

**To:** Chief Justice James Hardesty

**From:** Jeff Fontaine

**Date:** November 1, 2021

**Subject:** Suggested requirements that should be part of judicial education for judges hearing water cases

Water litigation is complex and involves water law, water science and administrative procedures. The public would be well served by judges who are knowledgeable in each of these subject areas.

Suggested requirements for judges hearing water cases include both a basic and advanced Nevada water law class taught by practitioners. Classes in [Water Rights in Nevada](#) and [Advanced Water Rights in Nevada](#) hosted by the Nevada Water Resources Association are good examples of classes that provide comprehensive training in Nevada water law. These classes are approved for six Continuing Education Law & Ethics Hours by the Nevada State Bar. Requirements should also include seminars focused on the two basic principles of Nevada water law: prior appropriation and beneficial use.

The goal of a science program is to provide a detailed and rigorous discussion of technical methods and approaches encountered in water litigation. A program could start with the basics including surface water hydrology, ground water concepts and terminology, well pumping and aquifer drawdown, perennial yield and water budgets, and move to more advanced topics; analysis of aquifer test data, and groundwater modeling, including use and analysis of model results.

Finally, it is suggested that a review of administrative law also be an educational requirement. Since Nevada water law gives the State Engineer considerable discretion it might be useful to include in the administrative law review the provisions of NRS 533.450 which addresses judicial review; procedure; motions for stay and appeals of orders and decisions of the State Engineer.