

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

IN THE MATTER OF ALLEGED VIOLATIONS)
OF THE CONTROLLING STATUTES OR)
REGULATIONS REGARDING LICENSED WELL)
DRILLER MURRELL E. REDDING, JR.,)
NEVADA LICENSED WELL DRILLER NO. 1798)

RULING

#5043

GENERAL

I.

Several matters have been brought to the attention of the State Engineer regarding licensed well driller Murrell E. Redding, Jr., Nevada Well Driller License No. 1798, which have caused the State Engineer to consider whether the well driller license held by Murrell E. Redding, Jr. should be revoked or not re-issued. In order to further explore the issue, following the statutory procedures, the State Engineer held a public administrative hearing to consider the matter of whether Murrell E. Redding, Jr. has failed to comply with the controlling statutes and regulations regarding the drilling and plugging of water wells in the State of Nevada.

II.

After all parties of interest were duly noticed by certified mail or personal service, a public administrative hearing was held on June 29, 2001, before a representative of the office of the State Engineer and members of the Statewide Well Drillers Advisory Board in Las Vegas, Nevada.¹

FINDINGS OF FACT

I.

9125 South Buffalo Drive, Las Vegas, Nevada

This matter involves whether Murrell E. Redding, Jr. complied with the rules and regulations regarding the number of

¹ Exhibit No. 1; Transcript, public administrative hearing before the State Engineer, June 29, 2001. (Hereinafter, the exhibits and transcript will be referred to by Exhibit No. or Transcript.)

water wells allowed for a single-family dwelling in reference to the drilling of a domestic well at 9125 South Buffalo Drive, Las Vegas, Nevada, and with the statutes and regulations governing the drilling and plugging of wells in the State of Nevada.

By facsimile, on May 4, 2000, Mr. Redding, Jr., submitted Notice of Intent card number 16550 to the Division of Water Resources, Office of the State Engineer (hereinafter "State Engineer"). However, the original intent card was never filed with the State Engineer, and the notice expired.²

On February 13, 2001, the State Engineer received by facsimile Notice of Intent card number 21551. The original hard copy of the notice was filed with the State Engineer on February 20, 2001. Notice of Intent 21551 indicates that on or about February 15, 2001, Murrell Redding, Jr. intended to commence the drilling of a new well for domestic use at 9125 South Buffalo Drive, Las Vegas, Nevada.³ The Notice of Intent indicates that Mr. Redding, Jr. was not drilling a replacement well, and was to drill this well on Clark County Assessor's Parcel Number 176-21-601-020. In conjunction with the filing of the Notice of Intent, the State Engineer also received a Domestic Well Use Notice and Affidavit, signed by the owner of Clark County Assessor's Parcel Number 176-21-601-020, Mr. Peter Eliades, which indicates the well owner's understanding that he will not be required to cease pumping the domestic well on this Assessor's Parcel as long as the well is operating properly and the daily pumpage does not exceed 1,800 gallons per day. However, the notice further alerts the property owner that if a water line is located within the distance specified in NRS § 534.120, and the existing domestic well needs to be re-drilled or have work done requiring the use of a well-drilling rig, the State Engineer may deny a request to perform the work and require the property owner to connect to the municipal water system.⁴

² Official records in the office of the State Engineer, Transcript; testimony of Walter Candelaria, Exhibit No. 2.

³ Exhibit No. 2; Transcript, testimony of Walter Candelaria.

⁴ Exhibit No. 3.

