

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION RLP-2031 AND MAP 17775 TO CHANGE THE LOCATION OF  
DIVERSION FOR WATER APPROPRIATION A-12975

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-12975 is held by Jerry and Virginia Gokie, Mike Gokie, Richard Gokie and Terry Gokie (Jerry Gokie etal).
2. Appropriation A-12975 has a priority date of February 5, 1974, and authorizes the use of water for irrigation of 134.0 acres of land. The water may be diverted from Honey Creek at a point of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 10, Township 31 North, Range 12 West of the 6<sup>th</sup> P.M. in Holt County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 1.92 cfs (862 gallons per minute).
3. On January 20, 2011, Jerry Gokie, on behalf of Jerry Gokie etal, filed petition RLP-2031 in the Department for a permit to change the location of diversion for appropriation A-12975.
4. Jerry Gokie, on behalf of Jerry Gokie etal, filed map number 17775 in the Department showing the location of the proposed pump site and the land to be irrigated under appropriation A-12975 through petition RLP-2031.

ORDER

IT IS HEREBY ORDERED:

1. Petition RLP-2031 for a permit to change the location of diversion for appropriation A-12975 and map number 17775 are APPROVED.
2. Appropriation A-12975 through petition RLP-2031 is now A-12975R.

3. Appropriation A-12975R shall be shown in the Department's records authorizing the use of water to irrigate 134.0 acres of land described below and depicted on map number 17775, which is made a part of this Order. The water may be diverted from Honey Creek at a point of diversion located on the right bank of the stream 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. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum rate of 1.92 cfs (862 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

<u>Township 31 North, Range 12 West of the 6<sup>th</sup> P.M. in Holt County</u>	<u>Acres</u>
Section 11: NW $\frac{1}{4}$ NW $\frac{1}{4}$	33.5
NE $\frac{1}{4}$ NW $\frac{1}{4}$	33.5
SW $\frac{1}{4}$ NW $\frac{1}{4}$	33.5
SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>33.5</u>
TOTAL	134.0

4. All terms and conditions of appropriation A-12975 remain in effect unless specifically changed by this Order.
5. 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. 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.

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 cause cancellation of part or all of this appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use an appropriation for more than five consecutive years may result in cancellation of the appropriation.

This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations.

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

A copy of this Order was posted on the Department's website. Copies of this Order and map number 17775 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 17775 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