

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-18740

WATER DIVISION 2-C

BACKGROUND

1. On January 20, 2011, Jerry Gokie, on behalf of Jerry and Virginia Gokie, Mike Gokie, Richard Gokie and Terry Gokie, filed in the Department of Natural Resources (Department) application A-18740 for a permit to impound water.
2. On March 24, 2011, Jerry Gokie filed map of reservoir 17773.
3. Construction has been completed.

ORDER

IT IS HEREBY ORDERED Application A-18740 and map of reservoir number 17773 are APPROVED subject to the following limitations and conditions:

1. The source of water is Honey Creek.
2. The priority date is January 20, 2011.
3. The rate of diversion for this appropriation shall not exceed 3.34 cubic feet per second (1499 gallons per minute). The amount of water that may be diverted from this source shall not exceed 233 acre-feet per year to be stored in Gokie Reservoir No. 2 (storage appropriation A-18739). This is based upon a reservoir that stores 13.3 acre-feet and may be filled approximately 17.5 times per year from Honey Creek. Gokie Dam No. 2 is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 10, Township 31 North, Range 12 West of the 6<sup>th</sup> P.M. in Holt County.
4. A pump will be used to withdraw water from Honey Creek and will travel via pipeline into Gokie Reservoir No. 2. A measuring device approved by the Department may be required for the pumping equipment.
5. The supplemental storage under this application is in addition to the Gokie Reservoir No. 2 (storage appropriation A-18739). The total amount of water for combined appropriations A-18739 and A-18740 is 273 acre-feet.
6. The reservoir structure is not being altered for this appropriation, therefore, plan number P-17772 approved for surface water appropriation A-18739 for Gokie Reservoir No. 2 remains in effect.

7. Pursuant to Neb. Rev. Stat. §.46-241(5), the owner or possessor of a reservoir does not have the right to store water in such reservoir during the time that such water is required in ditches for direct irrigation or for any reservoir or facility holding a senior right.
8. A continuous recording device approved by the Department to monitor reservoir levels may be required.
9. The appropriator must comply with all relevant statutes. This includes, but is not limited to, the following:
  - A. Notify the Department of any change in ownership or address.
  - B. Receive approval prior to taking any action that changes the storage capacity of this reservoir, map of reservoir number 17773, plan P-17772, or the type of appropriation.
  - C. Assume liability for all damages due to leakage, overflow or structural failure of the structure.
  - D. Release a portion of the reservoir inflows for livestock where required, unless appropriator is a political subdivision.

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

June 17, 2011

  
Brian P. Dunnigan, P.E., 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* 454 *Neb. Admin. Code* Chapter 7. The request must be received by the Department at its Lincoln

office (4<sup>th</sup> Floor Nebraska State Office Building, 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 of this approval and map of reservoir 17773 were provided to the Department's field office in Ord, Nebraska. A copy of this approval was mailed to the following:

Tim Haakenstad  
State Conservation Engineer  
Natural Resources Conservation Service  
345 Federal Building  
100 Centennial Mall North  
Lincoln NE 68508-3866:

Copies of this approval and map of reservoir 17773 were mailed on June 17, 2011, to the following:

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

Richard Gokie  
3003 Bluff Road  
Seward, NE 68601

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

Terry Gokie  
6233 Blackstone Road  
Lincoln, NE 68526