

OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION FOR A)
WELL DRILLER'S LICENSE FILED BY)
TERRY SCHMITT)
_____)

RULING

4105

FINDING OF FACT

I

An application for a Nevada Well Driller's License was filed by Terry Schmitt (hereafter Schmitt or applicant) in the office of the State Engineer on January 11, 1989 together with the statutory filing fee of \$50.00. Receipt No. 9644 was issued to Thompson Drilling Co., Inc. for said filing fee. The applicant was notified on March 22, 1989 by certified mail to appear before the Statewide Well Drillers' Advisory Board on April 7, 1989 at 2:00 P.M. in Las Vegas, Nevada.¹ The applicant cancelled his examination before the Statewide Well Drillers' Advisory Board scheduled for April 7, 1989.

II

The State Engineer finds that the applicant was notified by certified mail on December 13, 1989 to appear before the Statewide Well Drillers' Advisory Board on January 11, 1990 at 9:30 a.m. in Carson City, Nevada. The applicant appeared as scheduled. At the examination the Board found the applicant to have a weak to fair knowledge of the Regulation and recommended that his application be held over for the next meeting.¹

III

The State Engineer finds that the applicant was notified by certified mail on February 21, 1990 to appear before the Statewide Well Driller's Advisory Board on April 6, 1990, at 3:30 p.m. in Las Vegas, Nevada.¹ On March 30, 1990 the applicant telephoned and cancelled his examination advising that he would be out of state until September.¹

IV

The State Engineer finds that the applicant was notified by certified mail August 28, 1990 to appear before the Statewide Well Drillers' Advisory Board on October 11, 1990 at 8:30 a.m. in Carson City, Nevada.¹ On October 9, 1990 the applicant telephoned and cancelled his examination reporting of surgery on his arm.¹

¹ Well driller license file is public record in the office of the State Engineer.

V

The State Engineer finds that an attempt by telephone was made by his staff on December 4, 1990 to contact Schmitt and determine his interest in a well driller's license.¹ The license application file does not show Terry Schmitt returned this telephone call.¹

VI

The State Engineer finds that by certified mail on September 1, 1993, the applicant was requested to reply if he wished to be examined for water well drilling license.¹ In response to this letter the applicant telephoned that he was still interested in obtaining a well drilling license.

The Statewide Well Drillers' Advisory Board considered the application of Terry Schmitt at meeting 4-93, October 14, 1993, and recommended that Schmitt be scheduled for examination in January, 1994 and be denied if he failed to appear.²

VII

The State Engineer finds that the applicant was notified by certified mail on December 17, 1993 to appear before the Statewide Well Drillers' Advisory Board on January 14, 1994 at 8:00 a.m. in Las Vegas, Nevada. The certified mail receipt was signed by Cindy Graham on December 22, 1993.¹

The applicant telephoned the Division's office on January 13, 1994 at 3 p.m. and cancelled his examination.¹ The applicant telephoned the Division's office again on January 13 at 4 p.m. to cancel his examination and to request his application be put on hold until he advised the Division that he wanted to be examined.¹

On January 14, 1994, the Statewide Well Drillers' Advisory Board recommended that the State Engineer deny the license application for Terry Schmitt.³

² Statewide Well Drillers' Advisory Board minutes of April 23, 1993, filed in well driller license file.

³ Statewide Well Drillers' Advisory Board minutes of Meeting 1-94, January 14, 1994, filed in well driller license file.

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties and the subject matter in this action pursuant to Nevada Revised Statutes (NRS) 534.140 and 534.150. The State Engineer convenes the Statewide Well Drillers' Advisory Board for the purpose of examining applicants and determining the qualifications of those applicants as well drillers.

II

After careful consideration of the record in this matter, the State Engineer concludes that the applicant did not have sufficient knowledge of the Regulation for the Board to submit a recommendation to the State Engineer for issuance of a water well drilling license to the applicant on January 11, 1990.

III

After careful consideration of the record in this matter, the State Engineer concludes that the applicant demonstrated lack of interest in obtaining a water well drilling license by continuing to cancel his scheduled examinations and by not requesting an examination during the time period between October 11, 1990 and September 1, 1993. The State Engineer concludes that there has been sufficient time since the application was filed for the applicant to request an examination by the Board.

RULING

The State Engineer concurs with the recommendation of the Board and the application of Terry Schmitt is herewith denied on the grounds that the applicant failed to substantiate his experience and ability as a water well driller and did not pursue a re-examination for his well driller's license.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/CAB/jjs

Dated this 31st day

of March, 1994.