At the administrative hearing, Mr. Redding, Jr. argued that the property is really two parcels; therefore, he could accept Mr. Eliades' proposal for him to drill a second domestic well on the property. Mr. Redding, Jr. argued that the parcel was treated as one parcel for tax purposes only, and provided a document titled "Real Property Records - Revision Request" dated July 22, 1992. This document indicates that Mr. Eliades owned real property in Clark County, which was currently retained in the Clark County Assessor's Office files as Parcel Numbers 176-21-601-007 and 176-21-601-006, and that he requested the two parcels be combined into one single designated parcel. The Revision Request provides that it is conditional and is to be considered only for purposes of long term lease or purchase contract agreements of ten years or longer.⁵ Mr. Redding, Jr. also provided two untitled documents relating to Parcel Numbers 176-21-601-007 and 176-21-601-006.⁶ It is noteworthy that both these documents indicate that these parcel numbers are inactive. Mr. Redding, Jr. further provided a blank copy of an apparently newer Clark County Assessor's form - "Real Property Records - Combination Request Form" - which indicates that consolidations are for tax purposes only, they do not create new legal lot lines or legal descriptions.⁷ Mr. Redding and witnesses for him indicated that it was their belief that the property was two lots and that Mr. Eliades was building a second home on the northern lot of his two lots.⁸ However, Mr. Redding, Jr. himself, when asked to draw the locations of the two wells on the aerial photograph introduced into evidence as Exhibit No. 5 and on the parcel map introduced as Exhibit No. 15, indicated that both wells were on the same lot, thereby defeating his own argument that the wells were on two different parcels.

⁵ The State Engineer notes that the copy provided as Exhibit No. 11 is only a request, it is not properly notarized, and has no indication of recordation, approval, or certification.

⁶ Exhibit Nos. 12 and 13.

⁷ Exhibit No. 14.

⁸ Transcript, testimony of Robert Stuckert, Murrell Redding, Jr.

The current Clark County Assessor's records indicate that the parcel at 9125 South Buffalo Drive is two parcels combined under one Assessor's Parcel Number (176-21-601-020), and is considered as a single 1.89 acre parcel.⁹ Exhibit No. 5, which is an aerial photograph of the property, shows a large home and swimming pool covering most of the eastern half of the property, crossing over both of the former two lots, and what appears to be at least three other structures on this 1.89 acre lot, several of which appear to be on the property line that formerly divided the two parcels.¹⁰

The State Engineer finds that both Mr. Eliades as the property owner and Mr. Redding, Jr. as the well driller filed original documents with the State Engineer indicating that the property where Mr. Redding, Jr. was going to drill the new well was being considered as one Assessor's parcel, and for Mr. Redding, Jr. to attempt to argue after the fact that it is really two parcels draws into question his credibility and veracity.

The State Engineer finds Notice of Intent 21551 provided to the State Engineer on February 13, 2001, by facsimile, indicating that drilling was to commence on February 15, 2001, did not provide the three day notice required by Nevada Administrative Code § 534.320 before the start of any work.

The State Engineer finds that by the photograph provided in Exhibit No. 5, which shows the property as a single-family dwelling, by the fact that the Clark County Assessor now identifies the parcel under one Assessor's Parcel Number (176-21-601-020), by the fact that both Mr. Redding, Jr. and Mr. Eliades identified the parcel as a single Assessor's parcel (Assessor's Parcel Number 176-21-601-020) on the paperwork filed with the State Engineer in Exhibit Nos. 2 and 3, by the fact that the owner filed a revision request to combine the parcels, by the fact that the owner placed his house on the two parcels in a fashion as if the parcel was one, it indicates that the intent of the property owner appears to be that he was treating the two

⁹ Exhibit No. 6.

¹⁰ Exhibit Nos. 5 and 6.

lots as one parcel of land, and the land use on the property was and is that of a single-family dwelling. The State Engineer finds Mr. Redding, Jr. himself showed that he was drilling two domestic wells on the same parcel.

II.

