

AECN 457/857: Water Law

Instructor: Professor J. David Aiken; office: 103D Filley Hall; office hours: by appointment. Phone: 472-1848 (can leave message 24 hours/day); email daiken@unl.edu Secretary: Mrs. Pam Holmes 2-1913, 207 Filley Hall. If you need to take a makeup exam, you will take it from Mrs. Holmes in 207 Filley.

Text: Getches, Water Law in a Nutshell (West 2009).

Course coverage. This course covers the fundamentals of American water rights laws. Course topics include prior appropriation, water marketing, riparian rights, ground water law, water district law, resolving interstate water conflicts, federal and Indian water rights, and environmental law impacts on water rights. Nebraska water law topics include fully/over-appropriated basins, interstate Republican River disputes, and Platte River endangered species regulations.

Course web page. Course materials are on blackboard. I will have lecture overheads for each topic plus review questions. You should print out and bring the lecture overheads to class. Your hour exam questions will be drawn from the review questions. There may be some additional Nebraska water law materials on Blackboard.

Exams. Three hour exams will be given during the semester. The hour exams are traditional closed-book exams which include fill in the blank, short answer, and true-false questions. The exams will cover the lecture notes and assigned reading material as indicated on the course syllabus. The maximum score for an exam is 100 points. Exams count 100% of your final grade. No exam grades are dropped.

Final exam. Exam 4 is an optional final exam, and all questions come from exams 1-3 Your exam 4 score will not replace the lowest of your exams 1-3 but will simply be treated as a fourth hour exam if that would improve your grade (i.e. your exam 4 score is higher than your average going into exam 4). You may sign up for exam 4 by sending me an email. Taking exam 4 cannot harm your semester grade.

Honors/graduate credit. Students wishing to take the course for honors credit or graduate credit must prepare either (1) a 20+ page (double spaced) research paper for honors credit or (2) a 30+ page (double spaced) research paper for graduate credit on a topic proposed by the student and approved by the professor. You must submit the paper topic at or before exam 1, a detailed paper outline at or before exam 2 and a complete finished draft of the research paper at or before exam 3. A tentative grade will be assigned to the draft paper as well as suggestions for revisions if the student would like to improve the grade. The revised paper must be submitted no later than the date of exam 4. The paper will be graded and will be figured into your course grade as another hour exam. Each day you are late for any of the deadlines (topic, outline, paper, and revisions if any) will cost you one percentage point from your research paper final grade.

Grading policy. Semester grades are determined as follows:

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|----|-------------|----|-------------|----|-------------|---|-------------|--------------------|-----------|
| A+ | 96.00-100 | B+ | 86.00-88.99 | C+ | 74.00-78.99 | D | 59.00-63.99 | P/F grading | |
| A | 92.00-95.99 | B | 82.00-85.99 | C | 69-73.99 | F | 0-58.99 | P | 69.00-100 |
| A- | 89.00-91.99 | B- | 79.00-81.99 | D+ | 64.00-68.99 | | | F | 0-68.99 |

Water Law 457/857 Spring 2009

Jan 12: course intro
Jan 14: pp 1-20: introduction; riparianism
Jan 19: Martin Luther King Day--no class
Jan 21: pp 21-40: riparianism. con't
Jan 26: pp 41-60: riparianism; permit states
Jan 28: pp 61-80: loss of riparian rights
Feb 02: pp 81-100: appropriation
Feb 04: pp 101-120: priority
Feb 09: pp 121-140: beneficial use
Feb 11: pp 141-160: perfection
Feb 16: pp 161-180: transfers
Feb 18: pp 181-200: loss of appropriations
Feb 23: pp 201-220: access and storage

Feb 25: exam 1: 1-204

Mar 02: pp 221-240: hybrid systems
Mar 04: pp 241-260: public rights
Mar 09: pp 261-280: ground water
Mar 11: pp 281-300: well interference & problem areas
Mar 16: spring break--no class
Mar 18: spring break--no class
Mar 23: pp 301-320: conjunctive use
Mar 25: pp 321-340: drainage

Mar 30: exam 2: 205-331

Apr 01: pp 341-360: Indian reserved rights
Apr 06: pp 361-380: federal reserved rights
Apr 08: pp 381-400: navigational servitude
Apr 13: pp 401-420: environmental statutes
Apr 15: pp 421-440: international & interstate water disputes
Apr 20: pp 441-469: water distribution organizations

Apr 22 exam 3: 322-469

Apr 27: no class
Apr 29: return exam 3; discuss exam 4

May 04: optional final exam 4: 10-12
