WATER LAW II
TU/TH
MOSCOW 3:30-4:45 LAW 215
BOISE 4:30-5:45 ILJC 136

Instructor: Professor Clive Strong
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• (208) 850-7792
• Office: After class or by appointment.

Objectives: Water Law II builds on the basic concepts presented in Water Law I. The course will focus on how to apply a legal system that evolved in the mid-nineteenth century to encourage settlement of the arid lands of the Western United States to modern multi-dimensional issues in fully developed water basins. The practice of water law has become more complex because of evolving societal values regarding use of water, the overlay of administrative processes and the infusion of science into the decision-making process. Examples of modern issues are: conjunctive management of ground and surface water, instream flows for protection of fish and wildlife, recognition of federal reserved water rights, management of flows for flood control, impact of extended droughts on water supplies, and interstate and international obligations. These issues will be explored primarily through a case study of the Snake River Basin, which over the course of the past thirty years has confronted these issues both through litigation and negotiation. While the focus will be on the Snake River Basin, students will develop the basic skills necessary to work on issues in other prior appropriation states.

Class Sessions: Because we are not relying on a casebook, your understanding of the subject will need to be obtained through the study of the assigned readings and class participation. Your attendance and participation will be a factor in your final grade.

Assignments: Reading material will be electronic and will be available on a BbLearn site for the class. In addition, you will be expected to read and become familiar with selected provisions of the Idaho Constitution, Title 42 of the Idaho Code, the Idaho Department of Water Resources rules and the SRBA website.

Assessment:
There will a list of questions for each class session. Questions will be designed to determine whether you have a basic understanding of the reading material and to allow us to have a greater in-depth class discussion. If you find you are answering questions incorrectly and cannot identify your error by going back to the reading, please arrange a meeting with the me. There will be mid-term and final take-home exams.

Basis for Grade:
Class Attendance and Participation: 20%
Midterm Exam 40%
Final Exam 40%