On February 28, 2001, staff from the Division of Water Resources conducted a field investigation at the South Buffalo Drive site.¹¹ This property had formerly been viewed by the State Engineer's staff member in his capacity as a meter reader, and he was aware that the property was serviced by a domestic well, rather than a permitted well. The property is occupied by a very large home that he originally believed to be a commercial property. The field investigator noticed that the drilling of the well had commenced, and also noticed that a storage tank and piping were already located on the property, which normally is an indication that a well already exists on the property.¹² Since two domestic wells are not authorized under the Nevada Revised Statutes or Administrative Code to service a single-family dwelling,¹³ he returned to the office, and by facsimile dated February 28, 2001, informed Mr. Redding, Jr. that the Notice of Intent card number 21551 was inaccurate because a site inspection revealed that this is a new well not a replacement well and ordered Mr. Redding to stop work on the new well and come in to the office of the State Engineer to make corrections to the notice of intent.¹⁴

Upon the field investigators return to South Buffalo Drive on March 6, 2001, he found three trucks and four men outside the gate of the property. Not wanting a confrontation with Mr.

¹¹ Transcript, testimony of Walter Candelaria, and Exhibit No. 4.

¹² Transcript, testimony of Walter Candelaria.

¹³ Nevada Revised Statute § 534.180(1) provides an exemption for domestic well from the statutory water right permitting requirements so long as the domestic well serves only one-single family dwelling and does not draw more than 1,800 gallons per day. If a second well is desired to serve a single-family dwelling, it requires a permit from the state engineer. See also, NRS § 534.013 and NAC § 534.315(3).

¹⁴ Exhibit No. 4.

Redding, Jr., the investigator decided not to stop and drove by. Mr. Redding, Jr. and two other people jumped into two trucks chasing the field investigator and cutting him off in order to get him to stop. Mr. Redding, Jr. pulled up to the field investigator and aggressively confronted him cursing.¹⁵

On or about March 7, 2001,¹⁶ a meeting was held with Mr. Redding, Jr. and the Chief Engineer of the Southern Branch Office of the State Engineer. As a result of the meeting, which was confirmed by letter dated March 19, 2001,¹⁷ Mr. Redding, Jr. was given two options as to the new well at 9125 South Buffalo Drive. He was either to amend the Notice of Intent to accurately reflect that the well being drilled was a replacement well (which requires the simultaneous plugging of the existing domestic well on the property pursuant to NAC § 534.300(2)) or he was to stop drilling the new domestic well and plug said well in accordance with NAC § 534.420.¹⁸

On March 9, 2001, Mr. Redding, Jr. filed Notice of Intent card number 21554, which indicates that he would commence plugging the new well at 9125 South Buffalo Drive on or about March 2, 2001.¹⁹ However, a letter from Mr. Redding, Jr., dated March 9, 2001, indicates that he intended to plug the well on March 10, 2001.²⁰

The State Engineer's field investigator visited the site on March 12, 2001, and found everything in the same state of affairs as it was at the time of the State Engineer's stop work order. Another visit on March 19, 2001, found the drill rig there, an

¹⁵ Documented in memorandum to Chief Engineer on or about May 2, 2001, official records in the Office of the State Engineer, and Transcript.

¹⁶ Exhibit No. 7. The State Engineer notes this exhibit indicates the office meeting was held on March 1st; however, the State Engineer believes this is a typographical error, which should have indicated March 7, 2001.

¹⁷ Exhibit No. 7.

¹⁸ Exhibit No. 7.

¹⁹ Exhibit No. 8.

²⁰ Exhibit No. 9.

indication that some work had been done, and the well site covered with dirt. A March 21, 2001, site visit left the field investigator with the impression that the well had been plugged.

Nevada Administrative Code § 534.320(3) requires that Notice of Intent card number 21554 should have been filed not less than three days in advance of the identified day to plug the well. Nevada Administrative Code § 534.420(2) provides that the State Engineer is to be given 24 hours notice before any plugging is to commence. The purpose of the noticing requirement is so that the State Engineer can be apprised of the date actual drilling or plugging is to take place in order to enable the State Engineer to have staff on site if he believes it necessary.

