

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

#4055

IN THE MATTER OF AN APPLICATION)
FOR A WATER WELL DRILLING LICENSE)
FILED BY JAMES R. JOYCE) RULING

FINDINGS OF FACT

I.

An application for a Water Well Driller License along with the statutory filing fee was filed in proper form by James R. Joyce (hereinafter Joyce) on May 11, 1992, pursuant to the requirements in NRS 534.140 and NAC 534.280. On May 11, 1992, the State Engineer mailed requests for references to the four individuals indicated on the application.¹

II.

By certified mail dated June 23, 1992, the State Engineer noticed Joyce to appear for an oral examination before the Statewide Well Drillers' Advisory Board to determine his qualifications as a well driller and his knowledge of the Regulations for Water Well and Related Drilling, pursuant to NRS 534.150(5) and NAC Sections 534.282 and 534.286. The examination was set for July 10, 1992. On June 26, 1992, Joyce requested that his examination be cancelled.¹

III.

Applicant Joyce was re-scheduled for the next examination by certified mail dated October 19, 1992. The exam was set for November 6, 1992, and Joyce appeared as scheduled. At the time of the examination, the State Engineer had received three of the four references for the applicant.¹

All three Advisory Board members were present for the examination, together with a member from the State Engineer's Office. After examining the applicant, the Board unanimously recommended that the State Engineer deny the license application because the applicant has no experience as an actual well driller or rig operator, and that he only supervises drilling operations

¹ Well Driller License file is public record in the office of the State Engineer.

and is not a hands-on driller.^{1,2} The recommendation was submitted to the State Engineer.

IV.

Nevada Administrative Code (NAC) 534.282 subsection 1(a) requires that the applicant demonstrate a good working knowledge of the regulations and applicable laws relating to the drilling of water wells; and the method by which land is described by public land survey.

The State Engineer finds that Joyce was examined by the Board as to the regulations and applicable laws, and as to describing a point on a map by public land survey. The State Engineer finds that as to the regulations and applicable laws, on a standard test of 50 points the Board scored Joyce 39, 43, and 37 points, respectively, and that each Board member scored Joyce 10 out of 10 points for describing a point on a map by public land survey.^{1,2}

The State Engineer finds applicant Joyce meets the requirements in NAC 534.280(1) and 534.282(1).

V.

The State Engineer finds that the Board did not question Joyce as to drilling experience, drilling equipment, or standard drilling practices pursuant to NAC 534.282 subsections 1(a)(1) and 1(b).^{1,2}

The State Engineer refers specifically to the transcript² of the audio-taped examination of the applicant and to his license application¹ to determine his drilling experience. The State Engineer finds that Joyce has ten years experience in drilling operations with a major oil company and with his present employer.¹ The State Engineer further finds that Joyce's responses to questions about the regulations demonstrate drilling experience and knowledge of drilling practices.²

VI.

The State Engineer cannot agree with the board's recommendation for denying the license application and will grant the application for license.

² Transcript of audio-taped examinations, filed in well driller license file, is public record in the office of the State Engineer.

VII.

The State Engineer has granted limited classes of well-drilling licenses pursuant to NAC 534.294.³ The class, FP, indicates a well-drilling license which limits a well driller to work only on Federal Projects.

CONCLUSIONS

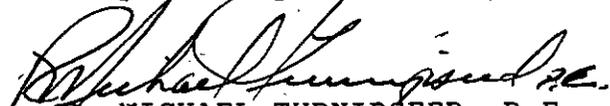
I.

The State Engineer has jurisdiction of the parties and the subject matter in this action pursuant to NRS 534.140 and 534.150. The State Engineer convenes the Well Driller's Advisory Board for the purpose of examining applicants and determining the qualifications of those applicants as well drillers. After careful consideration of the record in this matter, the State Engineer cannot agree with the Board's recommendation for denial of the license application. The State Engineer will issue a license limited to well drilling only on Federal Projects to James R. Joyce upon receipt of the name and mailing address of an additional reference.

RULING

The Application for Well Driller's License filed by James R. Joyce is hereby approved herewith and a license limited to well drilling only on Federal Projects will be issued upon receipt of the name and mailing address of an additional reference.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/TKG/CAB/pm

Dated this 15th day of
December, 1993.

³ Public record in the office of the State Engineer, Directory of Valid Licensed Well Drillers.