

IN THE MATTER OF APPLICATION 18671 )  
FILED MARCH 24, 1960, BY DONALD W. )  
RADBRUCH TO APPROPRIATE WATER FROM )  
AN UNDERGROUND SOURCE IN PERSHING )  
COUNTY, NEVADA )

R U L I N G

General:

Application 18671 was filed March 24, 1960, by Donald W. Radbruch for permission to appropriate 0.25 c.f.s from an underground source (tunnel in alluvial fan) for irrigation (20 acres) and domestic purposes. The point of diversion is described as within the W $\frac{1}{2}$  Lot 5 (W $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ )<sup>sec. 3</sup> T.27N., R. 34E., MDB&M. Application 18671 was assigned by deed, filed March 6, 1963, to Leslie K. Radbruch.

Application 18671 was protested on July 1, 1960, by Gerry W. Eden and on July 5, 1960, by Charles Fancher.

Application 18671 was filed in this office of the Nevada State Engineer to support Desert Land Entry Nevada 060038. The Desert Land Entry Nevada 060038 was filed with the Bureau of Land Management, Nevada Land Office, Reno, Nevada.

The Bureau of Land Management advised the Office of the Nevada State Engineer by notice dated November 27, 1963, that Desert Land Entry Nevada 060038 application was rejected and decision final. A letter dated May 4, 1967, from the Office of the State Engineer to the Bureau of Land Management regarding the status of the parcel of land under Desert Land Entry Nevada 060038 was confirmed as vacant public land in letter of response dated May 8, 1967, from the Bureau of Land Management.

R U L I N G

Application 18671 is herewith denied on the grounds that the applicant does not have control of the land on which the applicant plans to place the water to beneficial

use, and that the granting of the application would be detrimental to the public welfare.

Respectfully submitted,

  
Roland D. Westergard  
Assistant State Engineer

RDW:WJN:dp

Dated this 11th day

of May, 1967.