

# WATER RESOURCES LAW

## SYLLABUS

ANTONIN SCALIA LAW SCHOOL, GEORGE MASON UNIVERSITY

G. TRACY MEHAN, III  
INSTRUCTOR

COURSE NO. 225-001  
6:05-8:05 P.M.  
THURSDAYS

FALL 2022

### Required texts:

*Cases and Materials on Water Law*, Tenth Edition, by Gregory S. Weber, Jennifer L. Harder and Bennett L. Bearden (West Academic Publishing 2020)

*Water is for Fighting Over: and Other Myths about Water in the West* by John Fleck (Island Press 2016)

### Recommended text:

*Water Law in a Nutshell*, 6<sup>th</sup> Edition, by Sandra B. Zellmer and Adell L. Amos (West Academic Publishing 2021)

This is a writing course but reading the casebook and participating in class discussion is important for mastery of the subject. 20 percent of the grade will be based on a critical book review of the Fleck book, 5 pages in length, double-spaced, 12-point Times New Roman type. 80 percent of the grade will be based on two papers on topics agreed to by the instructor, 15 pages in length, again, double-spaced, 12-point Times New Roman type with appropriate legal citations. Each paper will be 40 percent of the grade (for a total of 80 percent).

The book review will be due on September 29<sup>th</sup> with a group discussion to follow in a subsequent class. Begin reading now!

The first paper will be due by November 3rd, and the second paper will be due on December 14<sup>th</sup>.

Class sessions will be set aside for students to brief their peers on their proposed topics and then to present the papers when completed.

There will be three (3) voluntary make-up classes on Saturday mornings.

The instructor is available to meet with students by phone or at any scheduled time in person. See contact information below.

Learning Outcomes:

- Basic understanding of prior appropriations and riparian water law regimes.
- Basic understanding of federal and tribal reserved water rights.
- Basic understanding of federal common law on equitable apportionment of interstate waters, interstate compacts
- Basic understanding of legal regimes governing groundwater

The schedule of class reading assignments follows:

August 25

Overview of the course, etc.

Chapter 1 in its entirety.

Chapter 2, Prior Appropriation, pp. 19-29

September 1

Chapter 2, pp. 30-78

September 8

Chapter 2, pp. 78-125

September 15

No class. Make-up scheduled for October 1<sup>st</sup>.

September 22

Chapter 2, pp. 125-176

Discuss topics for students' first paper.

September 29

Chapter 2, pp. 176-222

Book reviews due.

October 1 (make-up)

Chapter 2, pp. 222-246

Chapter 7, Federal Water Law (i.e., Reserved Water Rights), pp. 692-710

Discuss Fleck book.

October 6

No class. Make-up scheduled for October 8.

October 8 (make-up)

Chapter 7, Federal Water Law (i.e., Reserved Water Rights), pp. 710-738

Chapter 5, Interstate Allocations, pp. 453-477

Discuss Fleck book.

October 13

Chapter 5, pp. 477-506

Chapter 3, Riparian Rights, pp. 247-290

October 20

Chapter 3, pp. 290-354

October 27

Chapter 4, Groundwater, pp. 355-406

November 3

First paper due by Midnight!

Discuss topics for students' second paper

Chapter 4, pp. 406-452

November 10

Students present their first papers to entire class.

November 12 (make-up) LAST CLASS!

Students present first papers to entire class.

Discuss ideas for second paper.

Observations on entire course.

Lincoln on the Law.

November 17

Class cancelled. Made up on November 12<sup>th</sup>.

December 14

Students' second paper due by Midnight.

G. Tracy Mehan, III, Adjunct Instructor

In addition to the GMU email, my personal email is [gtracymehan@gmail.com](mailto:gtracymehan@gmail.com).  
Office email: [tmehan@awwa.org](mailto:tmehan@awwa.org)