

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

IN THE MATTER OF THE COMPLAINTS FILED )  
BY BRAD AND PAULA SMUCKLER AND GREG )  
BESTOR AGAINST BRUCE ROBINSON, NEVADA )  
LICENSED WELL DRILLER NO. 944, FOR )  
ALLEGED VIOLATIONS OF THE LAWS AND )  
REGULATIONS APPLICABLE TO WELL DRILLERS )  
IN THE STATE OF NEVADA )

RULING  
# 4382

GENERAL

I.

On August 22, 1995, Brad and Paula Smuckler (hereinafter "Smuckler") filed a complaint with the Nevada State Engineer against Bruce Robinson, dba Bruce Robinson Drilling (hereinafter "Robinson").<sup>1</sup> The complaint alleged that Robinson, a Nevada licensed well driller, failed to properly complete a water well drilled on the Smuckler property near Cold Creek,<sup>2</sup> located in the Indian Springs Valley Groundwater Basin, Clark County, Nevada, as agreed upon in the original well drilling contract signed by Robinson and Smuckler on September 19, 1994.<sup>3</sup>

Smuckler claimed that Robinson failed to construct the sanitary seal to a depth of 100 feet, as required in NAC 534.390. Additionally, Smuckler alleged that Robinson did not complete the project in that the pump, plumbing, and electrical connections were not installed, as required in the well drilling contract.

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<sup>1</sup>Exhibit No. 3, Public Administrative Hearing before the State Engineer, March 11, 1996.

<sup>2</sup>The well is located within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 36, T.17S., R.55E., MDBM. Cold Creek flows through this 40 acre subdivision of land and therefore, the well is located within  $\frac{1}{4}$  mile of Cold Creek.

<sup>3</sup>Exhibit No. 12, Public Administrative Hearing before the State Engineer, March 11, 1996.

II.

On June 26, 1995, Mr. Greg Bestor (hereinafter "Bestor") filed a complaint with the Nevada State Engineer against Robinson.<sup>4</sup> The complaint alleged that Robinson failed to properly complete a water well drilled on the Bestor property, located in the Indian Springs Valley Groundwater Basin, Clark County, Nevada, as agreed upon in the original well drilling contract signed by Robinson and Greg Bestor on October 14, 1994.<sup>5</sup> The well is located about 125 feet from Cold Creek.<sup>6</sup>

III.

The State Engineer requested the State Well Driller's Advisory Board (hereinafter "Advisory Board") to review the matter at its next regularly scheduled meeting and provide the State Engineer with a recommendation as to whether to pursue or dismiss the complaint. On January 11, 1996, the Board reviewed the complaint and recommended to the State Engineer that the matter be set for a public administrative hearing.<sup>7</sup>

IV.

A public administrative hearing was held on March 11, 1996, at Las Vegas, Nevada, before representatives of the Office of the State Engineer.<sup>8</sup> The hearing was noticed to consider whether Robinson failed to comply with the law or regulations that govern

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<sup>4</sup>Exhibit No. 23, Public Administrative Hearing before the State Engineer, April 16, 1996.

<sup>5</sup>Exhibit No. 31, Public Administrative Hearing before the State Engineer, April 16, 1996.

<sup>6</sup>Transcript pp. 178-179, Public Administrative Hearing before the State Engineer, April 16, 1996.

<sup>7</sup>Transcript, Public Administrative Hearing before the State Well Driller's Advisory Board, January 11, 1996, official records of the Office of the State Engineer.

<sup>8</sup>Exhibit No. 1, Public Administrative Hearing before the State Engineer, March 11, 1996.

well drillers in the State of Nevada which could result in revocation of his license. As provided in NRS 534.150(7), the State Engineer availed himself of the services of the Advisory Board and the three members of the Advisory Board were present during the administrative hearing.

V.

