

Nebraska v. Colorado Lawsuit Fact Sheet

South Platte River Compact

- The South Platte River Compact was signed by Nebraska and Colorado in 1923 and ratified by Congress in 1926.
- Due to this unique structure as a congressionally-approved interstate compact, the Compact requires Colorado to shut down certain users in Colorado whenever Nebraska is not getting 120 cubic feet per second of water flow in the summer irrigation season.
- Currently, Colorado is allowing users with “junior” status to take Nebraska’s summertime irrigation water, which violates the Compact and Nebraska’s “senior” rights.
- The Compact also allows Nebraska to divert 500 cubic feet per second of water flow in the winter, along with additional water classified when the Perkins County Canal is built.
- Colorado currently pumps water in the winter and slowly sends it back to the river to make up for its summer overuse under a theory that the water reaches Nebraska in time for the next irrigation season. This system deprives Nebraska of water when Nebraska crops are in greatest need.
- Colorado’s ongoing water development will cause even more extreme shortfalls of water for Nebraska.
- Colorado will continue to develop its upstream economy at the expense of Nebraska’s farmers, ranchers, industries, citizens, and fish and wildlife if we don’t act.

Perkins County Canal (PCC)

- The only way Nebraska can guarantee it receives its Compact right to water in the winter is to build the Perkins County Canal.
- A Canal is needed to regulate the flow of water and ensure the South Platte River Compact is being honored.
- Although Colorado publicly acknowledges Nebraska is entitled to build the Canal, Nebraska and Colorado have been in negotiations over the details of the Perkins County Canal for many years. However, we have been unable to resolve our differences.
- Despite Nebraska’s good faith efforts, Colorado won’t agree on such basic things as the location or the size of the Canal, or how much water can flow through it.

- Even though the South Platte River Compact allows Nebraska to build a canal, the ongoing disputes with Colorado are preventing its construction.
- Colorado officials are on record that they prefer litigation and that they are gearing up, along with other political and quasi political entities, to raise roadblocks to the construction of the Canal.