

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

IN THE MATTER OF NEVADA LICENSED )  
WELL DRILLER PHILLIP REGESKI, )  
LICENSE NO. 2333, FOR ALLEGED )  
VIOLATIONS OF THE LAWS AND )  
REGULATIONS APPLICABLE TO WELL )  
DRILLERS IN THE STATE OF NEVADA. )

**RULING**  
**#5801**

**GENERAL**

**I.**

By letter dated July 3, 2007, the State Engineer provided Phillip Regeski with notice and findings of alleged violations of the rules and regulations for the drilling and plugging of water wells in the state of Nevada resulting in 840 demerit points against Mr. Regeski's well driller license. These violations occurred as the result of work performed by a temporarily licensed well driller, Alex Sequra, License No. 2333-T-1, who was sponsored by Phillip Regeski. As set forth in NAC § 534.396(2)(b)(2), Phillip Regeski is fully responsible for the work performed by a temporarily licensed well driller sponsored under his well driller license.

Nevada Administrative Code § 534.500 provides that if a well driller accumulates 100 or more demerit points, the State Engineer may hold a hearing to determine whether or not to suspend the license of a well driller.

**II.**

After all parties were duly noticed, a public administrative hearing was held before the Office of the State Engineer on November 2, 2007.<sup>1</sup>

**FINDINGS OF FACT**

**I.**

The State Engineer finds that Phillip Regeski holds well driller License No. 2333. The State Engineer finds Mr. Regeski, under his well driller license, sponsored Alex Segura as a temporarily licensed well driller, License No. 2333-T-1.

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<sup>1</sup> Transcript and Exhibits, public administrative hearing November 2, 2007, official records of the Office of the State Engineer.

**II.**

The State Engineer finds that at the administrative hearing Mr. Regeski stipulated to the facts.<sup>2</sup>

**III.**

On December 6, 2006, Alex Segura filed Notice of Intent Card No. 30872 indicating that on or about December 8, 2006, he intended to commence the plugging of a well at 12415 Giles pie Street, Las Vegas, Nevada.<sup>3</sup> On January 22, 2007, Mr. Segura filed Well Log No. 102322 indicating that plugging commenced on January 9, 2007. Nevada Administrative Code § 534.420(2)(b) requires a well driller to notify the Nevada Division of Water Resources not less than 24-hours before beginning the plugging of a well. The State Engineer finds neither Mr. Segura nor Mr. Regeski provided the Division of Water Resources with the required 24-hour notice. The Well Log indicates that the water level was at 323 feet, the existing perforations were from 550 feet to 400 feet, the casing was perforated from 400 feet to 270 feet and the 7.5 yards of neat cement was pumped through a tremie line from the bottom of the well to the surface, which completely filled the well. However, an onsite inspection found a cement grout was used as the plugging material and the steel tremie line was left in the well. Nevada Administrative Code § 534.420(5)(b) requires that:

If the casing in the well:

(b) Does not break free, the well driller shall perforate that portion of the casing which extends from the bottom of the well to not less than 50 feet above the top of the uppermost saturated groundwater system. That portion of the casing must be perforated not less than four times per each 2 linear feet to allow the plugging fluid to penetrate the annular space and the geologic formation....The well driller shall then plug the well from the total depth of the well to 50 feet above the uppermost saturated groundwater stratum or to within 20 feet of the surface of the well, whichever is less, with neat cement or bentonite grout specifically designed to plug abandoned wells.

The amended Well Log, which was filed after the true facts came to light and the well was drilled out and replugged, indicates that 7.5 yards of cement grout was actually what was pumped

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<sup>2</sup> Transcript, p. 7, Exhibit No. 1.

<sup>3</sup> Official records in the Office of the State Engineer.

into the well, the tremie pipe was left in the well and the incorrect plugging material was used.<sup>4</sup> The State Engineer finds the first well log filed did not accurately describe the work that was performed.

