

ROSE M. JOLLEY
THOMAS R. ELLIOTT

IBLA 73-300
73! 342

Decided September 18, 1973

Appeals from decisions of the Idaho State Office, Bureau of Land Management rejecting petition! applications I-6520 and I-6766 for desert land entry.

Affirmed.

Desert Land Entry: Generally

An application for desert land entry which covers withdrawn land must be rejected and will not be held in suspense pending restoration of the land from withdrawal.

APPEARANCES: William F. Ringert, Esq., Anderson, Kaufman, Anderson & Ringert, Boise, Idaho, for appellants; Riley C. Nichols, Esq., Office of the Solicitor, Boise Field Office, for the Bureau of Land Management.

OPINION BY MR. RITVO

In William F. Ringert, 12 IBLA 378, decided August 22, 1973, we held that an application for desert land entry made for land withdrawn by Public Land Order 4561 of December 31, 1968, must be rejected because the land is withdrawn from all forms of appropriation. We further held that petition! applications for desert land entry will not be held suspended pending possible restoration of the land. The identical facts are present in these cases. Appellants' petition! applications cover lands withdrawn by Public Land Order 4561; even though a request for restoration has been filed and restoration of the land may be under consideration, the applications were properly rejected because they cover lands not open to appropriation.

Therefore, pursuant to the authority delegated to the Board of Land appeals by the Secretary of the Interior, 43 CFR 4.1, the decisions appealed from are affirmed.

Martin Ritvo
Member

We concur:

Joan B. Thompson
Member

Anne Poindexter Lewis
Member

