

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

IN THE MATTER OF APPLICATION )  
FOR A WELL DRILLER'S LICENSE )  
FILED BY DANIEL D. LEACH. )

RULING

**# 5208**

GENERAL

I.

An Application for Well Driller's License was filed by Daniel D. Leach with the Office of the State Engineer on June 19, 2002, together with the statutory filing fee of \$100.00.<sup>1</sup>

II.

Daniel D. Leach had previously held Nevada Well Driller License No. 1876 issued April 26, 1993. A public administrative hearing was held on November 7, 2001, before a representative of the State Engineer and the Statewide Well Drillers Advisory Board to determine whether Daniel D. Leach had complied with the rules and regulations regarding the drilling and completion of a domestic water well located in Silver Springs, Nevada. Well Driller's Log No. 69178 filed with the Office of the State Engineer on October 21, 1997, for this domestic water well reported the depth drilled as 420 feet and the depth cased as 421 feet. A down-hole video camera found that the domestic well was drilled to 420 feet but that it was cased only to 230 feet below ground surface. At the administrative hearing, Mr. Leach admitted that he did not case the well to its total depth as required by the rules and regulations as to drilling and completion of water wells, admitted to intentionally making a misstatement on the well log, and to falsely swearing on the well log as to the work performed on the well.<sup>2</sup>

At the conclusion of the administrative hearing on November 7, 2001, the Statewide Well Drillers Advisory Board recommended to the State Engineer that Daniel D. Leach's Nevada

<sup>1</sup> Daniel D. Leach's Well Driller's License No. 1876 File, official records in the Office of the State Engineer.

<sup>2</sup> State Engineer's Ruling No. 5099 dated February 12, 2002, official records in the Office of the State Engineer.

Well Driller's License No. 1876 be revoked because of their findings of violations by Daniel D. Leach of the rules and regulations:<sup>2</sup>

NRS § 534.060(1) and NAC § 534.360(1), all wells must be cased to the bottom of the well bore and constructed to prevent contamination or waste of the ground water;

NAC § 534.290(1)(b), making an intentional material misstatement of facts in a log or record of work;

NAC § 534.290(1)(g), falsely swearing to any affidavit, proof of completion, proof of beneficial use, log or any other document filed with the division; and

NAC § 534.290(1)(h), supplying false information to an owner of a well or a holder of a permit or his agent.

As provided in NRS § 534.160(3) and NAC § 534.290, the State Engineer revoked Nevada Well Driller License No. 1876 issued to Daniel D. Leach on February 12, 2002.<sup>2</sup>

### III.

The provisions of NAC § 534.293 provides for additional requirements for a well drillers license if a prior license has expired or been revoked. A well driller whose license has been expired for more than one year or whose license has been revoked:

1. Must file a new application with the fee required by NRS § 534.140 to obtain a license;
2. Before resolving a complaint in his file, must appear before the board for disposition of the complaint; and
3. May be required by the board to pass the examination required by NAC § 534.282.

## FINDINGS OF FACT

### I.

Daniel D. Leach appeared for license examination before the Statewide Well Drillers Advisory Board on August 9, 2002, under his application filed June 19, 2002. Mr. Leach scored 90 on Part I, the written part of the examination given to determine knowledge of the rules and regulation. For Part II, he correctly located a point on a map and described that point as required

on a Notice of Intent Card. For Part III, the oral interview given by the Statewide Well Drillers Advisory Board, Mr. Leach gave very general and non-specific answers to the Board's questions. The Statewide Well Drillers Advisory Board determined that Mr. Leach did not pass Part III and recommended that he return and repeat Part III.<sup>3</sup>

## II.

Daniel D. Leach again appeared before the Statewide Well Drillers Advisory Board on November 7, 2002, to repeat Part III of the examination. Again, Mr. Leach's answers to questions from the Board were very general and not very specific. The Statewide Well Drillers Advisory Board determined that Mr. Leach earned a minimal passing grade for Part III even though his answers were weak and too general to show he has a good knowledge of general drilling practices.<sup>4</sup>

The Statewide Well Drillers Advisory Board then interviewed Mr. Leach about the complaints resulting in the revocation of his License No. 1876, and attempted to discuss with him disposition of these complaints as required by NAC § 534.293 (2). Mr. Leach said that the complaints that caused revocation of his license were the subject of ongoing litigation, and that he had been advised by his lawyer not to discuss this matter. With regards to Daniel D. Leach's license application dated June 19, 2002, the Statewide Well Drillers Advisory Board determined that the complaints which caused the revocation of License No. 1876 had not been resolved and that Mr. Leach had failed to meet the requirements set forth under NAC § 534.293 (2). The Board recommended to the State Engineer that Mr. Leach's Application for Well Driller's License be denied. The Statewide Well Drillers Advisory Board advised Mr. Leach that he could submit another Application for Well Driller's License after the complaints were settled and he was in compliance with NAC § 534.293 (2).<sup>4,5</sup>

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<sup>3</sup> Examination score sheets dated August 9, 2002, in Daniel D. Leach's Well Driller's License Application File, official records in the Office of the State Engineer.

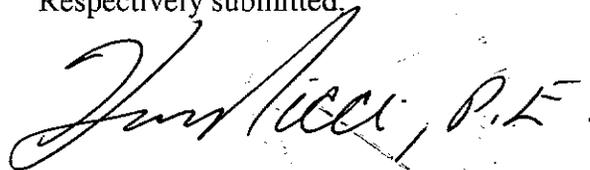
<sup>4</sup> Examination score sheets dated November 7, 2002, in Daniel D. Leach's Well Driller's License Application File, official records in the Office of the State Engineer.

<sup>5</sup> Statewide Well Drillers Advisory Board Minutes of Meeting No. 4-02, November 7, 2002, filed in Daniel D. Leach's Well Driller's License Application File, official records in the Office of the State Engineer.

**RULING**

The State Engineer concurs with the recommendation of the Statewide Well Drillers Advisory Board pursuant to NRS § 534.150 (5) and to NRS § 534.160 (3), the license application of Daniel D. Leach is herewith denied on the grounds that the applicant has not complied with NAC § 534.293 (2).

Respectively submitted,



HUGH RICCI, P.E.  
State Engineer

HR/CAB/jm

Dated this 7th day of  
February, 2003.