

IN THE MATTER OF APPLICATION 15268)
FILED AUGUST 21, 1953, BY FRIEDA)
GERBER TO APPROPRIATE 4 C.F.S. OF)
WATER FROM AN UNDERGROUND SOURCE)
IN SUPPORT OF DLE 015158 IN BIG)
SMOKY VALLEY, NYE COUNTY, NEVADA)

R U L I N G

Application 15268 filed August 21, 1953, by Frieda Gerber for 4 c.f.s. of water to be diverted from a point within NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ Section 15, T. 4 N., R. 41 E., is to be used in support of Desert Land Entry 015158 in the S $\frac{1}{2}$ of Section 15 T. 4 N., R. 41 E. for irrigation and domestic purposes.

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The Bureau of Land Management rejected Desert Land Entry 015158 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 18, 1955.

Bureau of Land Management correspondence of December 11, 1964, over the signature of Charles E. Hancock states that DLE 015158 has been closed on their records and that the land sought under this application is vacant public land. The original rejection stands.

R U L I N G

Application 15268 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