At the hearing, Smuckler presented his case regarding the complaint against Robinson. When Robinson began his case regarding the Smuckler complaint, Ms. Carol Blankenship, testifying on behalf of Robinson, stated that Robinson had not received proper notice of the hearing.<sup>9</sup> Therefore, the Hearing Officer continued the hearing to April 16, 1996, a date that was agreed to by all parties.<sup>10</sup> When the hearing reconvened, it was not necessary for Smuckler to repeat his case but Robinson was given the opportunity to address any of the testimony and evidence presented by Smuckler at the prior hearing.

FINDINGS OF FACT

I.

In his complaint, Smuckler alleged that the seal was not constructed to the depth of 100 feet, required because of the proximity to Cold Creek.<sup>1</sup> He claimed that only 15 empty bags of Ready-Mix concrete were found at the site and this would not be

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<sup>9</sup>Transcript pp. 118-119, Public Administrative Hearing before the State Engineer, March 11, 1996. The Notice of Hearing, Exhibit No. 1, was mailed by certified mail on February 1, 1996. However, Robinson claimed he did not receive this notice and the return receipt from the post office was not delivered to the State Engineer. Robinson contacted the State Engineer and a second notice was sent on March 1, 1996, which is not the required 15 days prior to the hearing.

<sup>10</sup>Transcript pp. 189-190, Public Administrative Hearing before the State Engineer, March 11, 1996.

enough concrete to seal the well to a depth of 100 feet.<sup>11</sup>

Ms. Blankenship testified that the well was sealed to a depth of 100 feet.<sup>12</sup> She stated that the work of sealing the well began around 1:00 or 2:00 pm on October 20, 1996 and took about two and one-half hours to complete. She stated that a packer was placed at the top of the sixth, twenty foot section of casing.<sup>13</sup> According to her testimony, 96 bags of ready mix concrete, each making one-half cubic foot of concrete, eleven bags of neat cement, some lime, and some drilling mud were used to seal the well.<sup>14</sup>

There are inconsistencies in Ms. Blankenship's testimony. The quantity of materials she claimed she used to seal the well, is sufficient to seal the well to a depth of over 200 feet.<sup>15</sup> Also, she claimed that she purchased two pallets of Ready-Mix concrete (a total of 96 bags) on October 20, 1994, and then proceeded to the site to perform the work that afternoon.<sup>16</sup> However, the concrete for the seal was purchased at two different times on October 20, 1994, not at one time as Ms. Blankenship testified. Forty-eight

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<sup>11</sup>Transcript pp. 17, 23-26, Public Administrative Hearing before the State Engineer, March 11, 1996. The quantity of concrete required to seal to a depth of 100 foot, in a well of diameter 8.75 inches with a 5 inch casing is about 25 cubic feet. This would require about 50 bags of Ready-Mix concrete.

<sup>12</sup>Transcript p. 121, Public Administrative Hearing before the State Engineer, March 11, 1996.

<sup>13</sup>Transcript pp. 121 and 135, Public Administrative Hearing before the State Engineer, March 11, 1996.

<sup>14</sup>Transcript pp. 124-125, 136-137, and 140-141, Public Administrative Hearing before the State Engineer, March 11, 1996.

<sup>15</sup>Ninety-six bags of Ready-Mix concrete, 11 sacks of neat cement, drilling mud, lime, and water would be sufficient to seal an 8.75 inch diameter well, with a 5 inch casing, to about 240 feet.

<sup>16</sup>Transcript pp. 136-137, and 140-145, Public Administrative Hearing before the State Engineer, March 11, 1996.

bags of concrete were purchased at 12:47 and another 48 bags were purchased at 4:48 on October 20, 1994.<sup>17</sup> Ms. Blankenship testified that the work of sealing the Smuckler well was begun between 1:00 and 2:00 pm on October 20, 1994 and was completed before dark.<sup>18</sup> Ms. Blankenship's testimony does not comport with the facts. She could not have purchased one pallet of concrete at 12:47 pm, drive the 45 minutes to the site and start the work, then go back to Las Vegas and purchase the second pallet at 4:48 pm, and return to the site and complete the work, all before dark.

The State Engineer finds that Ms. Blankenship's testimony regarding the seal on the Smuckler well is not truthful and not credible, and can be given no weight in determining the depth of the seal in the Smuckler well.

