

- Whether you think a “water court” or “trained water judges” is appropriate?
 - Either idea could be appropriate if implemented correctly. The scope would be different for either option. See scope points below.

- What the scope of those judicial tasks should be?
 - **Water Judges** – A water judge would be able to be assigned to cases in existing jurisdictions, allowing venue issues to remain mostly unchanged. The difficulty in water judges will be a procedure to decide when a trained water judge is the more appropriate person to preside over the hearing as opposed to the normal sitting judge in the courtroom. Water judges would also be able to sit in matters arising from decreed water sources, such as the Muddy River Decree or Humboldt Decree, which must stay in their respective districts. A water court may not be able to subsume jurisdiction over an existing decree if it is considered a separate “district” in Nevada.

 - **Water Court** – A water court could be scoped to include all actions arising from Title 48 of the revised statutes. Many cases tangentially involve water rights, and some involve questions for a jury (tort or contract cases). A water court could be built to include an ability to hold a jury in necessary cases. However, a significant portion of “water cases” are Petitions for Judicial Review of State Engineer decisions, which cannot be comingled with other civil actions. See *City of Henderson*, 137 Nev. Adv. Op. 26 (2021). The water court should be able to distinguish between the two styles of case easily enough for success. An additional consideration is that for Petitions for Judicial review, the proper venue is decided by NRS 533.450. Additional legislative changes may be necessary to that statute.

- If specially trained water judges are not needed, provide a viewpoint on that as well?
 - Specialty training should be provided. While not “necessary” the training will expedite the process and help with early uniformity.

- What would you define as either a water court or cases assigned to specially trained judges in water?
 - Cases arising from Title 48 of the Nevada Revised Statutes. Most of those cases are solely decided by the bench, and would not call for additional procedures relating to juries or pretrial discovery. This includes “original actions” such as a 533.087-533.320 adjudication, water ditch condemnation or easement actions under NRS 536, or writ against state engineer. It also includes agency oversight actions, such as appeals or stays of State Engineer actions and implementation of equitable relief not available to the State Engineer.
 - Federal water decrees would remain under federal court jurisdiction.