



**DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES**

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**STATE OF NEVADA WELL DRILLERS' ADVISORY BOARD MEETING MINUTES
3-2016 STATEWIDE WELL DRILLER'S EXAMINATION**

**August 23, 2016
Approved Minutes**

Board Members

Present: Dan Kohlman, Steve Hamrick and Manuel Quinones II.

Nevada Division of
Water Resources

Members Present: Tim Wilson, P.E., Shannon McDaniel, E.I.T., Tracy Geter, E.I.T.,
Amanda Ciminski

Call to Order: 8:03 am

Approval of Board
Meeting Minutes:

Action to approve the Board meeting minutes 2-2016 from the meeting dated May 24, 2016 was held and will be re-agenized for the next Board meeting.

Board Business:

Tim Wilson gave the Board an update on the new water well drilling regulations book. He informed the board that the LCB has issued the codified Well Drilling Regulations. Tim explained that the next step in the process of putting the book together is to decide what will be in the appendices and to incorporate any illustrations that may have changed.

Public Comment:

Pursuant to NRS § 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. All public comments will be limited to 5 minutes for each person.

Neal Jones, property owner in Belmont, Nye County, requested the Board to provide insight as to their opinion as to what a well driller should know regarding the statutes in the State of Nevada. Neal also wanted to follow up on and provide some clarification to some of the comments that were brought up during the May 24, 2016 Well Drillers' Advisory Board meeting concerning an alleged violation he

had filed with the Division of Water Resources. That alleged violation was in regards to wells being drilled on properties smaller than 1 acre in Belmont, Nevada.

Oral Test of applicants for Well Driller's License by Statewide Well Drillers' Advisory Board, NRS 534.140 and 534.150.

- 8:20 a.m. – 9:05 a.m.
Action
Dan Kohlman motioned to the Board to close the meeting to conduct oral interviews. Steve Hamrick seconded. Motion carries.
Applicant Ryan Miller interviewed before the Board.
Dan Kohlman motioned to the Board to open the meeting to give the Board's recommendation. Steve Hamrick seconded. Motion carries.
Action
Recommendation: The Board unanimously recommends to the State Engineer approval of Mr. Miller's Nevada Water Well Driller license, limited to monitoring wells and sonic rigs only.
- 9:10 a.m. – 9:42 a.m.
Action
Dan Kohlman motioned to the Board to close the meeting to conduct oral interviews. Steve Hamrick seconded. Motion carries.
Applicant Tommy Mixon interviewed before the Board.
Dan Kohlman motioned to the Board to open the meeting to give the Board's recommendation. Steve Hamrick seconded. Motion carries.
Action
Recommendation: The Board unanimously recommends to the State Engineer approval of Mr. Mixon's Nevada Water Well Driller license.
- 9:53 a.m. – 10:33 a.m.
Action
Dan Kohlman motioned to the Board to close the meeting to conduct oral interviews. Steve Hamrick seconded. Motion carries.
Applicant Steven Neilson interviewed before the Board.
Dan Kohlman motioned to the Board to open the meeting to give the Board's recommendation. Steve Hamrick seconded. Motion carries.
Action
Recommendation: The Board unanimously recommends to the State Engineer approval of Mr. Neilson's Nevada Water Well Driller license.
- 10:42 a.m. – 11:31 a.m.
Action
Dan Kohlman motioned to the Board to close the meeting to conduct oral interviews. Steve Hamrick seconded. Motion carries.
Applicant Travis Curtis interviewed before the Board.
Dan Kohlman motioned to the Board to open the meeting to give the Board's recommendation. Steve Hamrick seconded. Motion carries.
Action
Recommendation: The Board unanimously recommends to the State Engineer approval of Mr. Curtis' Nevada Water Well Driller license.
- 11:31 a.m. – 12:30 p.m.
Dan Kohlman motioned to the Board to close the meeting for a lunch break. Steve Hamrick seconded. Motion carries.
- 12:33 p.m. – 1:10 p.m.
Action
Dan Kohlman motioned to the Board to close the meeting to conduct oral interviews. Steve Hamrick seconded. Motion carries.
Applicant Christopher Schedeger interviewed before the Board.
Dan Kohlman motioned to the Board to open the meeting to give the Board's recommendation. Steve Hamrick seconded. Motion carries.
Action
Recommendation: The Board unanimously recommends to the State Engineer approval of Mr. Schedeger's Nevada Water Well Driller license.

- 1:15 p.m. – 1:50 p.m. **Action** Dan Kohlman motioned to the Board to close the meeting to conduct oral interviews. Steve Hamrick seconded. Motion carries.
Applicant Mark Waite interviewed before the Board.
Dan Kohlman motioned to the Board to open the meeting to give the Board's recommendation. Steve Hamrick seconded. Motion carries.
Action
Recommendation: The Board unanimously recommends to the State Engineer approval of Mr. Waite's Nevada Water Well Driller license.
- 2:00 p.m. – 2:44 p.m. **Action** Dan Kohlman motioned to the Board to close the meeting to conduct oral interviews. Steve Hamrick seconded. Motion carries.
Applicant Michael Limb interviewed before the Board.
Dan Kohlman motioned to the Board to open the meeting to give the Board's recommendation. Steve Hamrick seconded. Motion carries.
Action
Recommendation: The Board unanimously recommends to the State Engineer approval of Mr. Limb's Nevada Water Well Driller license.
- 2:46 p.m. – 3:16 p.m. **Action** Dan Kohlman motioned to the Board to close the meeting to conduct oral interviews. Steve Hamrick seconded. Motion carries.
Applicant Shane McDougal interviewed before the Board.
Dan Kohlman motioned to the Board to open the meeting to give the Board's recommendation. Steve Hamrick seconded. Motion carries.
Action
Recommendation: The Board unanimously recommends to the State Engineer approval of Mr. McDougal's Nevada Water Well Driller license.
- Public Comment: Pursuant to NRS § 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. All public comments will be limited to 5 minutes for each person. There were no public comments at this time.
- The board discussed and requested to have their opinion on what a well driller is responsible to know regarding the statutes in Nevada agendized for the next Well Driller's Advisory Board Meeting to be held November 15, 2016 in Carson City and November 16, 2016 in Las Vegas.
- Adjourn: There being no further business for the Statewide Well Drillers' Advisory Board meeting 3-2016, held in Carson City, Nevada was adjourned at 3:20 p.m.

