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**Capitol View
*Commentary by J.L. Schmidt***

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**Will We Ever See the Big Ditch in Perkins County?**

Logic says that water flows downstream.

But Nebraska might be waging an uphill battle to claim its rights to water guaranteed in a 99-year-old compact with Colorado utilizing a canal concept that was first attempted 124 years ago. Nonetheless, the Nebraska Legislature signed off on a proposal to spend $53.5 million for an engineering study of the Perkins County Canal.

That’s just the start of a $500 million canal that would span 24 miles from the South Platte River near Julesburg, Colorado, into Perkins County Nebraska south of Ogallala. Governor Pete Ricketts and Nebraska Department of Natural Resources Director Tom Riley convinced lawmakers the canal is the only way the state can claim water it was granted in the compact.

The South Platte flows 380 miles from the Rocky Mountains through Julesburg and eventually connects with the North Platte River in Nebraska. Ricketts said Colorado has an aggressive water plan that could rob Nebraska of the guaranteed flow.

Remnants of the 1898 canal can be seen in Julesburg, where grass-lined ditches run into the modern-day Julesburg cemetery, Interstate 76 and even the Colorado Welcome Center at the state line. The compact allows Nebraska to build a canal to claim more than 3,700 gallons per second between mid-October and April, the non-irrigation season.

Nebraska Attorney General Doug Peterson said it’s all legal. For now, Colorado is not going to legally challenge Nebraska’s right to a canal under the compact, according to Kevin Rein, Colorado’s state engineer and director of the Colorado Division of Water Resources.

Rein told The Associated Press “we’ll make every effort that their operation is in compliance with the compact” and protects Colorado’s rights. Peterson said he didn’t know if it would inspire lawsuits, which are common in water disputes.

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When the project was presented months ago to the Nebraska Legislature, a spokesman for Colorado Gov. Jared Polis called it a “canal to nowhere” and a “boondoggle” that will never be built.

Riley said it could take nine to 10 years before the canal could be built. Ricketts said it’s essential to prevent Colorado from either siphoning or storing more South Platte water, especially in the rapidly growing Denver metro area, saying that threatens Nebraska’s water rights hundreds of miles downstream.

Farmers and officials in both states say the economic benefits of water, or the lack thereof, can alter the way farmers grow crops. Obviously, irrigated land produces higher yields. Dryland farming is limited and often not as productive. Some say it can lead to fewer farms and fewer jobs.

Non- agricultural development also relies on adequate water supplies to support growth.

Farmers on both sides have said they’d like to see a workaround that serves everybody. All agree that a canal project will be years in the making — and that if disputes arise, attorneys specializing in water law and eminent domain could be the big winners.

Practicality says legal fees could easily eat up the millions allocated.

To say nothing of the impact of climate change on the Rocky Mountain snowpack that provides the water in the first place.

Perhaps lawmakers can revisit this in a few years.

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*J.L. Schmidt has been covering Nebraska government and politics since 1979. He has been a registered Independent for more than 20 years.*