On December 4, 2006, Alex Segura filed Notice of Intent Card No. 30873 indicating that on or about December 6, 2006, he intended to commence the plugging of a well at 170 Lemley Street, Las Vegas, Nevada.<sup>5</sup> On February 15, 2007, Mr. Segura filed Well Log No. 102797 indicating that plugging commenced on January 11, 2007.<sup>6</sup> Nevada Administrative Code § 534.420(2)(b) requires a well driller to notify the Nevada Division of Water Resources not less than 24-hours before beginning the plugging of a well. The State Engineer finds neither Mr. Segura nor Mr. Regeski provided the Division of Water Resources with the required 24-hour notice. The Well Log indicates that the water level was at 315 feet, the existing perforations were from 305 feet to 400 feet, 2 yards of neat cement was pumped through a tremie line from the bottom of the well to 265 feet and 7 yards of cement grout was pumped from 265 feet to the surface completely filling the well. However, an onsite inspection found that cement grout was used as the plugging material. There is no indication that the well casing was perforated as required by the regulations. The amended Well Log, which was filed after the true facts came to light and the well was drilled out and replugged, indicates that 9 yards of cement grout was actually what was pumped into the well, the tremie pipe was left in the well and the incorrect plugging material was used.<sup>7</sup> The State Engineer finds the first well log filed did not accurately reflect the work that was performed.

On December 4, 2006, Alex Segura filed Notice of Intent Card No. 30875 indicating that on or about December 6, 2006, he intended to commence the plugging of a well at 12375 Giles pie Street, Las Vegas, Nevada.<sup>8</sup> On February 15, 2007, Mr. Segura filed the Well Log No. 102796 indicating that plugging commenced on January 4, 2007.<sup>9</sup> Nevada Administrative Code § 534.420(2)(b) requires a well driller to notify the Nevada Division of Water Resources not less than 24-hours before beginning the plugging of a well. The State Engineer finds neither Mr. Segura nor

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<sup>4</sup> Exhibit No. 1, p. 10A.

<sup>5</sup> Official records in the Office of the State Engineer.

<sup>6</sup> Official records in the Office of the State Engineer.

<sup>7</sup> Exhibit No. 1, p. 15.

<sup>8</sup> Official records in the Office of the State Engineer.

<sup>9</sup> Official records in the Office of the State Engineer.

Mr. Regeski provided the Division of Water Resources with the required 24-hour notice. The Well Log indicates that the water level was at 314 feet, the existing perforations were from 400 feet to 600 feet, the casing was perforated from 400 feet to 260 feet, 5 yards of neat cement was pumped through a tremie line from the bottom of the well to 260 feet and 10 yards of cement grout was pumped from 260 feet to the surface completely filling the well. However, an onsite inspection found that cement grout was used as the plugging material and a steel tremie line was left in the well. The amended Well Log, which was filed after the true facts came to light and the well was drilled out and replugged, indicates that 15 yards of cement grout was actually what was pumped into the well, the tremie pipe was left in the well and the incorrect plugging material was used.<sup>10</sup> The State Engineer finds the first well log filed did not accurately reflect the work that was performed.

On December 4, 2006, Alex Segura filed Notice of Intent Card No. 30876 indicating that on or about December 6, 2006, he intended to commence the plugging of a well at 165 Lemley Street, Las Vegas, Nevada.<sup>11</sup> On March 2, 2007, Mr. Segura filed Well Log No. 102798 indicating that plugging commenced on January 11, 2007.<sup>12</sup> Nevada Administrative Code § 534.420(2)(b) requires a well driller to notify the Nevada Division of Water Resources not less than 24-hours before beginning the plugging of a well. The State Engineer finds neither Mr. Segura nor Mr. Regeski provided the Division of Water Resources with the required 24-hour notice. The Well Log indicates that the water level was at 319 feet, the existing perforations were from 500 feet to 325 feet, that the well was perforated from 325 feet to 269 feet, 12.5 yards of neat cement was pumped through a tremie line from the bottom of the well to 80 feet from the surface, and concrete grout was pumped from 80 feet to the surface. However, an onsite inspection found that cement grout was used as the plugging material. The amended Well Log, which was filed after the true facts came to light and the well was drilled out and replugged, indicates that 12.5 yards of cement grout was actually what was pumped into the well, the tremie pipe was left in the well and the incorrect

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<sup>10</sup> Exhibit No. 1, p. 16.