## II.

On April 15, 1996, the State Engineer conducted his own investigation to determine the actual depth of seal in the Smuckler well. Geophysical Logging Services of Las Vegas, was requested by the State Engineer to perform a "bond log" of the well.<sup>19</sup> Duplicate runs were made and the results of the two runs agreed quite closely.<sup>20</sup> The State Engineer's representative who witnessed the entire logging procedure and is experienced in the practice of geophysical logging,<sup>21</sup> was satisfied with the procedures and

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<sup>17</sup>Exhibit No. 13, Public Administrative Hearing before the State Engineer, March 11, 1996.

<sup>18</sup>Transcript pp. 127-128, Public Administrative Hearing before the State Engineer, March 11, 1996.

<sup>19</sup>A "bond log" is obtained by lowering a device down a well casing that measures the density of the material outside the steel casing at the same time as the depth is recorded.

<sup>20</sup>Transcript p. 12, Public Administrative Hearing before the State Engineer, April 16, 1996.

<sup>21</sup>Transcript pp. 15-18, Public Administrative Hearing before the State Engineer, April 16, 1996.

competence of Geophysical Logging Services. The bond log showed that the actual depth of the seal in the Smuckler well is 56 feet.<sup>22</sup>

The Hearing Officer left the record open for 30 days to give Robinson the opportunity to review the results of the State Engineer's investigation and submit any rebuttal to the results of that investigation.<sup>23</sup> On May 3, 1996, Robinson submitted his rebuttal to the bond log.<sup>24</sup> The points raised by Robinson are quoted below:

1. Not Registered with State of Nevada Engineer.
2. Not lisenca (sic) required State of Nevada.
3. Not certified with Atomic Energy Commission.
4. Not classified to remove radio active material from well with Gamma reading.
5. No reading on log for depth horizontal or vertical cement.
6. R. Federwisch not present to explain log reading at hearing. Violation of Sixth Amendment.
7. Owner has not paid Contract price which violates Contractor State Laws Nevada.
8. Log Data was never signed by personal on site from Engineer or Water Resource State of Nevada.
9. Serial no. on Log was not recorded to State Engineer and Federal Engineer.
10. Amount of Radiation was not on log or recorded as

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<sup>22</sup>Exhibit No. 18, Public Administrative Hearing before the State Engineer, April 16, 1996.

<sup>23</sup>Transcript p. 103-104, 270-271, and 281-282, Public Administrative Hearing before the State Engineer, April 16, 1996.

<sup>24</sup>Exhibit No. 43, Public Administrative Hearing before the State Engineer, April 16, 1996. Exhibit No. 43 was submitted after the hearing and within the time allowed by the Hearing Officer.

- required by State Engineers or Federal Engineers.
11. Rate of travel was not recorded on Log.
  12. In violation of pollution of a water well with radioactive material and not sealing it off as hazard material.
  13. Scales on Log- Vertical not horizontal N-O not present.
  14. Geophysical Logging Service on Log has no License no. for Contracting State of Nevada Law violation.
  15. Log given to Licensed Contractor same day as meeting. Must have 15 days to defend self NRS 534.160.
  16. State Engineer refused copies of illegal hearing data used as reference April 16, 1996 (Tom Gallagher).
  17. Temperature of well before and after Gamma log was not recorded on log.
  18. Geophysical Logging Service violation has no Atomic Energy License.

Regarding items 1, 2, 3, 4, 14, and 18 above, the State Engineer is unaware of any licensing or certifying requirement for a geophysical logging company in Nevada. Robinson failed to state which licenses or permits are necessary and the statutory or regulatory requirements. The representative of the State Engineer, Robert Thompson, witnessed the logging procedure and was satisfied that the work was performed accurately and in a professional manner.<sup>17</sup>

Regarding items 5 and 13 above, the log clearly shows the depth and vertical scale on the right hand side of the chart and that the concrete seal ends at the 56 foot depth. The horizontal scale is irrelevant because the probe traveled down the center of the well.

