

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF THE WELL DRILLING)
ACTIVITIES OF LICENSED WELL DRILLERS)
DEAN MITCHELL AND FLOYD MITCHELL,)
LAS VEGAS VALLEY, CLARK COUNTY,)
NEVADA.)

**FINDINGS OF FACT
AND
CONCLUSIONS**

GENERAL

On March 31, 1987, Robert Coache, Hydraulic Engineer, Southern Nevada Branch Office of the Division of Water Resources, submitted two (2) written memoranda¹ to Peter G. Morros, State Engineer. The memoranda were in the form of complaints relating to the well drilling activities of two (2) licensed water well drillers, Dean Mitchell (No. 1475) and Floyd Mitchell (No. 1478), in the Las Vegas basin. The complaints¹ alleged that fourteen (14) wells drilled in the Las Vegas basin by Floyd and Dean Mitchell, listing the contractor as J & M Well Service (Murrell Redding), were not constructed in accordance with well drilling regulations, specifically the required sanitary seals were not properly and adequately placed.

After due notice by certified mail,² an administrative hearing was held in Las Vegas, Nevada, on May 5, 1987, before the State Engineer and the Statewide Well Drillers Advisory Board.³ Licensed drillers Dean and Floyd Mitchell were represented by legal council.

FINDINGS OF FACT

I.

Floyd R. Mitchell was licensed by the Division of Water Resources on April 29, 1986. His license was renewed on June 12, 1986, for the fiscal year 1986/1987.⁴

¹ State of Nevada Exhibits 2, 3 and 4, administrative hearing, May 5, 1987.

² State of Nevada Exhibit 1, administrative hearing, May 5, 1987.

³ Transcript of administrative hearing is public record in the office of the State Engineer. See NRS 534.150 for authority of Statewide Well Drillers Advisory Board in advisory capacity. See also transcript of administrative hearing, pp. 7 and 8, May 5, 1987.

⁴ Public record in the office of the State Engineer under file no. 1478.

II.

Dean Mitchell was licensed by the Division of Water Resources on September 30, 1980. He failed to renew his license for fiscal year 1984/1985. A new license was applied for and issued on February 25, 1986, and was renewed on June 12, 1986, for fiscal year 1986/1987.⁵

III.

The record provides substantial evidence that Dean Mitchell and Floyd Mitchell drilled and cased fourteen (14) domestic wells between May 1, 1986, and March 31, 1987, at the following locations.⁶

- | | |
|---------------------|---|
| 1. Shane Ross | NW1/4 NE1/4 Section 19, T.22S., R.61E., M.D.B.&M. |
| 2. William Gibson | SE1/4 SW1/4 Section 17, T.22S., R.61E., M.D.B.&M. |
| 3. Nicholas Willdon | NE1/4 SE1/4 Section 5, T.19S., R.60E., M.D.B.&M. |
| 4. Henry Gray | NW1/4 NE1/4 Section 8, T.19S., R.60E., M.D.B.&M. |
| 5. Mike Rogers | SE1/4 SW1/4 Section 9, T.22S., R.61E., M.D.B.&M. |
| 6. David Hinkson | NW1/4 SW1/4 Section 16, T.23S., R.61E., M.D.B.&M. |
| 7. William Drauden | NW1/4 NW1/4 Section 19, T.23S., R.61E., M.D.B.&M. |
| 8. Anthony R. Manzo | NE1/4 NW1/4 Section 20, T.22S., R.61E., M.D.B.&M. |
| 9. John Celatic | SW1/4 SW1/4 Section 9, T.23S., R.61E., M.D.B.&M. |
| 10. M. J. Sexey | SW1/4 NW1/4 Section 16, T.22S., R.61E., M.D.B.&M. |
| 11. Chris W. Jones | SE1/4 SW1/4 Section 16, T.22S., R.61E., M.D.B.&M. |
| 12. Ruth Specht | SW1/4 NE1/4 Section 20, T.22S., R.61E., M.D.B.&M. |
| 13. George Miller | NW1/4 SW1/4 Section 17, T.22S., R.61E., M.D.B.&M. |
| 14. Ben Barlow | NE1/4 SE1/4 Section 5, T.19S., R.60E., M.D.B.&M. |

IV.

