

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF A DOMESTIC WELL)  
CONSTRUCTED BY LICENSED WELL)  
DRILLER WARREN W. LABRUM ON THE)  
PROPERTY OF LEHMAN BOOHER LOCATED)  
IN WASHOE VALLEY GROUND WATER BASIN,)  
WASHOE COUNTY, NEVADA. )

FINDINGS OF FACT  
AND  
CONCLUSIONS

GENERAL

On March 21, 1986, the State Engineer's office received a complaint<sup>1</sup> under the signature of Lehman L. Booher, 305 Sparrow Way, Carson City, Nevada, 89701, alleging certain deficiencies in a domestic well drilled on the property of Mr. and Mrs. Lehman Booher in the NE1/4 SE1/4 Section 32, T.17N., R.20E., M.D.B.&M. The records<sup>2</sup> of the State Engineer's office indicate that this well was drilled sometime during the period of December 21, 1976, to February 4, 1977. The records of the State Engineer's office also indicate that W. M. Blain Drilling Company was the drilling contractor and the licensed well driller that drilled the well was Warren W. Labrum (Well Driller's License No. 717.<sup>3</sup>

The complaint alleges that on or about February 17, 1986, heavy rains and flooding in the general vicinity of the well revealed deficiencies in the well more fully described by the record herein. The complainant, Mr. Booher, further alleges that the well was improperly constructed and that this has resulted in hardship and additional financial loss to himself as a result thereof.<sup>4</sup>

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<sup>1</sup> State of Nevada Exhibit No. 3, Administrative Hearing, September 16, 1986.

<sup>2</sup> State of Nevada Exhibit No. 2, Administrative Hearing, September 16, 1986.

<sup>3</sup> State of Nevada Exhibit No. 2, Administrative Hearing, September 16, 1986.

<sup>4</sup> State of Nevada Exhibit No. 3, Administrative Hearing, September 16, 1986.

After due notice by certified mail,<sup>5</sup> an administrative hearing was held in Carson City Nevada, on September 16, 1986, before the State Engineer and the Statewide Well Driller's Advisory Board.<sup>6</sup>

Evidence and testimony were introduced into the record by the complaintant and well drilling contractor. The State Engineer took administrative notice of certain matters relating to the records in the office of the State Engineer.<sup>7</sup>

### FINDINGS OF FACT

#### I.

Warren W. Labrum of 337 Dayton Street, Yerington, Nevada, 89447, has been a licensed well driller in the State of Nevada since he initially received his license on June 21, 1973. Mr. Labrum has renewed his license on an annual basis since 1973 with his last renewal occuring on June 5, 1986, extending his license to June 30, 1987.<sup>8</sup>

#### II.

The record establishes that on or about December of 1976 Lehman Booher verbally contracted with W. M. Blain Drilling Company to drill a domestic well on Mr. Booher's property located in Washoe Valley, Nevada.<sup>9</sup> Warren Labrum, in the capacity of a licensed well driller and an employee of W. M. Blain Drilling Company drilled the domestic well on the Booher property. The record also establishes that Mr. Labrum had been employed by Blain Drilling Company for sometime prior to the drilling of the

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<sup>5</sup> State of Nevada Exhibit No. 1, transcript of administrative hearing, September 16, 1986, public record in the office of the State Engineer.

<sup>6</sup> See NRS 534.150 for authority of Statewide Well Driller's Advisory Board in advisory capacity. See also page 9, transcript of administrative hearing, September 16, 1986.

<sup>7</sup> Transcript of administrative hearing, pages 14 and 15, September 16, 1986.

<sup>8</sup> Public record in the office of the State Engineer under Well Driller File No. 717.

<sup>9</sup> Transcript of administrative hearing, pages 5, 8, 17, 37, 45, 92 through 97, September 16, 1986.

domestic well on the Booher property.<sup>10</sup> Well Log 16226,<sup>11</sup> submitted to the State Engineer's office on March 2, 1977, indicates that in the period beginning December 21, 1976, and ending on February 4, 1977, an eight inch well was drilled by Labrum and cased to a depth of 180 feet on the Booher property. The well log further indicates that the casing in the well was perforated from 156 feet to 176 feet and that the required 50 foot concrete sanitary seal was placed around the casing from the surface to a depth of 50 feet. The well log also indicated that the static water level was established to be 148 feet below ground surface. A bailer test conducted on the well at the time of completion indicated that the well would produce 8 to 10 gallons per minute with a drawdown of 16 feet. Information on the well log also indicates that hard granites were encountered from 6 to 180 feet below ground surface.

### III.

On March 21, 1986, a written complaint<sup>12</sup> under the signature of Lehman L. Booher was submitted to the State Engineer's office alleging certain deficiencies in the subject well. Lorna M. Booher also submitted an additional letter<sup>13</sup> to the State Engineer's office dated July 14, 1986, and received in the State Engineer's office on July 14, 1986, requesting a specific date as to when the complaint in this matter would be heard by the State Engineer and/or the Statewide Well Driller's Advisory Board.

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<sup>10</sup> Transcript of administrative hearing, pages 91 through 97, September 16, 1986.

<sup>11</sup> State of Nevada Exhibit No. 2, Administrative Hearing, September 16, 1986.

<sup>12</sup> State of Nevada Exhibit No. 3, Administrative Hearing, September 16, 1986.

<sup>13</sup> State of Nevada Exhibit No. 5, Administrative Hearing, September 16, 1986.

IV.

