

Hi Micheline,

In response to Justice Hardesty's request, below are some suggested prerequisites for judges who preside over water-law related cases. While having judges with previous experience in engineering, hydrology, or water law is beneficial, it should not be a mandatory requirement. Judges can otherwise acquire a fundamental understanding of water resources and law to be just as effective and fair.

Receive a briefing from the Nevada State Engineer

Similar to how Nevada's legislators receive a briefing from the State Engineer's office prior to a legislative session, judges should be required to receive a briefing from the State Engineer to understand the goals and responsibilities of the office, as well as gain basic understanding of water resources and water law in Nevada. Understanding key concepts and terms, such as prior appropriation, vested rights, beneficial use, perennial yield and other concepts and terms, will greatly assist judges and provide them with a better understanding of water-related issues prior to presiding over cases.

Understanding of Hydrology

Judges should have a basic understanding of hydrology and familiarity with the hydrological basins found in Nevada. Topics such as conjunctive management, interbasin transfers and critical management areas should be addressed and judges should be familiar with case law pertaining to those issues. Judges could fulfill this obligation by meeting with and receiving a presentation from faculty from UNLV's Water Resources Program, UNR's Hydrologic Sciences Program or the Nevada Desert Research Institute's Hydrologic Sciences Department.

Participate in the Dividing the Waters Program

The Dividing the Waters Program is held through the National Judicial College and is an all-encompassing program that educates judges on how to apply law and good science when adjudicating water-related cases. This program supplements and expands upon the aforementioned prerequisites and would also allow judges to connect and collaborate with other judicial officers around the nation who have a vast array of knowledge in water resources, law and land management.

Thank you for taking my suggestions into consideration and for allowing me to share my thoughts.

-John