On April 17, 2001, the State Engineer informed Mr. Redding, Jr. as to the status of well logs that had not been timely filed with the State Engineer.²¹ Mr. Redding, Jr. never adequately responded to the State Engineer's request for information;²² therefore, by certified letter dated May 10, 2001, Mr. Redding, Jr. was notified that he had failed to take appropriate action with regard to the State Engineer's request for information.²³

A well log for the drilling and plugging of the new well at 9125 South Buffalo Drive was filed in the Office of the State Engineer on May 18, 2001, and indicates the well plugging was completed on March 2, 2001.²⁴ Nevada Revised Statute § 534.170 requires that well logs must be filed in the Office of the State Engineer within 30 days after the work is completed.

The State Engineer finds he is unable to directly identify the day Mr. Redding, Jr. plugged the new well at South Buffalo Drive. The State Engineer finds that Notice of Intent 21554 was filed on March 9, 2001, indicating a plugging date of March 2nd, but it was accompanied by a letter indicating a plugging date of March 10th, and neither date is three days prior to the plugging

²¹ Exhibit No. 16.

²² Transcript, testimony of Walter Candelaria.

²³ Exhibit No. 17.

²⁴ Exhibit No. 10.

date identified. The State Engineer finds the well log says the well plugging was completed on March 2, 2001, and the well log was not filed until May 18, 2001; therefore, the well log was not filed within the 30-day time limit imposed by law. The State Engineer finds that Mr. Redding, Jr. failed to sufficiently notify the State Engineer 24 hours in advance as to the actual date he planned to plug the well.

III.

4179 South Bruce, Las Vegas, Nevada

This matter involves whether Murrell E. Redding, Jr. complied with the rules and regulations regarding the plugging of a well for Valley Health Systems at 4179 South Bruce, Las Vegas, Nevada, and with the statutes and regulations governing the plugging of wells in the State of Nevada.

On March 9, 2001, Mr. Redding, Jr. filed with the State Engineer a Notice of Intent card number 21555, which indicated that he intended to commence the plugging of a well for Valley Health Systems on or about Saturday, March 10, 2001.²⁵ On March 13, 2001, the State Engineer's field investigator visited the site and noticed that the ground had been leveled, a well-pressure tank pushed out of the way, 2" pipe had been pushed into a pile, and open well casing was visible.²⁶ He paced off and identified the location of the well in his field notes.

The State Engineer's office received a telephone call on March 21, 2001, that Mr. Redding, Jr. was going to commence the plugging of the well on March 22nd. On March 22, 2001, the State Engineer's field investigator arrived on site around 9:30 a.m. and found that the ground was completely leveled and compacted for paving, and paving was already taking place on the east end of the lot. The general contractor on site informed him that the well had already been plugged and that Mr. Redding, Jr. had the paperwork. Upon contacting Mr. Redding, Jr., the field investigator was informed by Mr. Redding, Jr. that he was on his way to the site. Upon his arrival, a backhoe was obtained,

²⁵ Exhibit No. 19.

²⁶ Transcript, testimony of Walter Candelaria.

approximately 3 feet of dirt was dug out at the location of the well identified by the field investigator, around 12:15 p.m. the well was located and open well-casing was found. The State Engineer's field investigator left at approximately 12:30 p.m. after being told by Mr. Redding, Jr. that he was going to go get his rig and plug the well. The well rig was not on the site at 12:30 p.m.

The State Engineer's field investigator returned to the site on the same day at approximately 4-4:30 p.m. and found the well site again covered by dirt, no one there, no well-drilling equipment in sight, and no evidence that any work had been done.

There were no tire tracks, no signs of cement, no water or wash from a cement truck, or other signs one would normally find at the site of a well plugging. On March 29, 2001, the State Engineer's field investigator called Mr. Redding, Jr. to see if the well had been plugged and Mr. Redding, Jr. informed him that he had taken care of it. In the field investigator's experience it would not have been possible for Mr. Redding, Jr. to plug this well in accordance with the statutes and regulations in the four hours he was off site as it takes a considerable amount of work to set up the drill rig, pumping equipment, arrange to have a ready-mix truck arrive, put all the pipe in the ground for this 175' hole²⁷, fill the hole with cement, clean up the cement equipment, load the well equipment, move everything off site and regrade the area.

