

# WATER RESOURCES LAW

## SYLLABUS

ANTONIN SCALIA LAW SCHOOL, GEORGE MASON UNIVERSITY

G. TRACY MEHAN, III  
INSTRUCTOR

COURSE NO. 225-001  
ROOM TBD, ARLINGTON CAMPUS  
6:05-8:05 P.M.  
THURSDAYS

FALL 2023

### 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 30th with a group discussion to follow in a subsequent class. Begin reading now!

The first paper will be due by November 5th, and the second paper will be due on December 3<sup>rd</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.

Voluntary make-up classes be on Saturday mornings at 9am.

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 24

Overview of the course, etc.

Chapter 1 in its entirety.

Chapter 2, Prior Appropriation, pp. 19-29

August 31

Chapter 2, pp. 30-78

September 7

Chapter 2, pp. 78-125

September 14

Catch up. Check in on Fleck book progress.

September 21

Chapter 2, pp. 125-176

Discuss topics for students' first paper.

September 28

Chapter 2, pp. 176-222

September 30, Sunday

Fleck book review due by Midnight.

October 5

Discuss Fleck book.

Chapter 2, pp. 222-246

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

October 12

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

Chapter 5, Interstate Allocations, pp. 453-477

October 19

Chapter 5, pp. 477-506

Chapter 3, Riparian Rights, pp. 247-290

October 26

Chapter 3, pp. 290-354

November 2

Chapter 4, Groundwater, pp. 355-406

November 5, Sunday

First paper due by Midnight!

November 9

Discuss topics for students' second paper  
Chapter 4, pp. 406-452

November 16-Last Class

Students present their first papers to entire class.  
Discuss topics for students' second paper.  
Observations on entire course.  
Lincoln on the practice of law

December 3

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)