Prior to the receipt of the letters of complaint described in Finding III, Thomas K. Gallagher, Hydraulic Engineer on the staff of the Division of Water Resources, made an on site field inspection on March 14, 1986, at the Booher property in Washoe Valley.<sup>14</sup> The field investigation disclosed that there were deficiencies in the subject well. Specifically, the report of field investigation revealed that the well had not had a sanitary seal properly placed as required under Regulations for Drilling Wells. This was further addressed in testimony of two additional witnesses at the administrative hearing<sup>15</sup> and testimony and evidence entered into the record by the owner of the well.<sup>16</sup>

V.

The record establishes that on or about March 12, 1986, A & H Pump Company was retained by Lehman L. Booher to repair the deficiencies in the subject well.<sup>17</sup> The record further establishes that during the period March 12, 1986, to March 17, 1986, the subject well was deepened to a depth of 251 feet and a concrete seal was placed in the well to a depth of approximately 180 feet.<sup>18</sup> Additional perforations were put in the casing from a depth of 196 feet to 216 feet and from 231 feet to 251 feet.<sup>19</sup> The

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<sup>14</sup> State of Nevada Exhibit No. 6, Administrative Hearing, September 16, 1986.

<sup>15</sup> See testimony of Albert Eddy, Licensed Well Driller No. 1450, transcript of administrative hearing, pages 48 through 71; and testimony of Quinton Butts, Licensed Well Driller No. 1472, transcript of administrative hearing, pages 72 through 78.

<sup>16</sup> State of Nevada Exhibits No. 4-A through 4-N; Complainant's Exhibits 1-A through 1-K; testimony of Lehman L. Booher, transcript of administrative hearing, pages 17 through 48.

<sup>17</sup> State of Nevada Exhibit No. 3; testimony of William Booher, pages 17 through 48; testimony of Albert Eddy, pages 48 through 71, administrative hearing, September 16, 1986.

<sup>18</sup> State of Nevada Exhibit No. 2, Administrative Hearing, September 16, 1986.

<sup>19</sup> State of Nevada Exhibit No. 2, Administrative Hearing, September 16, 1986.

deepening was accomplished by placing a 6-5/8 inch and 5-1/2 inch liner inside the 8 inch casing.<sup>20</sup>

VI.

Testimony and evidence received at the administrative hearing establishes that initially the subject well was not properly constructed in compliance with the rules and regulations pertaining to the drilling of wells in the State of Nevada, specifically, a proper 50 foot sanitary seal was not placed in the well as required by Regulations 12.4 and 12.5<sup>21</sup> (now Nevada Administrative Code 534.380) and that substantial repairs and modifications to the original well were necessary by the owners at additional expense as set forth in the record.<sup>22</sup> The record also establishes that the well log submitted by Licensed Well Driller Warren Labrum for the subject well did not accurately represent the actual construction of the well.

VII.

The administrative hearing of September 16, 1986, was recessed until October 15, 1986, to allow for additional notice to secure Licensed Well Driller Labrum's appearance before the State Engineer and the Statewide Well Driller's Board. On October 10, 1986, the State Engineer received a letter under the signature of Warren W. Labrum voluntarily relinquishing Well Driller's License No. 717.<sup>23</sup>

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<sup>20</sup> State of Nevada Exhibit No. 2, Administrative Hearing, September 16, 1986.

<sup>21</sup> State of Nevada Exhibit No. 7, Administrative Hearing, September 16, 1986.

<sup>22</sup> See footnotes 15 and 16.

<sup>23</sup> Public record in the office of the State Engineer under Licensed Well Driller's File No. 717. See also transcript of administrative hearing, pages 4 through 9 and page 100.

## CONCLUSIONS

### I.

The State Engineer has jurisdiction in this matter under the provisions of NRS Chapter 534 and Nevada Administrative Code Section 534 (Regulations for Drilling Water Wells in the State of Nevada).

### II.

Lehman L. Booher verbally contracted with W. M. Blain Drilling Company prior to December 21, 1976, to drill a domestic well on his property more fully described in this record within Washoe Valley, Washoe County, Nevada.

### III.

Beginning on December 21, 1976, and during the period extending to February 4, 1977, a domestic well was drilled for Mr. Lehman Booher by W. M. Blain Drilling Company at the location more fully described herein. Licensed well driller Warren Labrum was the driller of record who physically drilled the well as an employee of W. M. Blain Drilling Company.

### IV.

The record of evidence substantially establishes that the well was not properly constructed in compliance with the rules and regulations pertaining to the drilling of wells in the State of Nevada, more specifically, Regulations 12.4 and 12.5 (now Nevada Administrative Code 534.380).

### V.

Licensed Well Driller Warren Labrum violated the provisions of NRS 534.170 which requires that the licensed well driller keep and submit to the State Engineer an accurate record of the work accomplished in the drilling of the well, including but not limited to, where the well was sealed off and the type of seal.<sup>24</sup> The record of

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<sup>24</sup> Regulation 5 (now Nevada Administrative Code 534.340) sets forth the requirements of the pertinent information to be contained in the well log consistent with the provisions of NRS 534.170. See also State of Nevada Exhibit No. 7.

substantial evidence and testimony establishes that the well log submitted to the State Engineer on March 2, 1977, being Well Log No. 16226 on the records of the State Engineer's office, was inaccurate and did not truly represent the extent of the work accomplished in the drilling of the subject well and leads the State Engineer to conclude that the well log falsely represented the actual work accomplished.

VI.

Warren Labrum has voluntarily relinquished his well driller's license. The State Engineer concludes that there is a record of substantial evidence to justify and warrant the revocation of Mr. Labrum's license and the refusal to reissue a license as a well driller in the future. This conclusion is consistent with the authority under NRS 534.160 and Nevada Administrative Code 534.290.

Respectfully submitted,



PETER G. MORROS  
State Engineer

PGM/bl

Dated this 20th day of  
November, 1986.

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