

IN THE MATTER OF APPLICATION 15357)
FILED OCTOBER 28, 1953, BY MARVELL)
VIVIANI TO APPROPRIATE 4 C.F.S. OF) R U L I N G
WATER FROM AN UNDERGROUND SOURCE)
IN SUPPORT OF DLE 016179 IN BIG SMOKY)
VALLEY, NYE COUNTY, NEVADA)

Application 15357 filed October 28, 1953, by Marvell Viviani for 4 c.f.s. of water to be diverted from a point within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, T. 4 N., R. 41 E., is to be used in support of Desert Land Entry 016179 in the S $\frac{1}{2}$ of Section 16, T. 4 N., R. 41 E. for irrigation and domestic purposes.

The Bureau of Land Management rejected Desert Land Entry 016179 on February 10, 1955, on the grounds that the poor soil and climatic conditions are not conducive to successful farming operations. This decision was appealed by the applicant on March 14, 1955.

Bureau of Land Management correspondence of December 11, 1964, over the signature of Charles E. Hancock states that DLE 016179 has been closed on their records and that the land sought under this application is vacant public land. The original rejection stands.

RULING

Application 15357 is herewith denied on the grounds that the applicant does not have control of the land upon which the water is to be put to beneficial use. For this reason the granting of this permit would be detrimental to the public interest.

Respectfully submitted,

GEORGE W. HENNEN
State Engineer


By: ROLAND D. WESTERGARD
Assistant State Engineer

Dated this 29th day of
January, 1965.

TH:lh