It was later determined by the Chief Engineer of the Southern Branch office of the State Engineer that a field investigation should be conducted to confirm that the well was plugged in accordance with the statutes and regulations in Nevada.²⁸ Thereafter, on May 30, 2001, said field investigation took place and is documented in Exhibit No. 21.

Upon digging down approximately three feet below the surface of the ground the 8" well casing was exposed. The digging continued approximately another six feet where a cement pad was

²⁷ Exhibit No. 18.

²⁸ Transcript.

found surrounding the well casing.²⁹ A hole was drilled through the well casing a few inches above the cement pad and it was found that the casing was open to the other side,³⁰ indicating a lack of plugging material. The top five feet of the well casing above the cement pad consisted of some kind of plastic sheeting material tied in place with rope and black tape. This upper portion of the well casing appeared to be loose and was pulled off using the backhoe leaving about one foot of well casing above the cement pad. When this upper portion was pulled off it exposed a fully open 8" well casing below.³¹ There was a three foot concrete plug contained within the plastic sheeting that had been wrapped around the top of the casing, which upon inspection appeared to contain dirt, gravel, and some cement.³²

Nevada Administrative Code § 534.420 sets forth the requirements for the plugging of a well in Nevada. It provides that:

5(b) If the casing does not break free, the 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 ground water stratum. That portion of the casing must be perforated not less than four times per linear foot 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 ground water 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 field investigators looked down the well casing and could see water at approximately 8-11 feet, saw no signs of perforations, and saw no signs of plugging material. The field investigators put a shovel handle into the open casing in order

²⁹ Photograph No. 1, Exhibit No. 21.

³⁰ Photographs 1, 2, and 3, Exhibit No. 21.

³¹ Photographs 4, 5, 6, 10, 11, and 12, Exhibit No. 21.

³² Transcript, testimony of Walter Candelaria and Photographs 7, 8, and 9, Exhibit No. 21.

to determine if it had been filled³³, and upon the full length of the shovel handle going in the hole, inserted a length of PVC plastic piping into the hole hitting some sort of obstruction at approximately 13 feet below the top of the well casing.³⁴

On April 17, 2001, the State Engineer informed Mr. Redding, Jr. as to the status of well logs that had not been timely filed with the State Engineer.³⁵ Mr. Redding, Jr. never adequately responded to the State Engineer's request for information;³⁶ therefore, by certified letter dated May 10, 2001, Mr. Redding, Jr. was notified that he had failed to take appropriate action with regard to the State Engineer's request for information.³⁷

A well log for the plugging of this well was filed in the office of the State Engineer on May 18, 2001, which says the well plugging was completed on March 23, 2001.³⁸ Nevada Revised Statute § 534.170 requires that well logs must be filed in the office of the State Engineer within 30 days after the work is completed, and the well log was not filed until May 18, 2001; therefore, the well log was not filed within the 30-day time limit imposed by law.

The State Engineer obtained a copy of the well log that was provided to the general contractor on this plugging project, which indicates that the well was plugged with neat cement.³⁹ However, the well log filed with the State Engineer has neat cement blackened out and indicates that the well was plugged with concrete grout.⁴⁰ Concrete grout is a mixture of five to eight sacks of cement with pea gravel added to it, and is not the neat

³³ Photograph No. 12, Exhibit No. 21.

³⁴ Transcript.

³⁵ Exhibit No. 16.

³⁶ Transcript, testimony of Walter Candelaria.

³⁷ Exhibit No. 17.

³⁸ Exhibit No. 18.

³⁹ Exhibit No. 20 and Transcript.

⁴⁰ Exhibit No. 18.

cement or bentonite grout required by NAC § 534.420(6). The well log further indicates that the casing was ripped from 175 feet to 10 feet, and that the well was pumped from 175 feet to 0 feet with either the concrete grout or neat cement, depending on who was given a copy of the well log.