Regarding items 6 and 8 above, Mr. Robert Thompson testified

at the hearing as to the procedures used during the logging and was available for cross-examination.<sup>25</sup>

Item 7 is irrelevant to these proceedings.

Regarding item 9, Robinson was not specific as to what serial number is required or the statutory or regulatory reference. The State Engineer is unaware of any such requirement.

Regarding item 10, Robinson did not state the statutory or regulatory requirement for reporting the radiation level used. The State Engineer is unaware of any such requirement. The State Engineer is satisfied that the logging was performed accurately.

Regarding item 11 above, the rate of travel was 10 feet per minute.<sup>26</sup>

Regarding item 12 above, there is no evidence that any pollution of the well by radioactive materials occurred. Geophysical Logging Services is recognized by the State Engineer as being knowledgeable and competent in the handling of its equipment and control of any radioactive materials it uses.

Regarding item 15 above, the Hearing Officer allowed Robinson an additional 30 days to review and submit comments and objections to any aspect of the logging process. As a result, Robinson submitted these objections.

Regarding item 16 above, Robinson was given the opportunity to present any evidence and testimony at the hearing. No proposed exhibits were improperly omitted.

Regarding item 17 above, the temperature of the well was not recorded on the log. However, the bond log detected differences in the density of materials surrounding the casing, where the temperature did not vary during the logging.

The State Engineer finds that the depth of the seal in the

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<sup>25</sup>Transcript pp. 10-19, Public Administrative Hearing before the State Engineer, April 16, 1996.

<sup>26</sup>Transcript p. 16, Public Administrative Hearing before the State Engineer, April 16, 1996.

Smuckler well was accurately determined to be 56 feet and that Robinson's objections to the logging procedure, as described in items 1 through 18 above, are without merit.

III.

On December 9, 1994, the Southern Nevada Branch Office of the State Engineer received the well log for the Smuckler well, signed by Bruce Robinson.<sup>27</sup> For the depth of seal under item 8 on the log, Robinson wrote "100", indicating that he had sealed the well to the depth of 100 feet. As found above, the actual depth of the seal is 56 feet.

Ms. Blankenship testified that the construction of the Smuckler well was begun on October 15, 1994, and was completed on October 20, 1994.<sup>28</sup> Mr. Smuckler testified that he observed the wet concrete at the top of the completed well in late October, 1994.<sup>29</sup> This was the same day he and his wife observed Robinson leaving the site in his truck, pulling a cement mixer.<sup>30</sup> On the well log, signed by Bruce Robinson, Robinson altered the starting and completion dates. He wrote that the date the well was started was October 25, 1994, changed from October 15, 1994, and the date it was completed was December 5, 1994, changed from October 23,

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<sup>27</sup>Exhibit No. 4, Public Administrative Hearing before the State Engineer, March 11, 1996.

<sup>28</sup>Transcript pp. 133-134, Public Administrative Hearing before the State Engineer, March 11, 1996.

<sup>29</sup>Transcript pp. 21-23 and Exhibit Nos. 7 and 8, Public Administrative Hearing before the State Engineer, March 11, 1996. Exhibit No. 7 is a photograph of the completed well with the month and year, "10/94" marked in the wet concrete. The well is known to be completed from Smuckler's testimony and because the well drilling rig is not visible in the photograph (Exhibit No. 8) of the site.

<sup>30</sup>Transcript pp. 22-23, Public Administrative Hearing before the State Engineer, March 11, 1996.

1994.<sup>31</sup>

With regard to the starting and completion dates and the depth of seal, the State Engineer finds that Robinson intentionally made material misstatements of facts on the Smuckler well log.

IV.

On December 9, 1994, the Southern Nevada Branch Office of the State Engineer received the well log for the Smuckler well, signed by Bruce Robinson.<sup>32</sup> However, as shown above, the well was completed on October 20, 1994. The State Engineer finds that the Smuckler well log was submitted 50 days after the well was completed.

V.

