

LORETTA BERLENE GARRISON LEE

IBLA 80-891

Decided November 26, 1980

Appeal from a decision of the Nevada State Office, Bureau of Land Management, rejecting Indian allotment application N-30317.

Affirmed.

1. Indian Allotments on Public Domain: Generally

An application for Indian allotment, filed pursuant to 25 U.S.C. § 334 (1976), must be rejected where the land applied for does not exist.

APPEARANCES: Loretta Berlene Garrison Lee, pro se.

OPINION BY ADMINISTRATIVE JUDGE GOSS

Loretta Berlene Garrison Lee appeals a July 25, 1980, decision of the Nevada State Office, Bureau of Land Management (BLM), which rejected the Indian allotment application, N-30317, filed by her on behalf of her grandson. The application was filed pursuant to the Act of February 8, 1887, 25 U.S.C. § 334 (1976), as amended. On the application form appellant described the lands as NE 1/4 sec. 6, T. 17 S., R. 65 E., Mount Diablo meridian, Nevada.

The BLM stated "the lands requested in said application are non-existent. Therefore, the application is rejected." Appellant argues that "Public Law 85-339 can not supersede the allotment claims of Indians."

[1] Appellant does not contest the reason given for the BLM decision. Her statement of reasons does not attempt to show that the lands are in existence; hence the Indian application was properly rejected.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

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Joseph W. Goss  
Administrative Judge

We concur:

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Edward W. Stuebing  
Administrative Judge

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James L. Burski  
Administrative Judge

