

IN THE MATTER OF APPLICATION )  
28525 TO APPROPRIATE WATER )  
FROM WOODY CANYON IN PERSHING )  
COUNTY, NEVADA. )

R U L I N G

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GENERAL:

Application 28525 was filed on July 16, 1974 in the name of Danner Mines, Inc. to appropriate 0.15 c.f.s. from Woody Canyon Creek for mining and milling and domestic purposes. The proposed point of diversion is located within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 11, T.34N., R.33E., M.D.B. & M.

Application 28525 was returned to the applicant on August 13, 1974, for correction with notice that an amended application and supporting map was to be filed on or before October 12, 1974. Application 28525 was cancelled on October 15, 1974, because of failure to refile a corrected application and supporting map within the statutory time limit. It was later found that an amended application was received by the office of the State Engineer on October 15, 1974 along with a supporting map. The originally established deadline of October 12, 1974 was a Saturday and Monday, October 14, 1974, was Columbus Day and a legal State Holiday. The amended application and supporting map were therefore received within the statutory time since the deadline is automatically extended until 5:00 p.m. on the first work day following the Saturday, Sunday or legal holiday on which the original deadline fell.

RULING:

The cancellation of the Application 28525 is hereby rescinded and the application is reactivated. Notice of application will be forwarded to the appropriate newspaper for publication.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW/BAR/bs

Dated this 13th  
day of December, 1974.