

**Water Law**  
Prof. Tweedy  
Spring 2013, Wednesday 11:30-1:40

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## SYLLABUS INSTALLMENT I

### I. Purpose of The Course

Water law establishes property and usage rights in water, traditionally governed in the eastern U.S. by riparian doctrine and in the western U.S. by prior-appropriation doctrine (and increasingly governed across the U.S. by statutes and permitting systems).

Topics covered the course include riparian rights; prior appropriation doctrine; groundwater; the public trust doctrine; tribal reserved rights; and interstate allocation of water. While this class does not deal extensively with water *pollution* and related environmental laws, we will discuss water quality issues to some extent; moreover, the property and usage rights in water that are the focus of this class have dramatic effects on water quality.

### II. Required Texts and Reading Assignments

The primary text for the course is THOMPSON ET AL., LEGAL CONTROL OF WATER RESOURCES: CASES AND MATERIALS (5th ed. 2013). I have also required Marc Reisner's book, CADILLAC DESERT. While CADILLAC DESERT is an excellent book in many ways and provides a very useful historical context for America's water problems, it does, unfortunately, have some derogatory references to tribes. Please be forewarned and understand that I do not agree with those descriptions.

The first couple of reading assignments are listed below. *You should always be prepared to discuss the material assigned for the current date, even if we carry over discussion from the previous day.*

While the reading assignments largely march straight through the book, there are some exceptions; please pay attention to the syllabus. I may also provide handouts at various points.

### III. Office Hours: TBA

No appointment is needed to stop in during regular office hours. If you cannot make the regularly scheduled office hours, please make an appointment to see me by emailing, calling, or scheduling one in person. I strongly encourage any student who needs help with a particular topic, who would like to discuss an issue further, or who has any feedback to meet with me outside of class.

## V. **Class Rules and Information.**

### A. **Attendance and Punctuality.**

Regular and punctual attendance is required. Missing more than 2 classes is grounds for being withdrawn from the class. Attending all classes will be positively factored in to your class participation assessment, and unexcused absences will be negatively factored in. Punctuality is also important, as late arrivals are disruptive to class. Finally, if you have to leave class early for any reason, please let me know in advance.

### B. **Grades and Class Participation.**

Your grades will be primarily determined by an exam at the end of the semester and a short paper that will be due in March (a specific due date will be provided in January). The paper will be worth 25% of your grade and the final will be worth 75%. However, class participation is also important, and I reserve the right to increase grades based on consistent and high quality class participation and to lower grades based on excessive absences, multiple late arrivals, lack of preparation or effort in class, violation of the laptop policy, or any other disruption to class, such as talking, whispering, or laughing in class. It is distracting to me and other students and disrespectful to disrupt the class in any way, and such actions will not be tolerated.

Class participation includes attendance, punctuality, volunteering to answer questions, answering questions when called on, and participation in any in-class exercises.

Class participation may result in raising or lowering your grade up to one half grade (*e.g.* A- to A).

If you have special circumstances that affect your participation, please let me know so that we can arrange for special accommodations.

If something comes up and you cannot participate on a given day, please email me at least 30 minutes before the class. You have a maximum of one such pass per semester.

### C. **Laptop Use.**

Laptops are only permitted for note-taking. If you are discovered utilizing the computer for purposes unrelated to class (such as emailing, participating in chat rooms, surfing the web etc.), your grade for the course may be lowered by one half grade. If you believe you will have difficulty following the laptop policy, bring a pad of paper and your pen to class instead of your computer.

**D. TWEN.**

You are required to register for the TWEN course page, which will be created by the first day of class. The password announced in class on the first day.

**E. Assignments.**

The first two assignments are listed below. Generally, we will cover all the material assigned for each class during that class, but some adjustments will be made dependent on the pace of the class. All assignments are from the Thompson textbook and from *Cadillac Desert* unless otherwise indicated. This syllabus is subject to change.

**READING ASSIGNMENTS**

<i>DATE</i>	<i>TOPIC</i>	<i>ASSIGNMENT</i>
W, Jan 16	Introduction: Water as Resource & Riparian Doctrine: Basics	1-40; Reisner, first half of ch. 1 (pp.1-24)
W, Jan 23	Riparian Doctrine: Restatement & Regulated Riparianism; Tracing the Common Law Development of Riparian Rights; & Common Law Reasonable Use in the Twentieth Century	40-85; Reisner, second half of chapter 1 (pp. 24-51)

All page references are to the Thompson casebook unless otherwise noted.