

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

IN THE MATTER OF NEVADA LICENSED WELL)
DRILLER RALPH A. DIMICK'S EXTENT OF)
COMPLIANCE WITH CONTROLLING STATUTES)
AND/OR REGULATIONS PROMULGATED)
THEREUNDER.)

RULING

3793

GENERAL

I.

The above entitled matter came before the State Engineer as a result of investigations conducted by staff of the Southern Nevada Branch Office of the division of Water Resources in Las Vegas, Nevada.

FINDINGS OF FACT

I.

Ralph A. Dimick is duly licensed as a well driller by the State Engineer, and has annually renewed the license pursuant to NRS 534.140 (3) and (4).¹

II.

An administrative hearing was conducted as required in NRS 534.160 (3) to receive additional evidence and testimony into the alleged violation of regulation and statute. The State Engineer convened the State Well Drillers Advisory Board, to sit in an advisory capacity at this hearing, as provided in NRS 534.150 (7). Ralph A. Dimick did not appear at the February 5, 1991 hearing, held after duly noticing the driller by certified mail. Charles Dimick, his employer did appear on his behalf.²

¹ Well Driller License File No. 1349 is public record available for review in the office of the State Engineer.

² Transcript, hearing of February 5, 1991, held before the State Engineer; see Exhibit No. 1 received in evidence at said hearing.

III.

Staff of the Division of Water Resources documented investigations into possible non-compliance with the regulation by Ralph A. Dimick beginning with a memorandum dated December 17, 1986. Ralph A. Dimick reconditioned and/or deepened a well for a Bill Schooley in February 1987, beginning in late 1986. In response to correspondence from this office, Ralph Dimick denied in writing that he deepened the well, and that he was only cleaning out and reconditioning the Schooley well. Ralph Dimick claimed therefore that he was not required to file a Notice of Intent with the State Engineer, or a well log. The State Engineer finds the photographs taken by staff on February 27, 1987 of the Schooley location clearly indicate significant work on a well had been done by Ralph Dimick, including the placing of new steel well casing in the hole and the removal of cuttings from the well.³ State Engineer further finds Ralph A. Dimick did in this instance, violate the regulations and NRS 534.170 by failing to file the required Notice of Intent and/or well log. the State Engineer finds Ralph Dimick had no contractor's license at the time, nor did the owner of the drilling rig have a contractor's license, in violation of NRS 534.140 (7). Since no record on the Schooley well reconditioning was filed, State Engineer cannot determine if the construction of the well complies with the regulation. Ralph Dimick's representatives at the hearing could not comment on the Schooley case since he was not in their employ at the time.⁴

IV.

The second allegation of non-compliance with the regulation by Ralph Dimick was discussed at length in this record. Employed by Valley Drilling of Las Vegas at the time, Ralph Dimick drilled

³ See Exhibit No. 2, in evidence at February 5, 1991, hearing and see License File No. 1349.

⁴ Transcript p. 36.

two of three wells in 1988 for a Charles Heisen in the Black Mountains Area. Ralph Dimick failed to file Notice of Intent with the State Engineer, and after completion of the wells for Heisen, did not file the required well logs for over two years. Ralph Dimick's employer explained in his behalf, that this was the result of a mere oversight on the employer's part and that no Notice was filed with State Engineer because the wells were initially mineral exploration holes and therefore required no Notice. State Engineer finds wells were indeed drilled and completed to develop water for Heisen, and no Notice of Intent was filed, even after the decision was made to convert unregulated mineral exploration holes to water wells. Failure to timely file the Heisen Well Logs is a further violation of NRS 534.170.

V.

The State Engineer finds Ralph Dimick again failed to file the required Notice of Intent in November 1990, and was drilling another well for Heisen.⁵

CONCLUSIONS

I.

State Engineer has jurisdiction in the parties and subject matter in this decision pursuant to NRS Chapter 534.

II.

Upon investigation and after hearing, State Engineer finds sufficient evidence to conclude that Ralph A. Dimick disregarded fundamental requirements of the regulation for water well and related drilling, as adopted under Chapter 534 of the Nevada Administrative Code. On at least the three occasions cited on this record, Ralph Dimick failed to file the required Notice of Intent and failed to timely file well logs.

⁵ Transcript, p. 21 to p. 23 and p. 27 to p. 31.

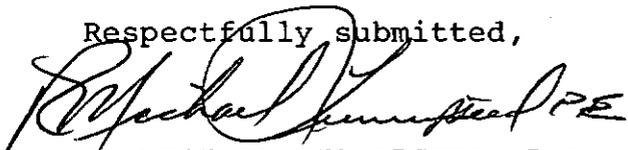
III.

As provided in Section (NAC) 534.290 (e) and (f) of the regulation, the State Engineer may revoke a well-drilling license if he determines the well driller has failed to comply with a regulation or applicable laws. State Engineer agrees with recommendation of the well drillers advisory board, who voted unanimously to suspend the license of Ralph A. Dimick.

RULING

The well drilling license of Ralph A. Dimick is herewith revoked on the grounds he failed to comply with the regulation for water well and related drilling, as adopted under Chapter 534 of the Nevada Administrative Code and failed to comply with NRS 534.140 (7) and 534.170 (2).

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/TKG/pm

Date this 12th day of
April, 1991.