<sup>11</sup> Official records in the Office of the State Engineer.

<sup>12</sup> Official records in the Office of the State Engineer.

plugging material was used.<sup>13</sup> The State Engineer finds the first well log filed did not accurately reflect the work that was performed.

On December 4, 2006, Alex Segura filed Notice of Intent Card No. 30877 indicating that on or about December 6, 2006, he intended to commence the plugging of a well at 12445 Haven Street, Las Vegas, Nevada.<sup>14</sup> On January 11, 2007, Mr. Segura filed Well Log No. 102077 indicating that plugging commenced on December 7, 2006.<sup>15</sup> Nevada Administrative Code § 534.420(2)(b) requires a well driller to notify the Nevada Division of Water Resources not less than 24-hours before beginning the plugging of a well. The State Engineer finds neither Mr. Segura nor Mr. Regeski provided the Division of Water Resources with the required 24-hour notice. The Well Log indicates that the water level was at 352 feet, the existing perforations were from 360 feet to 490 feet, the well casing was perforated from 360 feet to 300 feet, 8 yards of neat cement was pumped through a tremie line from the bottom of the well to the surface completely filling the well. However, an onsite inspection found that cement grout was used as the plugging material and the steel tremie line was left in the well. The amended Well Log, which was filed after the true facts came to light and the well was drilled out and replugged,<sup>16</sup> indicates that 8 yards of cement grout was actually what was pumped into the well, the tremie pipe was left in the well and the incorrect plugging material was used.<sup>17</sup> The State Engineer finds the first well log filed did not accurately reflect the work that was performed.

On December 4, 2006, Alex Segura filed Notice of Intent Card No. 30878 indicating that on or about December 6, 2006, he intended to commence the plugging of a well at 12439 Giles Ave., Las Vegas, Nevada.<sup>18</sup> On January 11, 2007, Mr. Segura filed Well Log No. 102076 indicating that plugging commenced on January 4, 2007.<sup>19</sup> Nevada Administrative Code § 534.420(2)(b) requires a well driller to notify the Nevada Division of Water Resources not less than 24-hours before beginning the plugging of a well. The State Engineer finds neither Mr. Segura nor Mr. Regeski

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<sup>13</sup> Exhibit No. 1, p. 17.

<sup>14</sup> Official records in the Office of the State Engineer.

<sup>15</sup> Official records in the Office of the State Engineer.

<sup>16</sup> Now references Notice of Intent Card No. 31010, Exhibit No. 1, p. 13A.

<sup>17</sup> Exhibit No. 1, p. 13A.

<sup>18</sup> Official records in the Office of the State Engineer.

<sup>19</sup> Official records in the Office of the State Engineer.

provided the Division of Water Resources with the required 24-hour notice. The Well Log indicates that the water level was at 336 feet, the existing perforations were from 440 feet to 400 feet, the well casing was perforated from 400 feet to 386 feet, 5.5 yards of neat cement was pumped through a tremie line from the bottom of the well to the surface completely filling the well. However, an onsite inspection found that cement grout was used as the plugging material and the steel tremie line was left in the well. The amended Well Log, which was filed after the true facts came to light and the well was drilled out and replugged, indicates that 5.5 yards of cement grout was actually what was pumped into the well, the tremie pipe was left in the well and the incorrect plugging material was used.<sup>20</sup> The State Engineer finds the first well log filed did not accurately reflect the work that was performed.

On December 4, 2006, Alex Segura filed Notice of Intent Card No. 30879 indicating that on or about December 6, 2006, he intended to commence the plugging of a well at 12410 Giles Ave., Las Vegas, Nevada.<sup>21</sup> On January 4, 2007, Mr. Segura filed Well Log No. 102074 indicating that plugging commenced on December 7, 2006.<sup>22</sup> Nevada Administrative Code § 534.420(2)(b) requires a well driller to notify the Nevada Division of Water Resources not less than 24-hours before beginning the plugging of a well. The State Engineer finds neither Mr. Segura nor Mr. Regeski provided the Division of Water Resources with the required 24-hour notice. The Well Log indicates that the water level was at 330 feet, the existing perforations were from 440 feet to 400 feet, the well casing was perforated from 400 feet to 200 feet, 6.3 yards of neat cement was pumped through a tremie line from the bottom of the well to the surface completely filling the well. However, an onsite inspection found that cement grout was used as the plugging material. The amended Well Log, which was filed after the true facts came to light and the well was drilled out and replugged, indicates that 6.3 yards of cement grout was actually what was pumped into the well, the tremie pipe was left in the well and the incorrect plugging material was used.<sup>23</sup> The State Engineer finds the first well log filed did not accurately reflect the work that was performed.

