Description

This course, WATER LAW, will explore the primary aspects of the law of water set against the backdrop of today’s changing water law landscape. It will be presented as an introductory course that explores both traditional concepts and modern developments in this dynamic area of the law. The course will explore the basic doctrines of riparian law in the east, prior appropriation in the west, groundwater law, and the various modern challenges to traditional norms in a 21st century context. It also will focus on public and private rights in water, federal water law, and how state law intersects with a variety of federal statutes. It will also cover the intersection of modern water law with energy law and watershed management/protection.

The course is taught entirely online, reflecting how email, phone, and electronic documents play an integral role in modern water law and other aspects of practice.

Objectives

This course introduces students to the following topics:

1. Illinois water law;
2. The different approaches to allocating water for surface and groundwater;
3. The different jurisdictions involved in regulation and allocation of water at the state, local, and federal level;
4. The intersection between traditional state water regimes with various federal statutes;
5. The intersection between water law and energy law; and
6. The impact of watershed management and protection on water law frameworks.

Required Texts

Modern Water Law, Adler, Craig, and Hall (Foundation Press, 2013).
**Format**
This course is an asynchronous distance education course. All instruction and course materials are delivered online via Desire 2 Learn (“D2L”). To access D2L, go to https://online.siu.edu. If you need assistance accessing D2L, please call (618) 453-1024 or email mycourse@siu.edu.

The benefits of this course are that it offers flexibility and autonomy to students, mimicking law practice. However, these benefits make it easy for a student to fall behind. It, therefore, is important to stay organized and keep on schedule with the readings and assignments. You should expect to spend at least the same amount of time you would on any other three-credit hour course. In a compressed summer schedule, this means a rigorous weekly schedule of readings, lecture, and assignments.

**Weekly Exercises**
Each week you may be assigned exercises from or related to the Adler text subjects. You should take these exercises seriously and answer them thoughtfully and thoroughly. After the due date for any exercises, I either will provide feedback for each student individually via D2L or post a sample answer on D2L under the “Weekly Exercises” folder.

In addition to practicing the concepts you learn, these exercises count toward your grade for the course. Each week's exercises are worth three points: (i) one point for submitting all of the assigned exercises, (ii) one point for submitting exercises that follow the directions and are free of typographical and grammatical errors, and (iii) one point for accuracy and the use and understanding of relevant concepts and terminology.

These exercises are due by Thursday, 11:59 p.m. Central Time, the week they are assigned. For example, the exercises assigned for the Week of July 6, 2015 are due by Thursday, July 9, 2015 at 11:59 p.m. Central Time.

In order to receive credit for these exercises, you must submit them in the designated D2L Dropbox each week. DO NOT e-mail these exercises to me. You will receive no credit if you do not submit the exercises using the Dropbox.

I will not accept exercises submitted after the deadline. In the event that a D2L outage prevents a timely Dropbox submission, please contact me immediately via email. Once you receive an email that D2L has been restored, you must submit your assignment within four hours.

**Discussion Board Posts and Weekly News Items**
Periodically during the semester, you must create a thread to a discussion board. Not only must you create your own thread within the discussion board topic, you also must comment on at least one of your classmate’s threads in a meaningful and respectful manner.

Each discussion board assignment is worth three points: (i) one point for submitting a thread that follows the directions, (ii) one point for responding to posts of at least one of
your classmates, and (iii) one point for a reflective and thoughtful post and response.

Likely subject matter for these discussion board assignments will come from current events that directly interface with the Adler text or our subject matter regarding water jurisdictions, public policy, and the challenges of 21st century water law. To this end, it is recommended that you set up Google news alerts (or some other equivalent service) to keep track of news, media accounts, blogs, and topics related to the following: water, drought, wildfires, water usage, aquifers (could be generic or specific like Ogallala), snowpack, flooding, TVA, Missouri River, Great Lakes, Corps lake levels, watershed management, Georgia/Florida/Alabama water supply, etc.

**Drafting Assignments**

You will complete one written assignment during this summer course. Exercise 1 is due by Thursday, July 16, 2015 at 11:59 p.m. Central Time.

Given the flexibility this class provides, there are no exceptions to this due date (not even for interviews, illness, or technical issues). I reserve the right to either refuse to accept a late exercise or to deduct points for a late or non-conforming exercise.

In order to receive a grade for these exercises, you must submit them in the designated D2L Dropbox. **DO NOT** e-mail these exercises to me. You will receive no credit if you do not submit the exercises using the Dropbox.

In the event that a D2L outage prevents a timely submission, please contact me immediately via email. Once you receive an email that D2L has been restored, you must submit your assignment within four hours.

**Calculation of Grade**

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<thead>
<tr>
<th>Component</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Weekly Exercises</td>
<td>15%</td>
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<tr>
<td>Discussion Board Posts</td>
<td>15%</td>
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<tr>
<td>Exercise 1</td>
<td>20%</td>
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<tr>
<td>Final Examination</td>
<td>50%</td>
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**Honor Code**

The Honor Code requires that all students submit their own individual work. Plagiarism, or the submission of someone else’s work as your own, is unethical and is in violation of the Honor Code.

