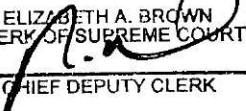


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ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ADKT 576

EXHIBIT A

**ADOPTION OF SUPREME COURT RULE 18—NEVADA RULES
FOR DISTRICT COURT WATER JUDGES**

Rule 18. District court water judges.

1. **Applicability.** This rule provides for the specialized education and designation of district court judges adjudicating Nevada water law cases in a fair, just, and timely manner.

2. **Water law cases defined.** As used in this rule, a “water law case” is a case filed in the district court relating to a petition for judicial review or action:

- (a) Arising under NRS Chapters 532, 533, or 534;
- (b) Pertaining to an adjudication of prestatutory claims of vested water rights; or
- (c) Involving an order or decision made pursuant to NRS Chapters 535 and 536, which order or decision is expressly reviewable pursuant to the provisions of NRS 533.450.

3. **Designation of district court judges to water law cases by the chief justice.** Pursuant to Nev. Const. art. 6, § 19, as the administrative head of the Nevada court system, the chief justice shall designate district judges to adjudicate water law cases within their judicial district or to adjudicate such cases in other judicial districts.

(a) In making the designation, the chief justice shall consider:

- (1) The knowledge, education, and experience of the district court judge in relation to cases involving water law, the adjudication of water rights, and other water-related issues; and

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(2) The judge's participation in specialized continuing education in the area of water law as prescribed and approved by the supreme court.

(b) A district court judge shall seek designation to adjudicate water law cases by submitting a written application on a form approved by the supreme court. The approved application form shall be available at the supreme court clerk's office. The supreme court may refer an applicant to the administrative office of the court for investigation into the education and background qualifications of the applicant necessary to satisfy section (a)(1) above.

4. Filing and assignment of a water law case. Upon the filing or first responsive pleading of a water law case, a party to the action shall inform the court that the case must be assigned to a district court judge within the judicial district designated to adjudicate water law cases. In the event no district court judge within the district has been designated to adjudicate water law cases, the chief justice shall assign a district court judge qualified to adjudicate water law cases to hear and decide the case. In any event, the case shall be adjudicated in the district in which the action was filed subject to any separate determination of venue.

5. Assignments and reporting. Assignment of cases involving water law to a water judge shall be made on a random basis.

(a) A newly filed water law case shall be transferred to a water judge.

(b) Any case in which the subject matter relates to water law issues may be transferred to a water judge in the following circumstances:

(1) Following the initiation of the case, upon stipulation of the parties and approval of the district judge presiding over the case;

(2) Upon request of a party to the case when the party makes such a request as part of the complaint filed or the first responsive pleading and the request is approved by the presiding district judge; or

(3) The presiding district judge, in their discretion and after consultation with the parties, finds that a water judge is better suited to preside over the case. A request to have the case assigned to a water judge may be considered and granted at any time in the discretion of the presiding district judge.

(c) Each judicial district shall provide an annual report to the supreme court as prescribed in the Uniform System of Judicial Reporting that describes the filings, assignments to district court judges, dispositions, settlements, and such other information as may be necessary to describe the adjudication of water law cases.

6. Peremptory challenge of a district court water judge. In those instances where one of the water judges is peremptorily challenged pursuant to SCR 48.1, or recuses or is disqualified, the case shall be assigned to another water judge. If all water judges in the judicial district are ineligible to sit, then the case shall be assigned by the chief justice to a designated water judge from another judicial district.

7. Posting decisions. If a water judge files a final order or judgment in a water law case, the water judge shall cause the order or judgment to be transmitted to the administrative office of the courts and the state engineer for posting on the website.

8. Term. A water judge shall serve only so long as the judge is a district court judge and continues to satisfy educational requirements approved by the supreme court. A water judge may, however, resign the special designation as a water judge, at the judge's own request or the request of the chief justice, while still serving as a district court judge.

9. **Caseload.** If a water judge does not have a full workload of water law cases, the judge shall hear nonwater law district court cases to maintain a full workload of cases.

10. **Venue.** Nothing in this rule affects venue.

11. **Review.** This rule implements a pilot program for at least three years. Annually, the Commission shall collect status reports from the district courts and submit a report to the supreme court with findings and conclusions regarding the progress of the program. This rule shall remain in effect until amendment or repeal by the supreme court.

12. **Effective date.** This rule shall become effective for new water law cases filed six months after the date of this order.