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<sup>20</sup> Exhibit No. 1, p. 14A.

<sup>21</sup> Official records in the Office of the State Engineer.

<sup>22</sup> Official records in the Office of the State Engineer.

<sup>23</sup> Exhibit No. 1, p. 11A.

On December 4, 2006, Alex Segura filed Notice of Intent Card No. 30880 indicating that on or about December 6, 2006, he intended to commence the plugging of a well at 110 Dale Ave., Las Vegas, Nevada.<sup>24</sup> On January 11, 2007, Mr. Segura filed Well Log No. 102075 indicating that plugging commenced on January 2, 2007.<sup>25</sup> Nevada Administrative Code § 534.420(2)(b) requires a well driller to notify the Nevada Division of Water Resources not less than 24-hours before beginning the plugging of a well. The State Engineer finds neither Mr. Segura nor Mr. Regeski provided the Division of Water Resources with the required 24-hour notice. The Well Log indicates that the water level was at 330 feet, the existing perforations were from 340 feet to 490 feet, the well casing was perforated from 340 feet to 280 feet, 7 yards of neat cement was pumped through a tremie line from the bottom of the well to the surface completely filling the well. However, an onsite inspection found that cement grout was used as the plugging material and the steel tremie line was left in the well. The amended Well Log, which was filed after the true facts came to light and the well was drilled out and replugged, indicates that 7 yards of cement grout was actually what was pumped into the well, the tremie pipe was left in the well and the incorrect plugging material was used.<sup>26</sup> The State Engineer finds the first well log filed did not accurately reflect the work that was performed.

#### IV.

By facsimile dated February 2, 2007, the Division of Water Resources informed T.D.C. Water Well Drilling & Pump Service, Mr. Regeski and Mr. Segura that it had come to the attention of the Division that material being used to plug wells was not the material required by the rules and regulations for plugging wells in the state of Nevada as set forth in NAC § 534.150 and they were ordered to stop all plugging of wells.<sup>27</sup> By letter dated February 3, 2007, Mr. Regeski originally told the Division that neat cement is hand-mixed on site and pumped into the well with a tremie pipe from the bottom of the well to 50 feet above the static water level and when that is completed a cement truck is brought in to fill the rest of the well to the top of the casing.<sup>28</sup> Mr. Regeski

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<sup>24</sup> Official records in the Office of the State Engineer.

<sup>25</sup> Official records in the Office of the State Engineer.

<sup>26</sup> Exhibit No. 1, p. 12A.

<sup>27</sup> Official records in the Office of the State Engineer.

<sup>28</sup> Exhibit No. 1, pp. 18-19.

indicated that neat cement is mixed on site as it is very expensive and he cannot get companies to deliver the small quantities needed at a reasonable cost. In this letter, Mr. Regeski also indicated that in a conversation Steve Harris from TDC had with the Division, that Mr. Harris failed to indicate that the cement grout was not used until the bottom portion of the casing was filled with neat cement. This is because the cement invoices he receives are only for the cement grout and that the neat cement is bought at Home Depot or is available from stock in the yard. The State Engineer notes that the date of the receipt for the Home Depot Quikrete Type Cement postdates the plugging of the wells under Notice of Intent Numbers 30877 and 30879 and testimony was provided that the quantity of neat cement purchased was not nearly sufficient for the plugging of the wells in question.<sup>29</sup>

