

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-18739

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-18739 for a permit to impound water, specifications according to 457 Neb. Admin. Code Chapter 11, and plan P-17772.
2. On January 20, 2011, Jerry Gokie filed DWV-2029, a petition for a waiver of drawdown requirement.
3. On March 24, 2011, Jerry Gokie filed map of reservoir 17772A.
4. Construction has been completed.

ORDER

IT IS HEREBY ORDERED Application A-18739, map of reservoir number 17772A, DWV-2029 and plan P-17772 are APPROVED subject to the following limitations and conditions:

1. The source of water is a tributary to Honey Creek.
2. The priority date is January 20, 2011.
3. The amount of water that may be diverted from this source shall not exceed 40 acre-feet per year to be stored in Gokie Reservoir No. 2. This amount is based on a reservoir that stores 13.3 acre-feet and may be filled approximately 3 times per year from the tributary to Honey Creek for a total of 40 acre-feet per year. Gokie Dam is located in the SW¹/₄NE¹/₄ of Section 10, Township 31 North, Range 12 West of the 6th .M. in Holt County.
4. 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.
5. A continuous recording device approved by the Department to monitor reservoir levels may be required.

6. A waiver of the requirement for a drawdown, DWV-2029, has been granted. This waiver does not relieve the owner from the responsibility to pass a portion of the reservoir inflow by some method for downstream appropriators should there be a need for water administration; or if water should be required for livestock needs, unless the appropriator is a political subdivision. The Department may rescind the waiver and require installation of appropriate outlet works at a later date if it is determined that the responsibility to pass inflows is not being met or cannot be met by another method.
7. 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 17772A, 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 (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 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, map of reservoir 17772A, and plan P-17772 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, map of reservoir 17772A and plan P-17772 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 38th Street
Columbus, NE 68601

Terry Gokie
6233 Blackstone Road
Lincoln, NE 68526