

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19252 AND MAP OF RESERVOIR 19103

WATER DIVISION 2-C

BACKGROUND

1. On May 13, 2014, Jerry, Virginia, Mike, Richard and Terry Gokie filed in the Department of Natural Resources (Department) application A-19252 for a permit to impound supplemental water in Jerry Gokie Reservoir.
2. On October 27, 2014, Jerry Gokie filed in the Department map 19103 depicting the location of pump-site providing water for supplemental water in Jerry Gokie Reservoir under application A-19252.
3. Construction has been completed.

ORDER

IT IS HEREBY ORDERED Application A-19252 and map 19103 are APPROVED subject to the following limitations and conditions:

1. The source of water is Honey Creek.
2. The priority date is May 13, 2014.
3. The water to be stored under this appropriation is for the purpose of providing additional stored water to then be used for irrigation.
4. The amount of water that may be diverted shall not exceed 233 acre-feet per year to be stored in Jerry Gokie Reservoir. This is based upon a reservoir that can store 12.6 acre-feet and is filled 18.49 times per year. The water may be diverted from Honey Creek from a pumpsite located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 10, Township 31 North, Range 12 West of the 6<sup>th</sup> P.M. in Holt County, as depicted on map number 19103. The dam that impounds water in Jerry Gokie Reservoir is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 10, Township 31 North, Range 12 West of the 6<sup>th</sup> P.M. in Holt County. The total amount of water that may be impounded in Jerry Gokie Reservoir includes appropriations A-19251 and A-19252 for a total of 273 acre-feet of water per year.
5. *Neb. Rev. Stat. § 46-241(5)* states in part, "The owner or possessor of a reservoir or intentional underground water storage facility does not have the right to store water in such reservoir or facility during the time that such water is required in ditches for direct irrigation or for any reservoir or facility holding a senior right. Every person who owns, controls or operates a reservoir or intentional underground water storage facility, except political subdivisions of this state, shall be required to pass ... a portion of the measured inflows to furnish water for livestock ... ."

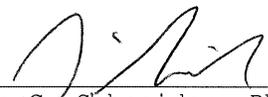
6. The owner or possessor of the reservoir storing water pursuant to A-19252 shall have structural controls in place or other mechanical means to immediately release a portion of the measured inflows in such amounts and at such times if so ordered by the Department.
7. The appropriator is bound by all terms and conditions of the approval of plan P-17406.

ADDITIONAL INFORMATION

Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

DEPARTMENT OF NATURAL RESOURCES

December \_\_\_\_, 2014

  
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James C. Schneider, Ph.D.  
Acting Director

The applicant and any person with sufficient legal interest who has been or may be substantially affected by this approval may request a contested case hearing in accordance with the *Neb. Admin. Procedures Act* §§ 84-901 et. seq. RRS and the Department's *Rules of Practice and Procedure Title 454 Admin. Code Chapter 7*. The request must be received by the Department at its Lincoln office (Nebraska State Office Building, 4<sup>th</sup> Floor, 301 Centennial Mall South, P.O. Box 94676, Lincoln, Nebraska 68509-4676) within 30 days of the date of the Approval and be accompanied by a filing fee of \$10.

A copy of this approval was posted on the Department's website. Copies this approval and map 19103 were provided to the Department's field office in Ord, Nebraska. Copies of this approval and map 19103 were mailed on December 18, 2014, to the following:

Jerry and Virginia Gokie  
202 East Douglas Street  
O'Neill, Nebraska 68763

Mike Gokie  
1611 East 38<sup>th</sup> Street  
Columbus, Nebraska 68601

Richard Gokie  
3003 Bluff Road  
Seward, Nebraska 68434

Terry Gokie  
6233 Blackstone Road  
Lincoln, Nebraska 68526