On February 14, 2007, the Division of Water Resources requested that Mr. Regeski provide specific information that matched materials slips with the well logs and a written description of how material was mixed and placed in each well.<sup>30</sup> In response, by letter received on March 2, 2007, Mr. Regeski indicated that he could not find cement receipts that he could attach to well plugging jobs and then indicated that it was the cement company that had brought out the wrong material.<sup>31</sup> But testimony indicated that the cement company brought out what had been ordered.<sup>32</sup>

Again on March 9, 2007, the Division requested Mr. Regeski try to clarify the method and materials used to plug and abandon the wells of concern.<sup>33</sup> By letter dated March 15, 2007, Mr. Regeski took full responsibility for the failure to provide the required 24-hour notice prior to plugging and also admitted that some of the material within the zone below the static water level was not neat cement, as he had previously asserted, and that the steel tremie lines had been left in wells and he took full responsibility for the mistakes. He indicated that he was ready to correct the deficiencies and while this matter was resolved he would not use his license to perform any work for T.D.C. Water Well Drilling & Pump Service. By letter dated April 15, 2007, Mr. Regeski admitted that the incorrect plugging material was used in all eight of the wells.

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<sup>29</sup> Exhibit No. 1, p. 23, Transcript, p. 24.

<sup>30</sup> Exhibit No. 1, p. 26.

<sup>31</sup> Exhibit No. 1, p. 27.

<sup>32</sup> Transcript, p. 25.

<sup>33</sup> Exhibit No. 1, pp. 28-29.

At the administrative hearing Mr. Regeski admitted that the original material to plug the well was not the proper material, but then attempted to blame the cement company for delivering the wrong product of which he was not aware until the Division's investigation of the matter.<sup>34</sup> However, upon questioning by members of the Well Driller's Advisory Board, it was noted that the cement mix is always indicated on the delivery receipt and Mr. Regeski admitted that he had not been checking the receipts to assure compliance with the regulations.<sup>35</sup>

After weeks of correspondence, Mr. Regeski agreed to drill out the wells in an attempt to show the proper plugging material was used; however, that drilling merely disproved his assertions, as neat cement was not found in the bottom of any well and all wells had to be drilled out and properly plugged.<sup>36</sup>

At the administrative hearing, Mr. Regeski explained how he trained Mr. Segura and indicated that only a quarter inch of plug is needed on the top of the well and that when Mr. Regeski questioned Mr. Segura as to how wells were being plugged it was indicated that cement aggregate was being used from 50 feet above the static water level all the way to the top.<sup>37</sup> The State Engineer finds the statement alone about a quarter inch of plug indicates that Mr. Regeski is not sufficiently familiar with the regulations for plugging wells as NAC § 534.420(6) requires a surface plug of neat cement, cement grout or concrete grout from a depth of at least 20 feet to the surface of the well.

Nevada Administrative Code § 534.345(1) requires that all work performed by a well driller must be accurately described in the well log and submitted in accordance with NRS § 534.170 and NAC 534.340. The State Engineer finds the well logs under consideration in this ruling did not accurately describe the work performed by the well driller. Nevada Administrative Code § 534.420(2)(b) requires a well driller to notify the Nevada Division of Water Resources not less than 24-hours before beginning the plugging of a well. The State Engineer finds neither Mr. Segura nor Mr. Regeski provided the Division of Water Resources with the required 24-hour notice as to any of the plugging work for the 8 wells under consideration in this ruling. Nevada Administrative

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<sup>34</sup> Transcript, pp. 11, 13-14.

<sup>35</sup> Transcript, pp. 12-13.

<sup>36</sup> Transcript, pp. 14-15.

<sup>37</sup> Transcript, p. 31.

