

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

IN THE MATTER OF ALLEGED VIOLATIONS)
OF THE CONTROLLING STATUTES OR)
REGULATIONS BY KEVIN B. WEBER,)
NEVADA LICENSED WELL DRILLER NO. M-1847.)

RULING

4650

GENERAL

I.

On two occasions in 1997, the State Engineer notified well driller Kevin Weber in writing regarding his responsibility for the timely filing of well logs pursuant to NRS § 534.170. Correspondence from the State Engineer alleged Mr. Weber failed to timely file well logs and set forth deadlines by which Mr. Weber was to bring the required documentation current. After receiving only partial or limited response from Mr. Weber, the State Engineer attempted to determine the pertinent facts through an administrative hearing.

FINDINGS OF FACT

I.

By certified letter dated February 19, 1977 [sic], the State Engineer requested Mr. Weber provide an explanation for why certain well logs had not been timely filed as required by NRS § 534.170 and NAC § 534.340.¹ On November 10, 1997, the State Engineer again noticed Mr. Weber regarding the failure to file well logs in a timely manner, and set forth a deadline of November

¹ Exhibit Nos. 2 and 5, public administrative hearing before the State Engineer, February 13, 1998, and Well-driller License file No. M-1847, official records in the office of the State Engineer.

21, 1997, for bringing the required records up to date.² The State Engineer finds that all but six of the 1997 well logs were submitted by Mr. Weber.³

II.

As provided in NRS § 534.160, and NAC § 534.290, the State Engineer set the matter for hearing by Notice dated January 28, 1998.⁴ The hearing was held on February 13, 1998, in Las Vegas, Nevada. As provided in NRS § 534.150 and 534.160, the State Engineer requested the State Well Drillers' Advisory Board (Board) to sit in an advisory capacity at the hearing. The State Engineer finds that the Board was in attendance at the hearing.

III.

Staff member Dean Goodale, an Engineering Technician and well drilling supervisor with the State Engineer's Las Vegas office, testified that he communicated to Mr. Weber on many occasions about the need to timely file the required records. Mr. Goodale had compiled a record of the documentation that was related to work done by the responsible well driller, and testified that Mr. Weber did not begin to send well logs in until after the second letter of November 10, 1997, the second notification that Mr.

² Exhibit No. 3, public administrative hearing before the State Engineer, February 13, 1998.

³ Exhibit No. 5, public administrative hearing before the State Engineer, February 13, 1998.

⁴ Exhibit No. 1, public administrative hearing before the State Engineer, February 13, 1998.

Weber was not complying with the statutes and regulations for the timely filing of well logs.⁵

IV.

Mr. Weber testified that he did not receive the first notice, although the record reflects the certified letter was received by a person in his office.⁶ Mr. Weber testified that many times there is confusion with what documents are being filed by the well driller and what is filed by the consulting engineers on these projects. He testified that in operating an environmental monitor well drilling business, with several different parties involved, there is often confusion on who is responsible for filing what documentation. Mr. Weber admitted that he has had problems with getting well drilling logs turned in on time.⁷ The State Engineer recognizes some of the difficulties Mr. Weber may have had with the timely filing of records, but finds that Mr. Weber had full opportunity to bring the matters current. The State Engineer finds no extenuating circumstances in this record that would relieve the responsible well driller from filing the required well logs in compliance with NRS § 534.170 and NAC § 534.340.

⁵ Transcript, pp. 9-13, and Exhibit No. 4, public administrative hearing before the State Engineer, February 13, 1998.

⁶ Transcript pp. 14, 28, and Exhibit No. 6, public administrative hearing before the State Engineer, February 13, 1998.

⁷ Transcript, pp. 13-39, public administrative hearing before the State Engineer, February 13, 1998.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.⁸

II.

The State Engineer recognizes some difficulties Mr. Weber may have had with the timely filing of records, but concludes that Mr. Weber had full opportunity to bring the matters current and comply with the filing requirements. The State Engineer concludes that no extenuating circumstances are found in this record that would relieve the responsible well driller from filing the required well logs in compliance with NRS § 534.170 and NAC § 534.340.

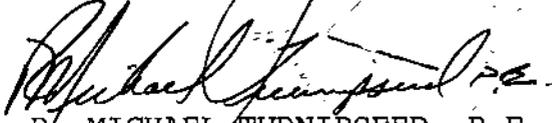
RULING

The monitor well-drilling license of Kevin B. Weber is hereby placed into probationary status until June 30, 1999, on the grounds that Mr. Weber has failed to comply with the statutes and regulations regarding the timely filing of well logs. This probationary status also affects any well drillers working under the temporary license provision of the regulation. Any outstanding well logs must be filed with the State Engineer within

⁸ NRS § 534.160(3) and NAC § 534.290.

thirty days of the date of this ruling. Any future alleged violations will be investigated by the State Engineer and he may consider this probationary status as an exacerbating factor in any future ruling.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/TKG/cl

Dated this 22nd day of
July, 1998.