

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF THE WELL DRILLING)  
ACTIVITIES OF LICENSED WELL DRILLER)  
VERNON H. DIMICK, LAS VEGAS VALLEY,)  
CLARK COUNTY, NEVADA. )

FINDINGS OF FACT  
AND  
CONCLUSIONS

GENERAL

On September 22, 1986, Dean Goodale, Engineering Technician III and Well Supervisor of the Southern Nevada Branch Office of the Division of Water Resources submitted a written memorandum<sup>1</sup> to Dick Williford, Hydraulic Engineer III, of the Carson City main office of the Division of Water Resources. The memorandum was in the form of a complaint relating to the well drilling activities of Licensed Well Driller (No. 552) Vernon H. Dimick on September 15, 1986, at a location in the NW1/4 SW1/4 Section 10, T.20S., R.60E., M.D.B.&M. The complaint alleges that a well drilling rig, owned or controlled by Licensee Vernon H. Dimick, was operating at the site, specifically engaged in drilling a domestic well, and was unattended by a licensed well driller at the time Division of Water Resources employee, Dean Goodale, inspected the rig in the routine course of his duties and responsibilities.

After due notice by certified mail,<sup>2</sup> an administrative hearing was held in Las Vegas, Nevada, on November 13, 1986, before the State Engineer and the Statewide Well Driller's Advisory Board.<sup>3</sup> Licensed Well Driller Vernon H. Dimick was represented by legal council.<sup>4</sup> Evidence and testimony were introduced into the record by the

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<sup>1</sup> State of Nevada Exhibit No. 7, administrative hearing, November 13, 1986.

<sup>2</sup> State of Nevada Exhibits No. 1 and No. 4, administrative hearing October, 16, 1986, and November 13, 1986. The hearing in this matter was originally set for October 16, 1986, but due to the possible lack of notice to the licensed well driller, Vernon H. Dimick, the hearing was recessed and renoticed for November 16, 1986.

<sup>3</sup> See NRS 534.150 for authority of Statewide Well Driller's Advisory Board in advisory capacity. See also transcript of administrative hearing, p. 14-15, November 13, 1986.

<sup>4</sup> See statement of appearances, p. 4, transcript of administrative hearing, November 13, 1986. See also State of Nevada Exhibit No. 2.

complaintant and licensee, Dimick. The State Engineer took administrative notice of certain matters relating to the records in the office of the State Engineer as noted. Events subsequent to September 15, 1986, and prior to the filing of the complaint are set forth in the record.<sup>5</sup> In addition, the State Engineer reserved the right to examine the licensee's suitability to be licensed as a well driller by receiving evidence or taking administrative notice of other statutory and regulatory infractions that may be brought out in the proceedings.<sup>6</sup> The State Engineer took administrative notice of the public record on file in the State Engineer's office under Licensed Well Driller File No. 552, Vernon H. Dimick.<sup>7</sup>

### FINDINGS OF FACT

#### I.

Vernon H. Dimick has been a licensed well driller in the State of Nevada since he initially received his license on July 2, 1968. Mr. Dimick has renewed his license on an annual basis since 1968 with his last renewal occurring on June 16, 1986, extending his license to June 30, 1987.<sup>8</sup>

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<sup>5</sup> State of Nevada Exhibits No. 5 and No. 6. Testimony of Dean Goodale, pp. 20-34, and Vernon H. Dimick, pp. 34-50, administrative hearing, November 13, 1986.

<sup>6</sup> State of Nevada Exhibits No. 1 and No. 4, administrative hearing, November 13, 1986.

<sup>7</sup> See State of Nevada Exhibit No. 1, transcript of administrative hearing, November 13, 1986, p. 42, public record in the office of the State Engineer.

<sup>8</sup> Public record in the office of the State Engineer under well driller file No. 552.

II.

Since 1973, Licensee Dimick has been reprimanded on several occasions for violations of the statutes and regulations for drilling wells and has been subject to disciplinary action by the State Engineer and the Nevada Contractor's Board.<sup>9</sup>

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<sup>9</sup> Vernon H. Dimick's licensed well driller file (#552) which is public record in the office of the State Engineer in Carson City is documented with the following incidents and actions by the State Engineer, the Statewide Well Driller's Advisory Board and Nevada Contractor's Board.

1. Letter of reprimand under the signature of Francis W. Thorne dated October 10, 1973, to Vernon Dimick concerning the delinquent filing of seventeen (17) well logs.

2. Letter of reprimand under the signature of Dick L. Williford to Vernon Dimick dated May 22, 1978, concerning the drilling of a well that was not permitted and the delinquent filing of intent to drill cards. See also field investigation report dated May 9, 1978, by Dean Goodale.

3. Letter of reprimand to Vernon Dimick under signature of Dick L. Williford dated April 11, 1978, concerning delinquent filing of intent to drill cards and well logs.

4. Report of field investigation dated June 19, 1981, by Dean Goodale concerning operation of well drilling rig without presence of licensed well driller.