Bestor filed a complaint because Robinson did not complete the work described in the contract he and Robinson signed.<sup>33</sup> Robinson drilled a well on the Bestor property in December, 1994, but did not complete it and left the site.<sup>34</sup> Robinson claimed that he requested a waiver of the 100 foot seal requirement<sup>35</sup> because a seal to this depth would have sealed off the water bearing formation.<sup>36</sup> The waiver request was sent by certified mail but the

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<sup>31</sup>The original date the Smuckler well was started, as shown on the well log, Exhibit No. 4, was "10-15" 1994 but Robinson modified this date to read "10-25" 1994. Likewise, the original completion date shown as "10-23" 1994 was scratched out and replaced with "12-5" 1994.

<sup>32</sup>Exhibit No. 4, Public Administrative Hearing before the State Engineer, April 16, 1996.

<sup>33</sup>Exhibit Nos. 23 and 31, Public Administrative Hearing before the State Engineer, April 16, 1996.

<sup>34</sup>Transcript pp. 159-161, Public Administrative Hearing before the State Engineer, April 16, 1996.

<sup>35</sup>The 100 foot seal is required because the well is located within  $\frac{1}{4}$  mile of Cold Creek, in accordance with NAC 534.390.

<sup>36</sup>Exhibit No. 41, Public Administrative Hearing before the State Engineer, April 16, 1996.

State Engineer did not receive it.<sup>37</sup> After the State Engineer received the Bestor complaint, letters were sent to Robinson asking him to respond to the complaints.<sup>38</sup> Robinson did not respond immediately, but instead, went to the Bestor property and plugged the well.<sup>39</sup> Robinson felt that the State Engineer had ordered that the well be plugged.<sup>40</sup>

Bestor also complained to the State Contractor's Board and a meeting was held to resolve the complaint.<sup>41</sup> It was agreed that Robinson would drill another well on the Bestor property by October 1, 1995.<sup>42</sup> Robinson drilled a second well but did not install the pump, piping, or electrical connections that were required in the original Bestor-Robinson contract. Bestor did not agree to pay for the second well and claimed that the agreement at the meeting with the Contractor's Board required Robinson to complete the well at no cost to Bestor. However, Robinson sent an invoice for \$14,086 to Bestor and filed a lien on Bestor's property for that amount.<sup>43</sup>

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<sup>37</sup>The request was dated December 5, 1994, but the return receipt date is illegible. See Exhibit No. 41. The State Engineer was not aware of the request until September 26, 1995, when it, along with other materials, was hand-delivered to the Southern Nevada Branch Office by Carol Blankenship.

<sup>38</sup>Exhibit Nos. 24 and 25, Public Administrative Hearing before the State Engineer, April 16, 1996.

<sup>39</sup>Transcript p. 163 and Exhibit No. 29, Public Administrative Hearing before the State Engineer, April 16, 1996.

<sup>40</sup>Transcript pp. 185, 189, 196-197, Public Administrative Hearing before the State Engineer, April 16, 1996.

<sup>41</sup>Transcript p. 163 and Exhibit No. 27, Public Administrative Hearing before the State Engineer, April 16, 1996.

<sup>42</sup>Exhibit No. 28, Public Administrative Hearing before the State Engineer, April 16, 1996.

<sup>43</sup>Transcript pp. 163-169 and Exhibit Nos. 38, 39, and 40, Public Administrative Hearing before the State Engineer, April 16, 1996.

The State Engineer finds that these contractual matters and whether Robinson complied with the agreement reached at the meeting held by the Contractor's Board are not within the jurisdiction of the State Engineer to resolve, rather are best handled by the Contractor's Board.

VI.

Robinson plugged the well on Bestor's property because he thought the State Engineer ordered him to do so.<sup>39</sup> However, there is no such order on this record or in the records of the State Engineer.<sup>44</sup> At the hearing, Robinson was granted 30 days after the end of the hearing to research his records and submit the order.<sup>45</sup> In the materials received by the State Engineer after the hearing, no order was included.<sup>46</sup> The State Engineer finds that no plugging order was issued and the Bestor well was plugged because Robinson acted without an understanding of the regulations and applicable laws relating to the drilling of water wells.

