

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

**ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-4237**

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-4237 is held by **Marlin K. & Cynthia J. Kraemer**.
2. Appropriation A-4237 with a priority date of **March 29, 1948**, authorizes the use of water for irrigation of the **28 acres** of land described below. The water may be diverted from **South Creek** at a point of diversion located on the East bank of the stream in the **SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>** of **Section 28, Township 29 North, Range 05 East of the 6<sup>th</sup> P.M. in Dixon County**. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every **140 acres** irrigated at a maximum rate of **0.20 cfs**.

Township 29 North, Range 05 East of the 6 <sup>th</sup> P.M. in Dixon County	Acres
Section 28: NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	11
SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	<u>17</u>
TOTAL	28

3. The Department has received information concerning the use of surface water appropriation A-4237 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On December 18, 2025, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-4237. The Notice was delivered by certified mail to Marlin K. and Cynthia J. Kraemer, 87148 Highway 9, Allen, Nebraska 68710.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-4237 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-4237 is **CANCELLED**.

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT



March 20, 2026

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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:

Marlin K. and Cynthia J. Kraemer  
87148 Highway 9  
Allen, Nebraska 68710