

STATE OF NEBRASKA
DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-12328

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-12328 is held by **Chad W. and Kimberly J. Marsh**.
2. Appropriation A-12328 with a priority date of **July 22, 1971**, authorizes the use of water for irrigation of the **65 acres** of land described below. The water may be diverted from **the Elkhorn River** at points of diversion located on the right bank of the stream in the **NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28 and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 25 North, Range 06 West of the 6th P.M. in Antelope 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 combined rate of **0.93 cfs** from all points of diversion.

<u>Township 25 North, Range 06 West of the 6th P.M. in Antelope County</u>	<u>Acres</u>
Section 28: NW $\frac{1}{4}$ SW $\frac{1}{4}$	20
NE $\frac{1}{4}$ SW $\frac{1}{4}$	3
SW $\frac{1}{4}$ SW $\frac{1}{4}$	17
Section 33: NW $\frac{1}{4}$ NW $\frac{1}{4}$	13
NE $\frac{1}{4}$ NW $\frac{1}{4}$	10
SE $\frac{1}{4}$ NW $\frac{1}{4}$	2
TOTAL	65

3. The Department has received information concerning the use of surface water appropriation A-12328 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On November 7, 2025, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-12328. The Notice was delivered by certified mail to Chad W. and Kimberly J. Marsh, 84656 524 Avenue, Neligh, Nebraska 68756 and Allan C. and Nancy L. Marsh, 84932 Cemetery Road, Neligh, Nebraska 68756.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-12328 has not been used for its required purpose for more than five consecutive years.

7. Nebraska Revised Statutes § 46-229.02 provides that an appropriation not used for a beneficial purpose for more than five consecutive years may be cancelled.

ORDER

IT IS HEREBY ORDERED appropriation A-12328 is **CANCELLED**.

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT



January 22, 2026

Matthew T. Manning, PE, JD
Chief Water Officer

A copy of this Order was posted on the Department's website. Copies of this Order were provided to the Department's docket clerk and field office in Norfolk, Nebraska. A copy of this Order was mailed to the following:

Chad W. and Kimberly J. Marsh
84656 524 Avenue
Neligh, Nebraska 68756

Allan C. and Nancy L. Marsh
84932 Cemetery Road
Neligh, Nebraska 68756