Moreover, **all work done by you for this class, whether graded or ungraded and whether written or oral, may not be reviewed by anyone**, not even for typographical errors, grammatical errors, or for clarity. Furthermore, **you may not discuss any assignment, graded or ungraded, with anyone except me.**

**Netiquette Rules**
Netiquette refers to acting in a respectful and professional manner while interacting with your professor and classmates online. Keep the following rules in mind during this course:

- This course is more than learning facts; you are preparing for a career. You are learning to interact with your classmates as you would in your future professional life.
- Everyone is entitled to have an opinion. In discussion forums, everyone is encouraged to share them in a polite and respectful manner.
- People have the right to disagree with you. However, disagreement should never be personal. Review your posts before you publish them, and reread them for unintended meanings.
- Cultural influences can influence communication in terms of phrasing and word choice. The lack of visual and auditory clues may affect meaning, as well. Before jumping to conclusions, ask for clarification.
- Respond honestly but thoughtfully and respectfully, using language which others will not consider foul or abusive.
- Always sign your name to any contribution.
- Respect your own privacy and the privacy of others by not revealing information which you deem private or which you feel might embarrass you or others.
- Be constructive in your responses to your classmates.

If you experience any questionable or outright inappropriate behavior from a classmate, please let me know immediately. I have the sole discretion to deduct points or remove a student from the course for conduct or communications violating these rules.

**Contact Information**
Shawn Grindstaff  
Adjunct Professor of Law  
sgrindstaff@siu.edu  
(618) 616-1987

**Office Hours**
Given the online format of this course, I will not hold formal office hours during the semester. However, I will be available via e-mail and telephone as needed. I strongly encourage you to submit questions using the Discussion Board so that your fellow students may benefit from the exchange.

**Course Schedule**
The Course Schedule is broken down by weekly readings, lectures, exercises, discussion boards, and other possible assignments. References to anything other than the Adler texts are available on the D2L course site. You are required to perform each week's assignments, which include, but are not limited to, reading from the texts, watching a recorded lecture, or reviewing other materials posted to D2L. **Students may not distribute, post, or reproduce any material posted to D2L via any medium (email, Internet, hardcopy, or otherwise) for any purpose or reason.** Each week's materials will post to D2L no later than the Sunday before the respective week.
Emergency Procedures: Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT’s website at www.bert.siu.edu, Department of Safety’s website www.dps.siu.edu (disaster drop down) and in Emergency Response Guideline pamphlet. Know how to respond to each type of emergency. Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.
Assignments (basic but might be slightly adjusted through the 8 weeks)

Week 1- Introduction, Science of Water, Riparian Water Law
Week 2- Riparian Water Law, Illinois Water Law
Week 3- Prior Appropriation, Mixed Systems
Week 4- Groundwater, Illinois Groundwater, Modern Applications
Week 5- Navigable Waters and Public Rights
Week 6- Federal Water Law and Statutory Interface
Week 7- Water and Energy Law, Watersheds
Week 8- Review Concepts and Take Online Final Examination (August 6 or 7)

Week 1- Introduction, Science of Water, Introducing Riparian Law (June 15-21)
Assigned reading: Adler, pp. 1-21 (science and policy overview)
Adler, pp. 23-85 (riparian law)
D2L materials and use tutorials as needed

Discussion Topic for Week 1
Post a brief description of your interests, background and experience in water law or related experiences associated with the class. You should also tell me what you hope to learn from the course and what you think the single biggest challenge is for both Illinois and the nation as a whole. Postings are due by noon on Sunday, June 21st. You are not required to post comments on postings of your classmates for this week’s assignment.

Week 2- Riparian Law, Modern Riparianism, and Illinois Water Law (June 22-28)

Discussion Topic for Week 2
Post your initial response to this week’s discussion topics by noon on Friday, Aug. 29 by 5 p.m. Post responses to a classmate’s posting by Sunday, Aug. 31st. Your initial postings and reply postings should display your comprehension of the subject. You are encouraged to offer comments based on your personal experiences and/or provide links or citations to law and non-law related articles or other materials.

Drop Box Assignment for Week 2

Week 3- Prior Appropriation and Modern Prior Appropriation (June 29- July 5)
Assigned reading: Adler, pp. 87-171, 231-243, 254-273

Discussion Topic for Week 3 (TBD, check D2L) - discussion of written Exercise 1 will also occur
Week 4- Groundwater, Illinois Groundwater, Modern Applications (July 6-12)
  Assigned reading: Adler, pp. 173-229, 243, IL materials online and lecture

Discussion Topic for Week 4 (TBD, check D2L)

Week 5- Navigable Waters and Public Rights (July 13-19)
  Assigned reading: Adler, pp. 283-331, 333-375

Discussion Topic for Week 5 (TBD, check D2L)

Week 6- Federal Water Law and Statutory Interface (July 20-26)
  Assigned reading: Adler, pp. 377-452, 459-466, 477-480

Discussion Topic for Week 6 (TBD, check D2L)

Week 7- Water and Energy Law, Watersheds (July 27-Aug. 2)
  Assigned reading: Adler, pp. 503-535, 538-546, 557-562, 595-653 (select portions of this chapter) and 655-727 (selected portions)

No Discussion Topic this Week

Week 8- Interstate and Private Rights, Review of Concepts (Aug. 3-Aug. 4)
  Assigned Reading on final few days- Adler, pp. 729-784 select passages

Possible Review Session (TBD)

Final Examination (online on Aug. 6 or 7)