5. Letter dated June 29, 1981, under signature of Dick L. Williford, confirming the issuance of Vernon Dimick's well driller's license on a temporary basis pending submittal of delinquent well logs.

6. Report of field investigation dated December 17, 1982, under signature of Robert Coache concerning drilling activities of Vernon Dimick and delinquent filing of intent to drill cards.

7. Report of field investigation dated March 22, 1983, under signature of Robert Coache concerning the delinquent filing of an intent to drill card and well log for a completed well in the Gold Butte area.

8. On June 27, 1983, an administrative hearing was held before the State Engineer and the Statewide Well Driller's Advisory Board to determine whether the well driller's license of Vernon Dimick should be reissued for the period July 1983 through June 30, 1984. See transcript of hearing, public record in the office of the State Engineer, Carson City, Nevada. Mr. Dimick's license was reissued and placed on probation status for a period of one year.

9. On November 7, 1983, the State Engineer was notified by the Nevada Contractor's Board that the drilling contractors license (#10062) of Mr. Vernon Dimick has been suspended for a period of 60 days commencing October 7, 1983, for violations of NRS 624.301(a) and NRS 624.3011(2c).

III.

On September 10, 1986, Licensee Dimick submitted an intent to drill card to the Las Vegas Branch Office of the Division of Water Resources for a domestic well in the NW1/4 SW1/4 Section 10, T.20N., R.60E., M.D.B.&M.<sup>10</sup>

IV.

On September 15, 1986, Well Supervisor Dean Goodale of the State Engineer's Office observed a well drilling rig in operation at the approximate location set forth in the intent to drill card.<sup>11</sup> Subsequent inquiry and investigation determined that the operating rig was unattended by a licensed well driller<sup>12</sup> during a period of time of approximately one hour. The record also establishes that the well drilling rig was under the ownership of Licensee Vernon H. Dimick and/or Dimick Drilling.<sup>13</sup>

V.

Licensee Dimick chose not to reasonably respond to investigative inquiry by Supervisor Goodale concerning the operation of his well drilling rig on September 15, 1986.<sup>14</sup>

VI.

There is no evidence that establishes that the subject well was drilled by an unlicensed well driller. The record of testimony establishes that the Dimick well drilling

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<sup>10</sup> Public record in the office of the State Engineer.

<sup>11</sup> See State of Nevada Exhibit No. 7. Testimony of Dean Goodale, pp. 20-34, administrative hearing, November 13, 1986.

<sup>12</sup> See footnote 11. See also testimony of Vernon H. Dimick, pp. 34-50, administrative hearing, November 13, 1986.

<sup>13</sup> See transcript of administrative hearing, November 13, 1986, pp. 26-30, p. 35. See also State Contractor's License No. 10062, public record at the State of Nevada Contractor's Board, 1800 Industrial Road, Las Vegas, Nevada, 89102.

<sup>14</sup> See transcript of administrative hearing, November 13, 1986, testimony of Dean Goodale, pp. 20-34; testimony of Vernon Dimick, pp. 34-50. See also State of Nevada Exhibits No. 5 and No. 6.

rig was unattended while in operation for a period of approximately one hour on September 15, 1986,<sup>15</sup> in violation of well drilling regulations.<sup>16</sup>

VII.

The Statewide Well Driller's Advisory Board, after hearing and considering the matter herein, recommended to the State Engineer that Vernon Dimick's well driller's license be conditionally suspended for a period of ninety (90) days beginning November 15, 1986.<sup>17</sup>

VIII.

Licensee Dimick's action in leaving his well rig unattended and operating constituted a threat to the public health and safety.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the matter set forth herein.<sup>18</sup>

II.

Licensed Well Driller (No. 552) Vernon H. Dimick violated NAC 534.330 on September 15, 1986, by leaving his well drilling rig unattended and in operation for approximately one hour and "watched" by an unlicensed person who was not in the employ of Licensee Dimick and was not a licensed well driller.

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<sup>15</sup> To the extent that Supervisor Goodale indicated that the subject well was to be shut down in the absence of a licensed well driller on the rig, he was correct. However, his demand concerning the plugging of the well was inappropriate and in error.

<sup>16</sup> NAC 534.330.

<sup>17</sup> See transcript of administrative hearing, November 13, 1986.

<sup>18</sup> NRS Chapter 534 and NAC Chapter 534.

III.

The State Engineer concludes that actions of Licensee Dimick warrant disciplinary action as authorized under NRS 534.160 and NAC 534.290.

IV.

There is no evidence that supports the issuance of an order requiring the plugging and sealing of the subject well.

V.

The State Engineer concurs with the recommendation of the Statewide Well Driller's Advisory Board that Licensee Dimick's well driller's license be conditionally suspended for a period of ninety (90) days beginning November 13, 1986, with the condition that the licensee may complete any legally authorized wells that he is presently in the process of drilling.

RULING

The oral ruling of the State Engineer on November 13, 1986, in this matter is confirmed.

Respectfully submitted,



PETER G. MORROS  
State Engineer

PGM/bl

Dated this 8th day of  
DECEMBER, 1986.