

To: Justice James Hardesty
From: Judge Kathleen Drakulich
Date: October 14, 2021

Requirements for Water Law Court Judges¹

1. Attend a substantive tutorial prepared and given by the State Water Engineer's office re:
 - State Water Engineer Personnel and the scope of their responsibilities
 - Application Process
 - Hearing Process
2. Attend tutorial given by State Water Engineer hydrologic engineers re water resources in Nevada to include ground water, surface water, domestic wells and the way which depletion of these resources is interconnected, groundwater basins are allocated/overallocated, etc.
3. Attend tutorials prepared and given by key water providers/agencies such as SNWA, TMWA, TCID, WRID, etc., regarding each agency's overall management of Nevada's water supply, the approach to allocating, banking and purchasing water rights, the rule of priority, maintaining beneficial use, etc.
4. Attend contested Water Engineer Hearings.
5. Prepare or compile a comprehensive manual that contains:
 - The history of water law in Nevada, to include the Riparian Water Rights Doctrine, the Doctrine of Prior Appropriation, reallocation and overallocation of basins; e.g., *The History of Water Law in Nevada and the Western States*, F.W. Welden, 2003
 - The history of/key Nevada Supreme Court decisions re water law
 - Key State Water Engineer decisions
 - Recent legislation impacting water policy in Nevada
 - NRS Chapters 533/534 and other statutory and NAC sections that address water law

¹ The scope of each Judge's training, duties, familiarity with resources referenced herein depends on whether judges will be assigned to specific service territories (see Proposed Judicial Water Regions, J. Dixon, September 23, 2021), restricting geographically the cases they preside over and therefore the resources they must be most familiar with, e.g., regional plans, water resources and treatment facilities, etc. However, exposure by all Judges to statewide issues is key to ensuring a balanced, consistent and sustainable approach by the Court.

6. Compile key decrees related to water resources in Nevada, eg., the Orr Ditch Decree, the Truckee River Operating Agreement, the Colorado River Compact.
7. Attend National Judicial College program “Dividing the Waters” or a similar program that connects judges throughout the west to understand the impact of water use and allocation among states.
8. Attend on site tours of key water resources and water treatment plants, e.g., Lake Mead, Chalk Bluff, Elko Water Treatment Plant.
9. Read/become familiar with Regional Plans to understand long-term development for the region and the water needs associated with that development.
10. Meet with key community leaders, local elected officials, tribal leaders, environmental agencies, etc., and discuss local government/agency perspective on community water issues, supply, use and the expected impact of growth and drought.