



THE NATURE CONSERVANCY

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November 10, 2021

Chief Justice James W. Hardesty
c/o Ms. Micheline Fairbank
Nevada Division of Water Resources
Nevada Department of Conservation & Natural Resources
901 S. Stewart Street, Suite 2002
Carson City, NV 89704

Ms. Jamie Gradick
Administrative Office of the Courts
201 S. Carson Street, Suite 250
Carson City, NV 89701-4702

Subject: Suggestions for Education Requirements for Judges to Preside on Water Law Cases

Dear Chief Justice Hardesty and Commission Members,

At the October 1 meeting of the Nevada Supreme Court Commission to Study the Adjudication of Water Law Cases, Chief Justice James Hardesty asked Commission members to send suggestions for education requirements for judges who sit on water law cases. The Nature Conservancy has prepared this letter to share some suggestions in relation to this request regarding consideration of plants, wildlife and people in judicial training.

We recommend that judges receive training on water interactions with plants and wildlife so that they 1) consider the impacts of water decisions on water-dependent natural systems, and 2) are aware of the tradeoffs of between further development of Nevada water resources while protecting the environment and public interest. Some options for accomplishing this include the following:

National Judicial College and Dividing the Waters

We are fortunate to have the National Judicial College at the University of Nevada Reno. The National Judicial College and the associated Dividing the Waters network have conferences and workshops that can address topics like considerations of ecosystems in judicial decisions on water, although they are not necessarily focused on Nevada laws or issues and may require a substantial time commitment.

Include a Continuing Legal Education (CLE) requirement that judges must take in the area of water issues at some regular interval

Nevada currently has yearly CLE requirements for judges of 13 hours that include 2 hours of ethics, 1 hour in substance abuse, addictive disorders, or mental health issues that impair professional compliance, and 10 hours of general topics. A requirement of 1 hour at some regular interval (perhaps every 5 years) of water issues could enable more judges to be trained on water issues.

CLE courses

Short, affordable CLE courses focused on Nevada issues and relevant science could be in-person or virtual. They could be 1-hr sessions over lunch, or even half-day or full-day offerings that provide training on Nevada-related issues, including ecosystem aspects. These could be taught by experts in these areas including by Nevada judges or attorneys with expertise and experience in water cases (note: judges who serve as instructors can receive CLE credits for presentation and preparation time), staff from the State Engineer's Office, or others as course subject matter dictates. The Nevada Water Resources Association (NWRA), a professional non-profit organization that already operates in Nevada to serve

water resources professionals, has offered CLE credits for many of its workshops, conferences, webinars, tours and other events (see attachment). If the Commission had recommendations for training and education needs, NWRA could be an option for organizing and offering such courses at a reasonable registration cost.

Provide low-cost or free educational material

An article series or a yearly article on water for ecosystems and their connection to judicial decisions could be included in the [Nevada Lawyer Magazine](#) or the Nevada Water Resources Association's [waterSPOT](#) newsletter. There also could be materials developed and circulated through a water education organization like the [Water Education Foundation](#).

We appreciate the opportunity to provide some ideas about education for judges on water issues and consideration of impacts of water decisions on natural systems and wildlife. Please do not hesitate to contact us if we can provide further information

Sincerely,



Mauricia M. M. Baca
State Director, Nevada Chapter

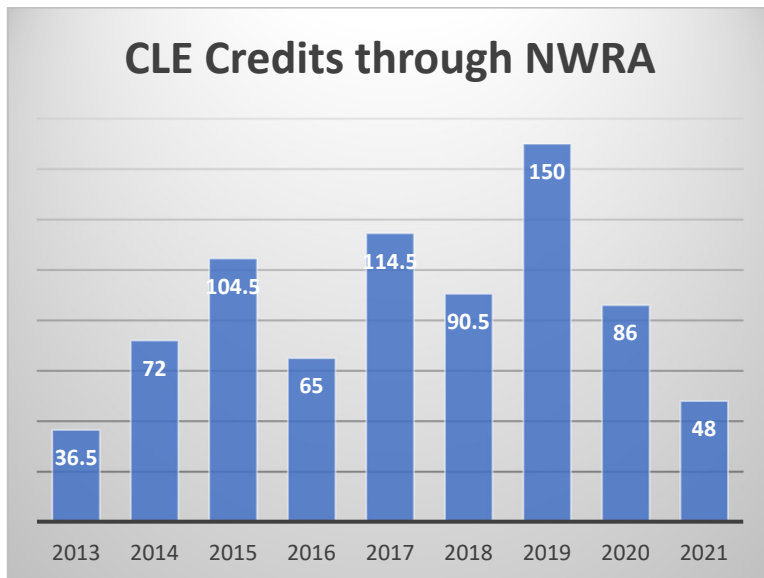
Attachment: NWRA CLE credit summary

ATTACHMENT

Summary of Continuing Legal Education (CLE) credits through Nevada Water Resources Association (NWRA)

The mission of the Nevada Water Resources Association (NWRA) is *to provide education, training, and networking opportunities for those interested in understanding, developing, conserving, and protecting Nevada's water resources*. The non-profit organization has offered Continuing Legal Education (CLE) credits through the Nevada Board of Continuing Legal Education for many years for a variety of events as summarized in the figure below. A list of the events that NWRA offers that have been approved by the Nevada Board of Continuing Legal Education to qualify for CLE credits is also provided.

In some years, NWRA has paid a fee of \$25 per event to the Nevada Board of Continuing Legal Education to offer these credits, but that recently does not appear to be required. Lawyers who want CLE credits for NWRA events may have to pay a per credit fee to the Nevada Board of Continuing Legal Education. The process for approving events and reporting the credits to the Nevada Board of Continuing Legal Education has changed several times over the years.



Note: Figure shows credits for events that were approved for CLE credits. Not all events may have been held.

Events that have qualified for CLE credits since 2013

Conferences

- Annual Conference
- Dam Symposium
- Drilling Symposium
- Fall Symposium
- Mine Water Management Symposium
- Pit Lakes Event
- River Symposium
- Water Reuse Summit

Workshops/Classes

Advanced Water Rights in NV
Aquifer Testing Workshop
Borehole Geophysical Logging
Direct Push Technology Workshop
Environmental Geochemistry Workshop
Evaluating Calibration of Groundwater Models Workshop
Excel for Hydrology Workshop
FEFLOW: Groundwater Modeling of Subsurface Flow and Transport
Geochemical Modeling
History of Water in Nevada
Hydrographic Basin Health
Integrated Groundwater-Surface Water Modeling with MIKE SHE
Lithium Workshop
MIKE SHE Workshop
Modflow-FREEWAT Workshop
Nevada Well Construction
Operational Value of the Well
Pressing Water Quality Issues in NV Workshop
Series SEE Workshop
Vested Water Rights Workshop
Water Rights in NV
Water Well Design and Construction
Water Well Rehabilitation
Well Drilling Regulations

Tours

Amargosa Tour
Barrick Pipeline/Crossroads Tour
Battle Mountain Mine Tour
Independence lake and Perazzo Meadows Tour
Las Vegas Valley Water District Infrastructure Tour
Marlette Lake Water System Tour
Newmont Phoenix Mine Tour
Sparks Marina Tour
SWITCH Tour
Truckee River Field Tour
Venetian Tour

Other

Legislative Updates with the State Engineer
Webinars