

## AECN 457/857: Water Law

Instructor: Professor J. David Aiken; office: 103D Filley Hall; office hours: by appointment. Phone: 402-472-1848 (can leave message 24 hours/day); email [daiken@unl.edu](mailto:daiken@unl.edu)

Text: Weber et al, Cases & Materials on Water Law, ISBN 9781628102741, 9<sup>th</sup>ed, 2014. Off campus students may need to get the textbook through Amazon or other online seller. Renting is cheapest but if you are going to do water law in your career, you may want a textbook that you can keep.

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 procedures.** All the lectures are on Blackboard; all the supplemental materials are on Blackboard, and all the exams will be taken on Blackboard. There are no class meetings.

**Exams.** Three open-book exams will be given during the semester. The exams will be divided into two parts. The first part (exam x-1) includes multiple-choice, true-false questions, and perhaps some matching questions. The second part (exam x-2) includes short answer questions. Your semester grade will be based entirely upon your exam average. More information regarding the process for taking the exam is in your syllabus folder, **including some review questions for exam 1**. Generally you will have two weekends available to take each exam.

**Exam preparation.** The class topics are grouped by exam: unit one culminates in exam one, etc. My recommendation is that you follow the class schedule and (1) read the reading assignment; (2) read the lecture notes and look at the review questions; (3) listen to the optional lectures, and (4) work through the study questions for each class topic. Working out the review questions is worth the effort—your exam questions will be taken from the chapter review questions. My recommendation is that you have all the review questions answered and available when you take your exam. **If you don't have the review questions worked out in advance, you likely will have difficulty completing the exam in the allowed time.** Students have flunked this class (there is no grading curve) so unless you will be satisfied with a D or an F, work out the exam questions in advance. You may raise questions about your exam score within one week after the grades have been posted on Blackboard.

**Honors/graduate credit.** Honors/graduate students wishing to take the course for 457 honors credit or graduate 857 credit must prepare a 15+ double spaced page research paper (20+ double spaced page paper for graduate students) on a topic proposed by the student and approved by Prof. Aiken. You must submit the paper topic by the due date for exam 1, a detailed paper outline by the due date for exam 2 and the honors/graduate paper by 5pm the day after the due date for exam 3 (see schedule). Digital submission of your paper as an email attachment is preferred (Word, Word Perfect or PDF acceptable). The paper will be graded and will be figured into your course grade as a fourth hour exam. Each day you are late for any of the deadlines (topic, outline, and paper) will cost you one percentage point from your honors/graduate paper final grade.

**Grading policy.** Semester grades are awarded as follows:

A+	96.00-100	B+	86.00-88.99	C+	74.00-78.99	D+	64.00-67.99	F	0-49.99
A	92.00-95.99	B	82.00-85.99	C	69.00-73.99	D	59.00-63.99	P	69.00-100
A-	89.00-91.99	B-	79.00-81.99	C-	68.00-68.99	D-	50.00-58.99	NP	0-68.99

*Email etiquette:* PLEASE indicate that you are in AECN457/857 (or simply 457) in your email subject line. If your email doesn't indicate which class you are in the subject line, I will simply bounce the message back to you and tell you to try again and to indicate the class number in the email subject line. In addition, **please put your name in the email.** Often student email names give no discernible indication of what the student's legal name is HuskerFan1980@gmail.com. Finally, if you are responding to an email from me please include the original email message that you received in your email to me.

**Course Outline & Reading Assignments.** The assignments are to the Weber casebook. Your lecture notes will indicate which cases and notes you can skip, etc., so be sure to print out the lecture notes and take a look at them before you start your reading (unless you are determined to read it all—in which case more power to you!).

Jan 11-15	1-65: course intro; American legal system; legislation; prior appropriation
Jan 19-22	65-128: prior appropriation, con't
Jan 25-29	128-186: state regulation; water districts
Feb 01-05	186-246: loss of appropriations; water marketing
<b>Feb 08-12</b>	<b>exam 1: 1-246 + Blackboard materials; you can take exam 1 any time from noon Wed 2/3 to 11:59 pm Sun 2/14 honors/857 paper topic due 5 pm 2/16</b>
Feb 15-19	247-291: riparian rights
Feb 22-26	291-344: state permit systems; California doctrine
Feb 29-Mar 04	344-392: ground water <b>March 4 is the last day you can change to/from P/NP</b>
Mar 07-11	392-448: ground water issues
<b>Mar 14-18</b>	<b>exam 2: 247-448 + Blackboard materials; you can take exam 2 any time from noon Wed 3/9 to 11:59 pm Sun 3/20. honors/857 paper outline due 5 pm 3/21</b>
Mar 28-Apr 01	449-529: interstate water law; public trust
Apr 04-08	529-599: environmental issues <b>April 8 is the last day you can drop the course</b>
Apr 11-15	600-666: federal water law
Apr 18-22	666-726: federal water law, con't
Apr 25-29	<b>exam 3: 449-726 + Blackboard materials; you can take exam 3 any time from noon Wed 4/20 to 11:59 pm Sun 5/01.</b> I will post your course grades on Blackboard after exam 3 has been graded. Your letter grade on Blackboard is your course grade.
May 2	457 honors/857 term papers are due 5 pm Monday May 2 via email attachment.