

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-18741A AND A-18741B

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-18741 for a Permit to Appropriate Water.
2. On March 24, 2011, Jerry Gokie filed map number 17774 showing land proposed to be irrigated under application A-18741.

ORDER

IT IS HEREBY ORDERED that application A-18741 is APPROVED subject to the following limitations and conditions:

1. Water stored in Gokie Reservoir No. 2 will come from two sources. Therefore, application A-18741 is divided into two storage-use appropriations that correspond to the stream that supplies the storage water.
2. The source of water for appropriation A-18741A is a tributary to Honey Creek, stored in Gokie Reservoir No. 2, permitted under storage appropriation A-18739.
3. The source of water for appropriation A-18741B is Honey Creek, stored in Gokie Reservoir No. 2, permitted under supplemental storage appropriation A-18740.
4. The water shall be used for the purpose of irrigation.
5. The priority date is January 20, 2011.
6. Only the land shown on map number 17774 may be irrigated under appropriations A-18741A and A-18741B.
7. Appropriations A-18741A and A-18741B will be limited to the land irrigated and the amount of water beneficially used on an annual basis. Such amount for combined appropriations A-18739 and A-18740 shall not exceed 273 acre-feet with storage appropriation A-18739 providing up to 40 acre-feet per year and supplemental storage appropriation A-18740 up to 233 acre-feet per year.

8. Surface water appropriations A-18741A and A-18741B shall provide supplemental water for land already included under natural flow appropriations A-12975 and A-18691 held by Jerry and Virginia Gokie, Mike Gokie, Richard Gokie and Terry Gokie.
9. A measuring device approved by the Department may be required.
10. The appropriator must comply with all relevant statutes. The statutes include, but are not limited to, the following:
 - A. Notify the Department of any change in ownership or address.
 - B. Notify the Department of the name and address of the person responsible for the use of the water appropriation (this may include farm managers, tenants, or relatives that actually apply the water to the approved use).
 - C. Obtain approval from the Department prior to taking any action that changes the location of the point of diversion, the location of the place of use, the type of use, or the type of appropriation.

DEADLINES

1. Construction of the diversion works must begin within twelve months of the signing date of this application approval. The appropriator must proceed diligently with the construction unless interrupted by some unavoidable and natural cause.
2. Construction of the project must be completed by two years past the signing date of this application approval.
3. An appropriation is not considered perfected until water has been beneficially applied for the purpose stated in this approval. The water appropriated under A-18741A and A-18741B must be beneficially used by September 1, 2013.
4. After September 1, 2013, a field investigation will be conducted to determine the amount of water used and acres irrigated, after which an order of cancellation will be issued for any unused portions of appropriations A-18741A and A-18741B.

ADDITIONAL INFORMATION

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

Nebraska law provides that failure to use a portion or all of a perfected appropriation for more than five consecutive years may result in cancellation of the appropriation.

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 order 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 (4th 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 order and be accompanied by a filing fee of \$10.

A copy of this approval was posted on the Department's website and provided to the Department's field office in Ord, Nebraska. A copy of this approval was 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 38th Street
Columbus, NE 68601

Terry Gokie
6233 Blackstone Road
Lincoln, NE 68526