

Water Law

Professor Christine A. Klein
LAW 6492, Fall 2018, 2 credits

(See class TWEN site for syllabus updates, as needed)

Date	Topic	Casebook Reading	Group¹ On Call
Aug. 14	Introduction	1-36	All
Aug. 16		“ “	All
Aug. 21	Riparian law	37-55	
Aug. 23		55-77	
Aug. 28		77-94	
Aug. 30		94-110	
Sept. 4	Prior appropriation doctrine	111-23	
Sept. 6		123-36	
Sept. 11		137-55	
Sept. 13		155-70	
Sept. 18		170-92	
Sept. 20		192-206	
Sept. 25		206-13	
Sept. 27	Groundwater	215-33	
Oct. 2		233-53	
Oct. 4		253-79	
Oct. 9	Modern Permit Systems	281-86, 296 (start with notes)-310	
Oct. 11		310-32	
Oct. 16		332-42	
Oct. 18	Federal Interests	463, 490-510	
Oct. 23	Interstate Water Allocation	520-28, 533, 550-66	

¹ Group 1 is the half of the room to the left, from the perspective of the professor.

Oct. 25		566-92	
Oct. 30		592-93,769-84, Florida v. Georgia (excerpts to be posted on TWEN)	
Nov. 1	Watershed Restoration	785-94	
Nov. 6		794-809, 865-82, Florida Everglades Restoration (readings to be posted on TWEN)	
Nov. 8	TBA		
Nov. 13	TBA		
Nov. 15	TBA		

Course Information

Course Instructor:

Professor Christine A. Klein, (352) 273-0964, kleinc@law.ufl.edu. The class meets on Tuesdays and Thursdays, 11:00-11:50 am (HOL 359).

Office Hours:

Tuesday & Thursday (1:00-2:00 pm), 313 Holland Hall. I am also happy to meet with you any time that I am in my office, or to set an appointment with you outside of office hours.

Required Casebook:

Adler, Craig & Hall, Modern Water Law (Foundation 2d ed. 2018)

Course Description and Objectives:

This is a survey course that touches on a range of topics related to Water Law, including the riparian doctrine, prior appropriation doctrine, groundwater law, interstate water law, and watershed restoration. Although the course is taught from a national perspective, Florida water law and issues will also be highlighted.

Learning Outcomes:

After completing this course, students should be able to:

1. Water allocation doctrines: Understand the elements of the riparian, regulated riparian (including Florida), and prior appropriation doctrines, and be able to apply them to a simplified factual scenario.
2. Groundwater: Have a basic understanding of groundwater hydrology (including its relationship to springs and surface water) and the legal doctrines applicable to the right to use groundwater.
3. Interstate conflicts: Understand the legal mechanisms available to resolve interstate water disputes, including their application to the Florida, Georgia, Alabama conflict.

TWEN:

Please register for the class TWEN website, available at www.lawschool.westlaw.com. Class information and announcements will be distributed by e-mail to the address you supplied on TWEN. You are responsible for checking your e-mail on a regular basis for class announcements.

Laptops: You may take class notes on a laptop computer. However, you may not use your laptop during class for any other purpose unless I specify to the contrary. Violation of this policy may result in revocation of your privilege to use a laptop in class.

Attendance:

Class attendance is mandatory. If you miss more than four classes for any reason, you may be rendered ineligible to receive credit for the course. Absences during the drop/add period (through the first week of classes) will not count toward your four permitted absences. As a matter of

professionalism, I expect you to be on time for class. If you arrive late, it is your responsibility to see me after class to make sure I have marked you late (in my discretion) rather than absent. Use your absences wisely. If you use them frivolously early in the semester, I will not be sympathetic if a real emergency causes you to be absent from class later in the semester. I do not distinguish between excused and unexcused absences, but simply allow you four absences for whatever purpose you choose, with the following exceptions: According to UF policy, “students, upon prior notification to their instructors, shall be excused from class to observe a religious holy day of their faith.” Further, “absences from class for court-imposed legal obligations (e.g., jury duty or subpoena) must be excused.” Such excused absence for religious observance or court-imposed legal obligations shall not count toward the four permitted absences.

Class Preparation

Half the class will be “on call” for each class, as specified on the course syllabus. If you are unprepared for any particular class (even if you are not in the on-call group), please inform me by email no later than 9:00 p.m. the evening before class (you need provide no reason) and I will not call on you. Please do not leave a note on the podium. You should not be unprepared more than twice throughout the semester.

ABA Out-of-Class Hours Requirement:

ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. Water law has 2 “classroom hours” of in-class instruction each week, requiring at least 4 hours of preparation outside of class. You should diligently devote that weekly minimum to preparing your readings and discussion problems, as well as reviewing and outlining material previously covered.

Accommodations for Students with Disabilities:

Students requesting accommodation should first register with the UF Disability Resource Center (352-392-8565, www.dso.ufl.edu/drc/) by providing appropriate documentation. Once registered, students will receive an accommodation letter, which should be presented to the UF Law Office of Student Affairs when requesting accommodation. This procedure should be followed as early as possible in the semester. Law students with disabilities can also contact the Levin College of Law Office of Student Affairs for assistance on these matters in 164 Holland Hall, 273-0620, www.law.ufl.edu/students/.

Online Course Evaluation:

UF expects each student to provide feedback on the quality of instruction in this course by completing online evaluations at <https://evaluations.ufl.edu>. Evaluations are typically open during the last two or three weeks of the semester, but students will be given specific times when they are open by the Office of Student Affairs. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results/>.

Final Exam:

Your final exam will be a 2-hour open-book, take-home exam available on ExamSoft on December 10, 9:00 am-5:00 pm. You may take the exam during any 2-hour window on that day (unless the time period was extended by Student Affairs pursuant to a recognized accommodation). During the exam, you may use only: (a) your casebook, (b) course handouts

(if any), and (c) notes and outlines prepared in whole or substantial part by you. You may not consult with your classmates or any other person. To help you prepare for the exam, I will hold extra exam-preparation office hours (to be specified later). I will stop answering questions on Dec. 9 (5:00 p.m.). The law school policy on delay in taking exams can be found at: <http://www.law.ufl.edu/students/policies.shtml#12>.

UF Law Honor Code:

Students are bound by the UF Law Honor Code, which can be found here: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honor-code-and-committee/honor-code>.

Grading Policy:

Your grade will be based upon the final exam. If your exam score places you on the border between two grades, exceptional class participation (in terms of quality, not necessarily quantity) may raise your grade.

The law school recognizes the following grades, in accordance with the grading policy available at: <http://www.law.ufl.edu/students/policies.shtml#9>:

<u>Grade</u>	<u>Points</u>
A (excellent)	4.0
A-	3.67
B+	3.33
B	3.00
B-	2.67
C+	2.33
C (satisfactory)	2.0
C-	1.67
D+	1.33
D	1.0
D-	0.67
E (failure)	0.00

Exam Review process:

I will be happy to review your exam with you, beginning the first week of classes of the spring semester. The review is for educational purposes only, and not for the purpose of gaining additional points and/or a grade change. Grade changes are made only in the case of a clear clerical error, as determined by the professor.