraska Department of Natural Resources request funding to begin detailed evaluations of Colorado’s Compact related actions in conjunction with the Nebraska Attorney General’s Office.

2019 – The Colorado River Drought Contingency Plan is submitted to Congress. The front-range imports significant water supplies from the Colorado River Basin; however, the increasing pressures of drought in the Colorado River Basin means those trans-basin developments are likely no longer reliable. This causes Colorado to place greater focus on South Platte River water supplies as the last available source of water to support continued expansion in Colorado.

2019 – Nebraska, Colorado, Wyoming, and the federal government extend the Platte River Recovery Implementation Program (PRRIP) agreement for an additional 13 years, through 2032.

January 2020 – The Nebraska Department of Natural Resources submits public comment on Fort Collin’s Halligan Water Supply Project, a reservoir expansion effort on a tributary of the South Platte River in Colorado. The Department urges that the depletion impacts on Central Platte flows in Nebraska be carefully evaluated and that actions under Colorado’s Plan for Future Depletions under PRRIP adequately offset any impacts. The NeDNR also warns that “the cumulative impact of Colorado’s plans on downstream water resources in the Platte River Basin could be substantial.”

2020 -2021 – Using funds appropriated by the Legislature, the Nebraska Department of Natural Resources and the Nebraska Attorney General’s Office conduct a legal and technical review of the Compact and Colorado’s plans. This review identifies several concerns about reduced water supplies in the non-irrigation season and identifies the Perkins County Canal (Article VI of the Compact) as Nebraska’s means of protecting those water supplies.

October 18, 2023

Fall 2021 – Colorado releases a draft of its updated Basin Implementation Planning documents which indicate an accelerating \$9.8 Billion effort to utilize all remaining South Platte River water normally entering Nebraska in support of municipal growth along Colorado’s front-range

January 2022 – The Nebraska Governor and Speaker of the Legislature announce the plan for Nebraska to preserve its Compact water supplies by constructing the Perkins County Canal.

June 2022 – Nebraska sends a general plan to Colorado for Perkins County Canal.

December 2022 – Nebraska’s written request to Colorado for water administration of its 500 cubic feet per second non-irrigation season Compact water right is denied. Colorado stating that, “[b]ecause Nebraska has not constructed the Perkins County Canal, there is no basis for Colorado to administer junior water appropriations....”

Spring 2022 – Nebraska Legislature creates the Perkins County Canal Project Fund and appropriates initial funding in the amount of \$53.5-million to begin design and contract with an independent firm for the purposes of completing a study of such canal. (See LB 1012; Neb. Rev. Stat. 61-305).

June 2022 – Request for Proposals is published, resulting in the independent consulting firm, Zanjero, being contracted to complete the canal study as directed by LB 1012.

December 2022 – The final Zanjero Report is released, finding that: 1) Colorado intends to use Nebraska’s South Platte River water supply, 2) there is significant water supply available for Nebraska’s diversion now and in the future, 3) Nebraska may capture the available water supply if it constructs the canal, and 4) the canal would provide significant benefits to Nebraska’s water users that would exceed the project costs.

December 2022 – Request for Proposals is published, resulting in the engineering consulting firm, HDR, being hired to complete the engineering, plans, and permitting for the Perkins County Canal Project.

Spring 2023 – Nebraska Legislature approves additional funding in the amount of \$574.5-million to purchase land and construct the project. See LB 818 & 531; Neb. Rev. Stat. 61-305).