

**WATER LAW**  
**UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW**  
**SPRING SYLLABUS – LAW 6492 – 2 CREDITS**

Professor Brett  
HH 333  
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Office Hours: Tuesday, 1:00-3:00pm

**MEETING TIME:** Tuesday, 3:00-5:00pm

**LOCATION:** HH355B

**COURSE DESCRIPTION AND OBJECTIVES:**

Substantively, the goal of this course is to give students an overview of the water law doctrines and issues that shape rights to use water in the United States, emphasizing the balance between private rights to use water (usufructuary rights) and the various public interests in water. It will first cover the two primary legal doctrines that govern private rights to use surface water—riparianism and prior appropriation—plus the approaches used in California, Florida, and Hawai'i that both blend and modify these two basic doctrines. The class will then move to an overview of the five common-law doctrines that govern groundwater use. From there, the course shifts to public interests in water, including navigation and navigability, state title and the public trust doctrines, federal reserved water rights (especially tribal water rights), the water-energy nexus, and environmental protection. The course then briefly circles back to private interests and the complex world of water right takings liability.

**STUDENT LEARNING OUTCOMES:**

At the end of this course, students should be able to:

- Describe the two legal systems for surface water rights in the United States and analyze legal problems that arise under each.
- Describe the five common-law systems for groundwater in the United States and analyze legal problems that arise under each.
- Describe Florida's approaches to surface water law and to groundwater law and how Florida water law differs from that of other states.
- Identify public interests in water and apply the federal and state statutes and legal doctrines that protect those public interests.

**REQUIRED READING MATERIALS:**

The required textbooks for this course are:

- Robert W. Adler, Robin Kundis Craig, and Noah D. Hall, *Modern Water Law: Private Property, Public Rights, and Environmental Protections*, Third Edition
- Various other readings as assigned in the syllabus below and made available through Canvas.

**COURSE EXPECTATIONS AND GRADING EVALUATION:**

This course does not include a final examination. Instead, evaluation will be based on written work, a short in-class quiz, and structured participation activities designed to promote close engagement with doctrine, case law, and current water resource issues.

## 1. Written Assignment (40%)

Each student must complete one substantial written assignment (8–10 pages, double-spaced). Students may choose from the following options:

- Statutory Interpretation and Application Memorandum: Analyze how a selected state water code or doctrine (e.g., reasonable-beneficial use, prior appropriation, groundwater permitting, instream flow rights, public trust doctrine, tribal reserved rights) applies to a provided factual scenario.
- Water Conflict Case Study: Examine a real-world water dispute. Summaries should describe the background facts, identify the governing legal frameworks, outline the competing stakeholder positions, and propose a legally grounded resolution.
- Drafting Project: Prepare a water-use permit decision, an instream flow statute, or a proposed revision to an interstate compact provision. The assignment must include a short explanatory memorandum justifying the drafting choices.

A detailed prompt and rubric will be provided in advance.

## 2. In-Class Quiz (30%)

There will be one open-note, in-class quiz. The quiz will test comprehension of core doctrines introduced in the first half of the course, including but not limited to:

- riparian rights and prior appropriation,
- groundwater allocation doctrines,
- public trust principles,
- federal reserved rights,
- federal-state interactions under the Clean Water Act.

The quiz is intended as a low-stakes opportunity to ensure foundational mastery.

## 3. Discussion Leadership and Participation (20%)

### *A. Discussion Leadership (10%)*

Each student will be responsible for leading one class discussion. This includes:

- preparing a **1–2 page discussion guide** distributed to the class at least 24 hours in advance,
- framing several doctrinal or policy questions,
- facilitating 15–20 minutes of structured conversation.

Students should connect the day's materials to broader themes in water allocation, governance, or environmental justice. A sample discussion guide will be available.

### *B. Additional Participation (10%)*

Students must complete two short participation activities during the semester. Options include:

- a “Water in the News” 5-minute presentation linking a contemporary development to course doctrine;
- one-slide explainers translating a case, doctrine, or statutory provision into a concise visual summary;
- asking questions to guest speakers.

Because the class is small, consistent preparation and engagement are essential components of the learning environment and will be reflected in this portion of the grade.

#### **4. Professionalism and Attendance (10%).**

Active participation is an essential component of this class. I ask that each of you arrive to class having done the readings and prepared to meaningfully engage in discussion.

#### **CLASS ATTENDANCE AND MAKEUP POLICY:**

Per ABA requirements you are expected to attend all classes. More than 2 unexcused absences will result in a decrease of your final grade in the course. Acceptable reasons for absence from or failure to engage in class include illness; Title IX-related situations; serious accidents or emergencies affecting the student, their roommates, or their family; special curricular requirements; military obligation; severe weather conditions that prevent class participation; religious holidays; participation in official university activities; and court-imposed legal obligation. Other reasons (e.g., a job interview or club activity) may be deemed acceptable if approved by me in advance.

If you are planning to miss class for any excused reason, please let me know and provide appropriate documentation as you are able. Otherwise, in the interests of privacy and efficiency it is not necessary to tell me why you are absent and telling me does not excuse the absence.

Please do not arrive late to class, leave early, or leave to take a break during class absent extenuating circumstances. Please turn off your cell phone during class. I reserve the right to lower your final grade if you engage in behavior that disrupts the learning environment for your classmates. The law school’s policy on attendance can be found [here](#).

#### **UF LEVIN COLLEGE OF LAW STANDARD SYLLABUS POLICIES:**

Other information about UF Levin College of Law policies can be found at [this link](#).

#### **UF ACADEMIC POLICIES AND RESOURCES:**

Other information about UF academic policies and resources can be found at [this link](#).

#### **READING ASSIGNMENTS**

Per ABA Standard 310, it is anticipated that you will spend approximately 2 hours out of class reading and/or preparing for in class assignments for every 1 hour in class.

Readings for the first weeks of class are below, I will announce any changes and post these on Canvas. You are responsible for ensuring that you check Canvas before each class to ensure you are abreast of any changes.

<b>PART 1: INTRODUCTION TO WATER LAW</b>	
1 1/20	<b><i>Class 1: Introduction &amp; Course Overview</i></b>  <i>Required Readings:</i> <ul style="list-style-type: none"><li>• Modern Water Law, p. 1-36</li></ul>
2 1/27	<b><i>Class 2: Riparianism</i></b>  <i>Required Readings:</i> <ul style="list-style-type: none"><li>• Modern Water Law, p. 37-73</li></ul>