One of the alternatives for Robinson was to redrill through the cement plug and reconstruct the first Bestor well.<sup>47</sup> But Robinson believed that a permit under NRS 534.260, which carries a fee of \$2,500, was required before the well could be redrilled. He also believed that to redrill without such a permit would be in violation of NRS 534.330 and would subject him to a fine of \$10,000 per day.<sup>48</sup> These Statutes cover the requirements for a project for

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<sup>44</sup>Transcript pp. 209 and 211, Public Administrative Hearing before the State Engineer, April 16, 1996.

<sup>45</sup>Transcript p. 211, Public Administrative Hearing before the State Engineer, April 16, 1996.

<sup>46</sup>Exhibit No. 43, received within 30 days of the Public Administrative Hearing before the State Engineer, April 16, 1996.

<sup>47</sup>Transcript pp. 185-186, Public Administrative Hearing before the State Engineer, April 16, 1996.

<sup>48</sup>Transcript pp. 186, 190, 204-205, and 218, Public Administrative Hearing before the State Engineer, April 16, 1996.

recharge, storage, and recovery of water and have nothing to do with the drilling of domestic wells. The State Engineer finds that Robinson does not have a basic understanding or a working knowledge of the regulations and applicable laws relating to the drilling of wells.

VII.

In a similar manner as described above for the Smuckler well, on April 15, 1996, the State Engineer conducted an investigation to determine the actual depth of seal in the second Bestor well. Geophysical Logging Services of Las Vegas, performed a "bond log" of the well.<sup>49</sup> Duplicate runs were made and the results of the two runs agreed quite closely.<sup>49</sup> The bond log showed that the Bestor well was sealed to a depth of 60 feet.<sup>50</sup>

Ms. Blankenship testified that the second Bestor well was sealed to depth of 100 feet.<sup>51</sup> In weighing the evidence and testimony, especially the reliability of the bond logging procedure and the lack of credibility of Ms. Blankenship's earlier testimony, the State Engineer finds that the bond logging procedure was reliable and produced an accurate result. The State Engineer further finds that the actual depth of the seal in the Bestor well is 60 feet.

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<sup>49</sup>Transcript p. 237 and Exhibit No. 19, Public Administrative Hearing before the State Engineer, April 16, 1996.

<sup>50</sup>Exhibit No. 19, Public Administrative Hearing before the State Engineer, April 16, 1996.

<sup>51</sup>Transcript p. 202, Public Administrative Hearing before the State Engineer, April 16, 1996.

VIII.

On December 14, 1995, the Southern Nevada Branch Office of the State Engineer received the well log for the second Bestor well, signed by Bruce Robinson.<sup>52</sup> For the depth of seal under item 8 on the log, Robinson wrote "100", indicating that he had sealed the well to a depth of 100 feet. As found above, the actual depth of the seal is 60 feet. The State Engineer finds that Robinson intentionally made a material misstatement of fact on the Bestor well log.

IX.

At the hearing, the Advisory Board made recommendations to the State Engineer regarding this matter. First, the Advisory Board found that the contractual matters are not the purview of the Advisory Board but they demonstrate a nonprofessional or nonworkmanlike attitude.<sup>53</sup> Then the Advisory Board recommended that disciplinary action is warranted but left it to the State Engineer to determine what that action would be.<sup>54</sup> The State Engineer finds that the two recommendations are valid and, with regard to the first, the Contactor's Board will be sent a copy of this ruling.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and of the subject matter of this action and determination.<sup>55</sup>

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<sup>52</sup>Exhibit No. 30, Public Administrative Hearing before the State Engineer, April 16, 1996.

<sup>53</sup>Transcript pp. 278-279, Public Administrative Hearing before the State Engineer, April 16, 1996.

<sup>54</sup>Transcript p. 280, Public Administrative Hearing before the State Engineer, April 16, 1996.

<sup>55</sup>NRS Chapter 534 and NAC Chapter 534.

II.

