

NEBRASKA'S LAST BEST CHANCE TO SAVE THE SOUTH PLATTE RIVER

The Platte River, including the South Platte River tributary, runs about 400 miles through the heart of Nebraska from its western border with Colorado to the Missouri River. In Nebraska, the basin supports a population of well over one million people, including Lincoln and portions of Omaha. The river provides water for more than a million acres of irrigated agriculture, produces up to 140 megawatts of hydropower, provides cooling water for Gerald Gentleman Station – Nebraska's largest power plant, sustains multiple threatened and endangered species, and generates countless recreational opportunities. It is arguably Nebraska's most precious natural resource. Now, it faces an imminent threat.

Colorado's South Platte River basin population is expected to increase from 3.8 to as much as 6.5 million by 2050 (more than three times the population of our state today). Seventy thousand people move to the Front Range region every year. To support this explosive growth, Colorado's legislature commissioned a study in 2016 to identify every drop of water "in excess of that required" to be delivered to Nebraska under the 1923 South Platte River Compact. Today, Colorado has nearly 300 projects in various phases of completion, planning, and assessment, all with the singular aim of preventing this "excess" water from reaching the state line.

Every drop of South Platte water that fails to reach Nebraska's state line will need to be made up from storage in Lake McConaughy on the North Platte River. This means lake levels will be lower, carbon-free hydropower production will decrease, and storage supplies needed to mitigate drought within the Platte River Basin will be less reliable.

This growing threat led the editorial boards of the Lincoln *Journal Star* and Omaha *World Herald*, in the summer of 2019, to call upon State officials to protect Nebraska's South Platte rights, echoing what we in the basin already knew – Colorado was coming for our water. But what could be done? To address that question, the Nebraska Legislature appropriated \$350,000 in 2020 to study Colorado's upstream development and its potential impact on Nebraska. The proposed Perkins County Canal Project is, in part, the culmination of that and other efforts by basin stakeholders to ensure Nebraska gets what it's owed on the South Platte.

Most in the basin understand the 1923 Compact provides for a flow of 120 cubic feet per second (cfs) during the irrigation season. Many people have just recently learned the Compact also allows Nebraska to divert 500 cfs in the non-irrigation season. This right can only be enforced in priority, however, if Nebraska constructs a diversion near Ovid, Colorado to transport the water to Nebraska, as authorized by the Compact. For over 100 years building this diversion has been deferred, and as a result, Colorado has been taking the water Nebraska is not demanding. The proposed canal will allow Nebraska to fully exercise its Compact rights for the first time since the Compact was signed.

Beneficiaries of this multi-purpose project will include water users across the entire Platte River Basin. This includes those reliant on the Platte River to irrigate crops and those who rely on hydropower to light their homes and businesses. It also includes small and large municipalities that draw water from the Platte River

but need more reliable water supplies to attract new industries and promote Nebraska's future growth and development.

Some have claimed that even if constructed, such a project would yield too little water to justify itself. This is contrary to the available hydrologic data. Colorado itself has stated that over 300,000 acre-feet of "excess" flow enters Nebraska annually - water the new canal would help to protect for Nebraska. Critically, if the project is not built, Colorado can simply cut off this supply. To safeguard against this, Nebraska's proposed project would capture the bulk of this water, deliver it to a series of reservoirs for temporary storage, and return it to the river.

Some say the project is too complicated and fraught with legal challenges. However, Nebraska's entitlement to this water is cast in law by the two state legislatures and by Congress. Rarely is a legal right so clear and compelling. Moreover, for a century, we have been able to work cooperatively with Colorado in administering the Compact during the irrigation season. There is every reason to believe our State officials will continue to do so. Ultimately, if litigation became necessary, what alternative do we have? If Colorado develops as projected, it will reduce flow in the South Platte by 90%, forcing Nebraska to search out more expensive and less certain alternative supplies. We can't simply abandon our water rights.

Some fear such a project could harm key species by reducing flows to the river. The opposite is true. If Nebraska fails to assert its rights on the South Platte, less water will cross the State line. By protecting our non-irrigation season rights, Nebraska will ensure South Platte flows are maintained in the key stretches of the river that support these species and their habitats. Indeed, the project would aid in species recovery by offering water managers greater flexibility to deliver water at times and locations needed to maximize wildlife benefits. This makes it easier for Nebraska users to remain in compliance with their obligations under the Endangered Species Act and the Platte River Recovery and Implementation Program.

Finally, some argue the price tag is too high. Certainly a \$500 million investment must be carefully assessed and evaluated. But, to put that figure in context, our neighbors are planning to spend approximately twenty times that amount (\$10 billion) to access the same water we would divert through the project. One of the projects Colorado has identified as most critical would cost \$800 million alone, piping tens of thousands of acre-feet of South Platte water every year about 150 miles uphill to the Parker area near Denver. Colorado understands the value of what's at stake; we can't afford to be pennywise and pound foolish while our water is diverted away from the river and from future generations of Nebraskans. The time to act is now. The South Divide Canal is our last best chance to protect and preserve the South Platte River in Nebraska.

Western Irrigation District

Twin Platte Natural Resources District

South Platte Natural Resources District

Central Platte Natural Resources District

Nebraska Public Power District

Central Nebraska Public Power and Irrigation District