Mr. Redding had a witness who testified that they filled the casing to the top, but he himself admitted when questioned as to whether the casing had been filled with the appropriate material, that "he guessed he ordered the wrong thing." Mr. Redding, Jr. did not produce any documentary evidence to attempt to prove the type or amount of material he had ordered for placing into the hole. When questioned if he perforated the well, Mr. Redding, Jr. admitted that he did not obtain the original well log before beginning the plugging project. He further indicated, that due to the deteriorating condition of the well casing, he could not get his perforating tool into the hole; therefore, he used his drill bit to tear up the casing. Mr. Redding, Jr. admitted that he failed to contact the State Engineer for a waiver of the perforating regulations and his only reason for the failure was that it was late in the afternoon.⁴¹

The State Engineer does not find, in light of the other evidence presented, that Mr. Redding, Jr. or his witness are credible as to their testimony regarding the plugging of this well. The State Engineer finds that the well log Mr. Redding, Jr. provided the contractor in order to get paid is not the same well log as filed with the State Engineer.

The State Engineer finds the Notice of Intent card number 21555 was not timely filed 3 days in advance of the plugging date indicated on the drilling card. The State Engineer finds the well log indicates the well plugging was completed on March 23, 2001, and the well log was not filed until May 18, 2001; therefore, the well log was not filed within the 30-day time limit imposed by law.

⁴¹ Transcript.

The State Engineer finds in light of the field investigation, which indicates that the well was not properly filled as to depth or material type, that Mr. Redding, Jr. supplied a false well log to Valley Health Systems. The State Engineer finds that Mr. Redding, Jr. failed to plug a well in a manner authorized by the regulations. The State Engineer finds that Mr. Redding, Jr. falsely certified a well log filed with the State Engineer in that the well was not perforated or filled to the top.

IV.

6320 Pine Street, Las Vegas, Nevada

This matter involves whether Murrell E. Redding, Jr. complied with the rules and regulations regarding the plugging of a well at 6320 Pine Street, Las Vegas, Nevada, and with the statutes and regulations governing the plugging of wells in the State of Nevada.

Notice of Intent card number 21561 was filed by Mr. Redding, Jr. on March 9, 2001, indicating that he was going to plug a domestic well at 6320 Pine Street on or about March 15, 2001.⁴² By facsimile dated May 1, 2001, staff of the State Engineer reminded Mr. Redding, Jr. of the requirement of 24 hours notice before the actual plugging was to begin.⁴³ At the hearing, Mr. Redding, Jr. testified that he had verbally told the field investigator the day before he began the plugging job at 6320 Pine Street that he was going to begin the next day. The field investigator has no recollection or record in his notes of this contact.

On May 16, 2001, a field investigator for the State Engineer visited the well location and found a well flowing approximately 30 gallons per minute, 2 laborers working on the hopper of a pumping rig, and the drill rig was set up over the well. No well driller was on site, and close to the well head was a 3' x 3' x 25' trench, which appeared to be filled with water and cement. Murrell Redding, Sr. arrived on the site and when asked about what had taken place indicated that they had been plugging the

⁴² Exhibit No. 22.

⁴³ Exhibit No. 23.

well and had problems with the cement setting up and clogging the tremie line" and the hopper, indicating that the materials which clogged the machinery had been put into the well casing.

