

IN THE MATTER OF APPLICATION 14705 )  
FILED DECEMBER 22, 1952, BY OBA TERRELL )  
TO APPROPRIATE 4 C.F.S. OF WATER FROM )  
AN UNDERGROUND SOURCE IN SUPPORT OF ) R U L I N G  
DLE 011801 IN BIG SMOKY VALLEY, )  
ESMERALDA COUNTY, NEVADA )

Application 14705 filed December 22, 1952 by Ova Terrell for 4 c.f.s. of water to be diverted from a point within the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  Section 12, T. 3 N., R. 40 E., to be used in support of Desert Land Entry 011801 in the NE $\frac{1}{4}$  of Section 11 and the NW $\frac{1}{4}$  of Section 12 T. 3 N., R. 40 E., for irrigation and domestic purposes.

The Bureau of Land Management rejected Desert Land Entry 011801 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 12, 1955.

Bureau of Land Management correspondence of December 11, 1964, over the signature of Charles E. Hancock states that DLE 011801 has been closed on their records and that the land sought under this application is vacant public land. The original rejection stands.

RULING

Application 14705 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

RDW:lh

Dated this 1st day of  
February, 1965