The State Engineer may revoke a well drilling license if he determines, after an investigation and a disciplinary hearing, that the well driller has:

1. Intentionally made a material misstatement of facts in a well log and report;
2. Been found to be incompetent as a well driller by the Advisory Board;
3. Failed to comply with or violated any of the provisions of NAC Chapter 534; or
4. Failed to comply with, or has violated any law applicable to well drillers.<sup>56</sup>

III.

If a well is drilled within one-quarter of a mile of a stream or creek, the well must be sealed to a depth of 100 feet.<sup>57</sup>

IV.

The well driller shall furnish a copy of the well log and the record of work for every well drilled to the State Engineer within 30 days after the well is completed.<sup>58</sup>

V.

An Applicant for a well drilling license must demonstrate a good working knowledge of the regulations of the State Engineer and applicable laws relating the drilling of water wells.<sup>59</sup>

VI.

The Smuckler well and the Bestor well were found to be sealed to depths of 56 feet and 60 feet, respectively. Because these wells are located within  $\frac{1}{4}$  mile of Cold Creek, the required depth

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<sup>56</sup>Nevada Administrative Code (NAC) 534.290.

<sup>57</sup>NAC 534.390.

<sup>58</sup>NRS 534.170(2).

<sup>59</sup>NAC 534.282(1).

of seal is 100 feet.<sup>57</sup> The State Engineer concludes that Robinson violated NAC 534.390 when he sealed these wells to an insufficient depth.

VII.

On both the Smuckler and Bestor well logs, Robinson entered 100 feet as the depth of the seal of the wells. The State Engineer concludes that Robinson made material misstatements on both of these well logs, a violation which may result in the revocation of Robinson's well drilling license in accordance with NAC 534.290.

VIII.

As found above, Robinson submitted the Smuckler well log 50 days after the completion of the well. The State Engineer concludes that Robinson violated NRS 534.170, which allows only 30 days for the submittal of a well log.

IX.

As found above, Robinson altered the starting and completion dates on the Smuckler well log. The State Engineer concludes that Robinson made material misstatements on the Smuckler well log regarding these dates, a violation which may result in the revocation of Robinson's well drilling license in accordance with NAC 534.290.

X.

As found above, Robinson lacks a basic understanding and a working knowledge of the regulations and statutes that govern well drillers. The State Engineer concludes that Robinson is not competent to be licensed as a well driller in Nevada.

XI.

Numerous contractual issues between Smuckler and Bestor remain unresolved. The State Engineer concludes that these issues are best addressed by the State Contractor's Board and a copy of this ruling will be sent to that Board.

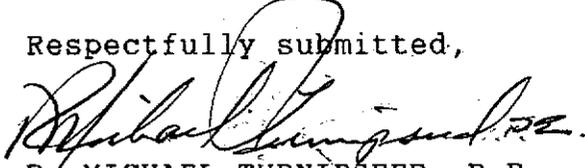
XII.

After considering the above described violations, any one of which could result in revocation of a well driller's license, and the lack of working knowledge of the regulations and laws relating to well drilling, the State Engineer concludes that Robinson's well drilling license should be revoked.

RULING

Well-drilling License No. 944, held by Bruce Robinson, is hereby revoked on the grounds that he committed numerous violations of the regulations and statutes that govern well drilling, and he has demonstrated a lack of a working knowledge of said regulations and statutes.

Respectfully submitted,

  
R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/JCP/ab

Dated this 25th day of  
July, 1996.

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Office of the State Engineer, Division of Water Resources, and that on the 25th day of July, 1996, I deposited for mailing at Carson City, Nevada, a true copy of the foregoing document addressed to:

Bruce Robinson  
P.O. Box 8307  
Pahrump, NV 89041

Greg Bestor  
2021 Hallwood Dr.  
Las Vegas, NV 89119

Brad and Paula Smuckler  
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Las Vegas, NV 89129

Carmen Caruso  
Nevada State Contractor's Board  
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Roger M. Thrall  
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Steve Hamrick  
HCR 65 Box 80358  
Pahrump, NV 89041

James V. Muth  
203 Pine Street  
Elko, NV 89801

Dated this 25th day of July, 1996.

Audra Blackwell  
Audra Blackwell