Code § 534.420(5)(b) requires that if the well casing does not break free that a well driller perforate the casing from the bottom of the well to not less than 50 feet above the top of the uppermost saturated groundwater stratum and that the well be plugged from the total depth to 50 feet above the uppermost saturated groundwater stratum or to within 20 feet of the surface of the well, whichever is less, with neat cement or bentonite grout specifically designed to plug abandoned wells. The State Engineer finds that the well driller did not perform the required perforations. The State Engineer finds that based on the admissions made by Mr. Regeski and the information in the original well logs that the requirements of NAC § 534.420(5)(b) were not met. Nevada Administrative Code § 534.422(1) provides that a well driller who wishes to plug a well in a manner that does not comport with the provisions of NAC § 534.420 must request prior approval from the Division of Water Resources. The State Engineer finds neither Mr. Regeski nor Mr. Segura requested a waiver from the regulations in the plugging of these 8 wells. The State Engineer finds that since Mr. Regeski was not making any apparent checks as to the work being performed by a temporary well driller under his license, and testified that Mr. Segura had only plugged a few wells under another driller<sup>38</sup> prior to doing the work under Mr. Regeski's license, that he was not adequately supervising the work to assure it was being performed correctly. Mr. Regeski testified that at T.D.C. the ordering of cement, the notice of intent cards and the 24-hour notice was not really handled by Mr. Segura, but rather someone else (Steve Harris) and he was overwhelmed.<sup>39</sup> The State Engineer finds Mr. Regeski failed to responsibly manage the temporary well driller, failed to adequately supervise the temporary well driller, failed to assure that the rules and regulations for plugging of water wells were being followed, failed to assure that accurate descriptions of the work being performed were made on the wells logs, failed to provide the required 24-hour notice and failed to request waiver from the regulations.

V.

The State Engineer finds that the Statewide Well Driller's Advisory Board, which sat in an advisory capacity to the State Engineer at the hearing, recommended that Mr. Regeski's license be suspended until he takes and passes again the full well driller's examination. If he passes the

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<sup>38</sup> Transcript, pp. 32-35.

<sup>39</sup> Transcript, p. 39.

examination, the Board recommended the suspension of the demerit points. The Board also recommended that Mr. Regeski stipulate that he cannot request any temporary licenses under his license any longer.

## CONCLUSIONS

### I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.<sup>40</sup>

### II.

Nevada Administrative Code § 534.345(1) requires that all work performed by a well driller must be accurately described in the well log and submitted in accordance with NRS § 534.170 and NAC § 534.340. The State Engineer concludes that for the inaccurate well logs filed for 8 wells referenced above that Mr. Regeski is assessed 10 demerit points for each violation for a total of 80 demerits.

Nevada Administrative Code § 534.420(2)(b) requires a well driller to notify the Nevada Division of Water Resources not less than 24-hours before beginning the plugging of a well. The State Engineer concludes that the required notice was not provided for any of the 8 wells referenced above and that Mr. Regeski is assessed 10 demerit points for each violation for an additional total of 80 demerits.

Nevada Administrative Code § 534.420(5)(b) establishes the requirements for the materials used for the plugging of wells in Nevada. The State Engineer concludes that Mr. Regeski did not assure that such requirements were being met and is assessed 75 demerit points for each violation for an additional total of 600 demerit points.

Nevada Administrative Code § 534.422 provides that any well driller who wishes to plug a well in a manner that does not comply with the provisions of NAC § 534.420 must request approval from the Division of Water Resources to do so. The State Engineer concludes that Mr. Regeski did not obtain a waiver of any of the regulations and is assessed 10 demerit points for each violation for an additional 80 demerit points for accumulated total demerits of 840 points.

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<sup>40</sup> NRS chapters 533 and 534, NAC chapter 534.

The State Engineer accepts the portion of the Statewide Well Driller's Advisory Board's recommendation that Mr. Regeski's license be suspended and that he be required to repeat the full well driller examination if he wishes to again obtain a license to drill and plug wells in the state of Nevada. If he passes the full examination the demerit points are removed. The State Engineer modifies the portion of the Statewide Well Driller's Advisory Board's recommendation that Mr. Regeski's never again be allowed to sponsor a temporary well driller under his license. The request to sponsor a temporary well driller will be examined in light of this suspension and on a case-by-case basis.

**RULING**

Well Driller License No. 2333 held by Phillip Regeski is hereby suspended and will only be reissued if Mr. Regeski takes and passes the full well driller examination. If passed, any request to sponsor a temporary well driller will be examined in light of this suspension on a case by case basis.

Respectfully submitted,



TRACY TAYLOR, P.E.  
State Engineer

TT/SJT/jm

Dated this 6th day of

December, 2007.