

February 14, 2022

Chief Justice Hardesty and Commissioners,

I feel like I may not have enough knowledge to have a firm opinion on most of the questions, but the following are my thoughts at this time.

Training water district judges is a promising idea. If the training would place too significant a workload on the judges, a single judge from each district could participate in the training and oversee the water cases for the district. I believe that it is important for water cases to be heard in the district in which they occur and by judges in that district.

District court judges are capable of hearing water related cases and ruling on most points of law. While some water law is unique, with additional training, district court judges should be able to follow the Nevada Revised Statutes and apply them to water cases.

District court judges are also capable of hearing adjudications. Because of the possible time required for adjudications, I do not know if that adds too much to their workload. My primary concern with this is whether the state engineer's office has the resources to do adjudications in a timely manner.

I would define a water case as one that requires application of the Nevada Revised Statutes that apply to water. That may be too broad, but I am not knowledgeable enough to know the best way to narrow it down.

In answering the questions, I now have more questions than answers.

1. What is the frequency of poor rulings and how has it been determined the rulings are bad?
2. Has there been a higher percentage of water related rulings overturned than other types of cases?
3. Is it poor rulings by the district courts that is causing the substantial number of appeals or the critical nature of water in Nevada that makes it likely either side will appeal?
4. Does the state engineer's office have the resources to complete adjudications in a timely manner? Is it necessary to create an adjudication court if the state engineer does not have the resources to work through the adjudications?

Thank you,

Tom Baker