

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19251

WATER DIVISION 2-C

BACKGROUND

1. On April 20, 2009, Jerry Gokie filed in the Department of Natural Resources (Department) Plan 17406 and a petition for a waiver of the requirement for outlet works, DWV-1668, for the Jerry Gokie Dam located in the NE $\frac{1}{4}$  of Section 10, Township 31 North, Range 12 West of the 6<sup>th</sup> P.M. in Holt County.
2. On May 28, 2009, the Department approved Plan 17406 and DWV-1668 for the Jerry Gokie Dam located in the NE $\frac{1}{4}$  of Section 10, Township 31 North, Range 12 West of the 6<sup>th</sup> P.M. in Holt County.
3. On May 13, 2014, Jerry, Virginia, Mike, Richard and Terry Gokie filed in the Department application A-19251 for a permit to impound water in the existing reservoir depicted on plan P-17406.
4. Construction has been completed.

ORDER

IT IS HEREBY ORDERED Application A-19251 is APPROVED subject to the following limitations and conditions:

1. The source of water is a tributary to Honey Creek.
2. The priority date is May 13, 2014.
3. The water to be stored under this appropriation is for the purpose of irrigation.
4. The amount of water that may be diverted shall not exceed 40 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 3.17 times per year. 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.
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 ... ."

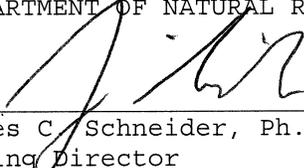
6. The owner or possessor of the reservoir storing water pursuant to A-19251 shall have structural controls in place or other mechanical means to immediately release a portion of the measured inflows in such amounts and at such times if so ordered by the Department.
7. A waiver of the requirement for outlet works, by petition DWV-1668, 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.
8. 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, the specifications, plan P-17406, or the type of appropriation.
  - C. Operate and maintain the structure in accordance with *Neb. Rev. Stat. § 46-241* and the *Safety of Dams and Reservoirs Act, §§ 46-1601 to 46-1670*.
  - D. Assume liability for all damages due to leakage, overflow or structural failure of the structure.
  - E. 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

December 18, 2014

  
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. A copy of this approval was provided to the Department's field office in Ord, Nebraska. A copy of this approval was 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