The field investigator returned on May 17, 2001, and found the drilling rig still over the hole, but the pump and hopper had been moved.⁴⁵ On May 21, 2001, the field investigator arrived at the well site around 2:30 p.m. and found Murrell Redding, Jr. preparing to plug the well. Laborers were placing piping on the ground; the ready-mix truck was on site. When the field investigator approached the drilling rig, Mr. Redding, Jr. jumped off and began screaming obscenities and threats at the field investigator. The field investigator then obtained a copy of the invoice for the materials in the ready-mix truck. That invoice indicated that Mr. Redding, Jr. was preparing to fill the well with 7 sack concrete mixed with 3/8 gravel, which is not the material required under NAC § 534.420 for the plugging of a well. The pump man attempted to take responsibility for ordering the wrong materials. Mr. Redding, Jr. testified that the materials were 7½ sack sand slurry (which is not the material required by regulation) and did not contain gravel, and anyway his hopper had a screen shaker, but did not produce any paperwork to backup his claim.

The field investigator shut down the plugging operation until the next day. The next day, the ready-mix truck arrived at approximately 5:00 p.m. containing 3 yards of neat cement. While the 3 yards were being pumped some water was being displaced from this flowing well. Records of the State Engineer from the drilling of the original well indicate that this well contains 80 feet of 8" casing, and 40 feet of 6" casing, with a total well depth of 110 feet, thereby indicating that 10 feet overlap

⁴⁴ A tremie line is a 2-3" line that goes to the bottom of the well casing. A pumping unit is hooked up to the tremie line and the cement truck puts the cement into the hopper of the pumping unit, which are all used to take the cement to the bottom of the hole.

⁴⁵ Transcript, testimony of Walter Candelaria.

between the 8" and 6" well casing. The well log further indicates that the well has a sanitary seal of cement from 0 to 75 feet.⁴⁶

After the well driller had the first 3 yards of material placed into the well, he asked the field investigator if he was satisfied and the investigator indicated his belief that another 5 to 6 yards of material were necessary, for a total of 9 yards of material, to adequately fill the well casing taking into consideration there may be lateral movement due to the fact this was a flowing well. Approximately 10 to 15 minutes after the 3 yards had been placed in the casing water started to bubble up through the cement. Mr. Redding, Jr. ordered another 6 yards of material, and upon completion of the plugging, a total of 8 3/4 yards of material were used and necessary to adequately plug this well.

On June 22, 2001, Mr. Redding, Jr. filed a well log with the State Engineer,⁴⁷ which indicates that he ripped the casing from 0 to 126 feet, and that 8" casing was used for the total depth of the well. This indicates that Mr. Redding, Jr. did not obtain the original well log before plugging this well. Nevada Administrative Code § 534.420(3) requires that a well driller shall, if possible, before beginning to plug a well, obtain the original well log for the well.

The State Engineer finds that Mr. Redding, Jr. did not provide the State Engineer with the required 24 hour notice before beginning the plugging of a well, thereby violating NAC § 534.420(2). The State Engineer finds that Mr. Redding, Jr. attempted to use material for plugging the hole that was not in compliance with the type of material required by NAC § 534.420(5). The State Engineer finds that Mr. Redding, Jr. did not obtain the original well log prior to the plugging of this well, thereby violating NAC § 534.420(3).

⁴⁶ Exhibit No. 24.

⁴⁷ Exhibit No. 24.

V.

The State Engineer finds that the Statewide Well Drillers Advisory Board recommended to the State Engineer that Murrell E. Redding, Jr.'s well driller license either be suspended or revoked.

VI.

On July 2, 2001, the State Engineer timely received a Well Drillers License Renewal from Murrell E. Redding, Jr. in the proper form and with the accompanying \$50.00 fee.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and subject matter of this action and determination.⁴⁸

II.

Nevada Revised Statute § 534.160(3) provides that the State Engineer may revoke or refuse to re-issue a well-drilling license if he determines after an investigation and disciplinary hearing that any of the referenced statutes or regulations have been violated.

III.

9125 South Buffalo Drive, Las Vegas, Nevada

The State Engineer concludes that both Mr. Redding, Jr. and Mr. Eliades filed records with the State Engineer indicating that the parcel where the well was to be drilled was being treated as one parcel, thereby coming under the regulations as to domestic wells for a single-family dwelling. The State Engineer concludes that Mr. Redding, Jr. attempted to drill a second domestic well for a house where only one domestic well was allowed.