NOTICE TO PERSONS WITH DISABILITIES

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the Division of Water Resources, 901 S. Stewart Street, Suite 2001, Carson City, Nevada 89701 or contact Amanda Ciminski at (775) 684-2800 or by email at ajciminski@water.nv.gov.

Recordings of this meeting are part of the Statewide Well Drillers' Advisory Board files in the State Engineer's Office and are available upon written request.

Well Driller's Advisory Board meeting August 23, 2016

Public comment time:

Thank you. My name is Neal Jones, I am a property owner in Belmont, Nye County.

- I am here to ask the Well Driller's Advisory Board to provide some insight as to its opinion as to what a well driller should know regarding the statutes of the State of Nevada. Also I would like to follow-up on and provide clarification of some comments made at your last board meeting, on May 24, 2016.
- At that meeting Mr. Tim Wilson of Nevada Division of Water Resources made some comments regarding an alleged violation complaint that I have filed with that Agency against a licensed well driller. Due to the illegal actions of this well driller, the health and safety of an entire community has been put at risk.
- Mr. Wilson's statement to the board that my complaint was about a well driller who may have drilled a well on a parcel that might be less than one acre was very misleading. Multiple wells have been drilled, on undeveloped parcels as small as a tenth of an acre, 0.11 acres to be exact. Wells have been drilled on multiple 1/3 acre parcels that have existing residences and existing on-site sewage disposal systems. Wells were drilled within 100 feet of an existing on-site commercial sewage disposal system and horse and donkey corrals.
- Nevada Division of Water Resources has concluded and stated that they do not believe that a well driller is required to have knowledge of or be responsible for following the **existing** statutes and regulations of this State, unless those statutes and regulations are directly contained within and/or addressed in NRS 534 or NAC 534. Nevada Division of Water Resources has stated that they believe the home owners are responsible to know and abide by all the laws of this State, but licensed professionals, such as well drillers are not responsible to have this same knowledge or abide by all the laws of this State. We should point out that NAC 534.330 (2)(c) clearly states that it is "the responsibility of the licensed well driller at the drilling site to ensure the well complies with the requirements of **all** other federal, state and local agencies which have jurisdiction over the land on which the well is to be drilled." Our interpretation of that statute is that a well driller needs to have knowledge of and abide by the regulations and statutes of this State, even if that statute is not explicitly defined or referenced in NRS 534 or NAC 534. We wonder what the Board's opinion is.
- I have recently had the opportunity to speak to a former member of the well driller's advisory board, regarding the situation that has occurred in Belmont. I asked this person's opinion if well drillers need to be aware, concerned and abide by the **existing** statutes that state that there must be a minimum of 1 acre for wells and septic systems to co-exist on a parcel and that there needs to be a minimum of a 100 foot horizontal separation between a well and **any** part of an on-site sewage disposal system. The opinion of this person was a) "The laws are the laws. They exist and any competent well driller would be aware of these laws." b) "The 3-day wait period between the submittal on the Notice of Intent to drill and permission to drill, is an opportunity for the State Engineers Office to verify the parcel information. If the routine check of the available on-line parcel information showed that a parcel was only 0.11 acres, permission to drill should never have been given. If the routine checks on available on-line information showed parcels were 1/3 acre (or smaller) and had existing on-site sewage disposal systems, permission to drill should never have been granted." Does the Board agree with these opinions?

- The investigation by Nevada Division of Water Resources into my complaint was geared from the beginning to avoid disciplinary action of the well driller, their only concern was to “bring the driller into compliance”.
- Their investigation relied on false, misleading, inaccurate and incomplete information. Some of this information was supplied to them by the very people they were asked to investigate. I, the complainant, was not allowed to be present or participate in the evidence gathering process of their investigation.
- Their investigation failed to address blatant violations of NRS 534.013 that was clearly stated in the complaint.
- To make their argument for inaction, the interpretation of State statutes was made by adding words that do not exist in the statutes.
- In the “Final determination”, they took questions we asked regarding jurisdiction and reworded them to allow them to come to their preferred conclusions.
- What has to happen before the State of Nevada seriously approaches this problem and protects the health and safety of its residents, instead of looking for ways to avoid protecting us?
- I would like to thank the Board for allowing me the opportunity to speak at their meeting and hopefully providing some insight as to its opinion as to what a well driller should know regarding the statutes of the State of Nevada. I would hope the Board finds these comments and issues stated of interest; that there is some merit to have further discussions and to agendaize these issues for discussion and possible action at your next meeting.