Field investigations were conducted on March 17, 1987, March 20, 1987, and April 3, 1987, (April 1, 1987) by the Division of Water Resources to determine if the subject wells were constructed in compliance with Regulations for Drilling Water Wells 1.12, 1.13, 1.14, 3.02 and 3.03.⁶

V.

Testimony and exhibits were introduced into the record at the administrative hearing which provides substantial evidence that the subject wells were not properly constructed in compliance with rules and regulations for drilling wells.⁷

⁵ Public record in the office of the State Engineer under file no. 1475.

⁶ State of Nevada Exhibits 2, 3 and 4, administrative hearing, May 5, 1987. See pages 20 through 75.

⁷ State of Nevada Exhibits 5, 6 and 7, administrative hearing, May 5, 1987. See pages 20 through 75.

VI.

The record establishes that thirteen (13) of the wells were drilled by Floyd Mitchell (No. 1478) and one (1) well was drilled by Dean Mitchell (No. 1475).⁸

VII.

The Statewide Well Drillers Advisory Board, after hearing and considering the matter herein, recommended that the drillers licenses of Floyd R. Mitchell and Dean Mitchell be revoked.⁹

CONCLUSIONS

I.

The State Engineer has jurisdiction of the matter set forth herein.¹⁰

II.

Licensed well drillers Dean Mitchell (No. 1475) and Floyd R. Mitchell (No. 1478) violated NAC 534.150, 534.070, 534.060, 534.380 and 534.380(2) by not properly placing sanitary seals in the following wells drilled under their supervision during May 1, 1986, through March 31, 1987:

- | | |
|---------------------|---|
| 1. Shane Ross | NW1/4 NE1/4 Section 19, T.22S., R.61E., M.D.B.&M. |
| 2. William Gibson | SE1/4 SW1/4 Section 17, T.22S., R.61E., M.D.B.&M. |
| 3. Nicholas Willdon | NE1/4 SE1/4 Section 5, T.19S., R.60E., M.D.B.&M. |
| 4. Henry Gray | NW1/4 NE1/4 Section 8, T.19S., R.60E., M.D.B.&M. |
| 5. Mike Rogers | SE1/4 SW1/4 Section 9, T.22S., R.61E., M.D.B.&M. |
| 6. David Hinkson | NW1/4 SW1/4 Section 16, T.23S., R.61E., M.D.B.&M. |
| 7. William Drauden | NW1/4 NW1/4 Section 19, T.23S., R.61E., M.D.B.&M. |

III.

The State Engineer concludes that actions of licensees Floyd R. Mitchell and Dean Mitchell warrant disciplinary action as authorized under NRS 534.160 and NAC 534.290.

IV.

The State Engineer concurs with the recommendations of the Statewide Well Drillers Advisory Board that the drillers license of Floyd R. Mitchell be revoked based on a record of substantial evidence developed during the hearing.

⁸ State of Nevada administrative hearing, May 5, 1987, page 142.

⁹ See page 160, administrative hearing, May 5, 1987.

¹⁰ NRS Chapter 534, NAC Chapter 534.

V.

The State Engineer concludes that he cannot concur with the recommendation of the Statewide Well Drillers Advisory Board that the license of Dean Mitchell be revoked.

VI.

The State Engineer concludes that the license of Dean Mitchell be placed on a probationary status when reissued or renewed subject to the provision that Mr. Mitchell proceed in good faith and with reasonable diligence to correct the deficient sanitary seals in the subject wells within 45 days from the date of the hearing (May 5, 1987).

RULING

The oral ruling of the State Engineer on May 5, 1985, in this matter is affirmed.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/DLW/bl

Dated this 2nd day of
July, 1987.