The State Engineer concludes that the failure to file Notice of Intent 21551 more than three days in advance of the identified day to commence drilling violates NAC § 534.320, and; therefore, also violates the provisions of NAC § 534.290(1)(e) and (f), which is the failure to comply with the provisions of NAC chapter 534 and the laws applicable to well drillers in the State of Nevada.

⁴⁸ NRS chapter 534 and NAC chapter 534.

The State Engineer concludes that failure to timely notify the State Engineer 24 hours in advance of the actual day the well driller intended to plug a well violates NAC § 534.420(2). The State Engineer concludes that the failure to file Notice of Intent 21554 more than three days in advance of the identified day to plug the well violates NAC § 534.420, and; therefore, also violates the provisions of NAC § 534.290(1)(e) and (f), which is the failure to comply with the provisions of NAC chapter 534 and the laws applicable to well drillers in the State of Nevada.

The State Engineer concludes that Mr. Redding, Jr. has failed to timely file a well log with the Division of Water Resources thereby violating NRS § 534.170(2) and NAC § 534.290(1)(d) and (e).

IV.

4179 South Bruce, Las Vegas, Nevada

The State Engineer concludes that Mr. Redding, Jr. has failed to timely file a well log with the Division of Water Resources, thereby violating NRS § 534.170(2) and NAC 534.290(1)(d) and (e). The State Engineer concludes Mr. Redding, Jr. did not plug the well at 4179 South Bruce in accordance with the regulations as to the method or type of material, thereby violating NAC § 534.420. The State Engineer concludes Mr. Redding, Jr. knowingly supplied a false well log to Valley Health Systems, thereby violating NAC § 534.290(1)(b) and 534.290(1)(h). The State Engineer concludes Mr. Redding, Jr. falsely certified a well log filed with the Division of Water Resources, thereby violating NAC § 534.290(1)(g). The State Engineer concludes that Mr. Redding, Jr. failed to obtain a waiver to plug a well in a manner other than that authorized by the regulations, thereby violating NAC § 534.422. The State Engineer concludes that Mr. Redding, Jr. failed to comply with the provisions of NAC chapter 534 and the law applicable to well drillers in the State of Nevada, thereby violating NAC § 534.290(1)(e) and (f).

v.

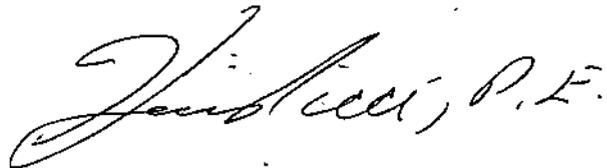
6320 Pine Street, Las Vegas, Nevada

The State Engineer concludes that Mr. Redding, Jr. did not provide the State Engineer with the required 24-hour notice before beginning the plugging of a well, thereby violating NAC § 534.420(2). The State Engineer concludes that Mr. Redding, Jr. originally intended to use material for plugging the hole that was not in compliance with the type of material required by NAC § 534.420(5). The State Engineer concludes that Mr. Redding, Jr. did not obtain the original well log prior to the plugging of this well, thereby violating NAC § 534.420(3). The State Engineer concludes Mr. Redding, Jr. has failed to comply with the provisions of NAC chapter 534 and failed to comply with the law applicable to well drillers, thereby violating NAC § 534.290(1)(e) and (f). The State Engineer concludes that Mr. Redding, Jr.'s actions with regard to the plugging of this well indicate that he is incompetent as a well driller in the State of Nevada, thereby violating NAC § 534.290(1)(c).

RULING

As provided in Nevada Revised Statute § 534.160(3) and Nevada Administrative Code § 534.290, the State Engineer refuses to re-issue well-drilling license number 1798 held by Murrell Redding, Jr.

Respectfully submitted,



HUGH RICCI, P.E.
State Engineer

HR/SJT/hf

Dated this 3rd day of

July, 2001.