

**Water Law, Policy, and Institutions**  
AREC 342, Spring 2018  
Colorado State University

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Office Hours: Before or after class, and by appointment

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Office Hours: Tuesday and Thursday from 2-3 pm. Clark B-322

**Course Overview:** The purpose of this course is to provide students with an introduction to the nature of water rights in Colorado and the southwestern United States. Distinctions, similarities, and interactions between surface water and groundwater rights will be presented. Students will be introduced to water rights administration principles and the history and evolution of the prior appropriations doctrine, as well as the key water entities at the regional, state, and local levels. Numerous other contemporary issues will be covered, including environmental and non-consumptive uses of water, federal water issues such as the Colorado River and the economics of water.

**Course Objectives:** It is my objective that by the end of this semester, each student will develop an in-depth understanding of the following:

1. The nature of a Colorado water right.
2. The roles of Colorado water entities including Water Court, the State Engineer's Office and mutual ditch companies, as well as key federal water entities.
3. How water rights are transferred between uses and the economic consequences of water transfers.
4. Non-consumptive uses of water, including hydropower and instream flows.
5. A basic understanding of the laws surrounding water quality protection.

**Student Learning Outcomes:**

1. Professional Development: Students will embody a general awareness of issues in agricultural and natural resource management and their implications in a larger societal context. Students will begin to develop a network of personal and professional connections which will foster an understanding of the culture surrounding professional expectations and conduct.
2. Problem-solving Skills: Students will demonstrate the ability to solve real-world problems beyond the context of the classroom. Students will be able to identify a problem and its scope, evaluate resources available to address the problem, formulate alternative solutions, and select the solution(s) most consistent with a stated objective.
3. Communication Skills: Students will demonstrate proficiency in oral and written communication in terms of substance, organization, mechanics, documentation, and synthesis. Proficient students will have the ability to clearly communicate findings, critically and analytically, at a professional level within their chosen career.

**Course Material and Texts:**

1. *Required Text:* Jones, P.A. and T. Cech. 2009. Colorado Water Law for Non-Lawyers. University Press of Colorado. This textbook is referred to as “CWL” on the schedule below.
2. In addition to the required text, we will also rely on Cech, Thomas V. 2010. Principles of Water Resources, 3rd ed. John Wiley & Sons, Inc. I will provide you the required chapters via the Canvas course site. This textbook is referred to as “Cech” on the schedule below.
3. Other required course material will be posted to the Canvas course site. These “other readings” are required and the material in these readings will be covered on quizzes and exams.

**Student Evaluation:** Student grades will be determined based on performance in the following:

Quizzes (4)	120 Points (30 Points each)
Class Participation	80 Points
Midterm	100 Points
<u>Final Exam (cumulative)</u>	<u>200 Points</u>
<b>TOTAL</b>	<b>500 Points</b>

*Grading Scale:*

A	465	(93%)	C+	380	(76%)
A-	450	(90%)	C	350	(70%)
B+	430	(86%)	D	300	(60%)
B	415	(83%)	F	below 300	
B-	400	(80%)			

**AREC 342 Ground Rules:**

1. Be respectful of your classmates. If water is anything, it is controversial. I expect you to challenge your beliefs about water and try to view issues from another perspective. Disrespect towards your classmates or guest lecturers will not be tolerated and may result in removal from the course.
2. Cheating of any kind will NOT be tolerated. Cheating will result in a zero score on the exam/assignment, a failing grade in the course, and potential disciplinary action by the University.
3. Please silence your cell phones. If you must take a call, step outside the room.
4. \*\*I plan to have several guest lecturers present to the class on various topics. You are responsible for attending these class sessions – the material presented by the guest lecturers will be on the exams.
5. If you fall behind, see Tim or me before it is too late. We are here to help you.

## CSU Community Resources:

### Mental Health Statement

#### Need Help?

CSU is a community that cares for you. If you are struggling with drugs or alcohol and/or experiencing depression, anxiety, overwhelming stress or thoughts of hurting yourself or others please know there is help available. Counseling Services has trained professionals who can help. Contact 970.491.6053 or go to <http://health.colostate.edu>. If you are concerned about a friend or peer, tell someone at by calling 970.491.1350 to discuss your concerns with a professional who can discreetly connect the distressed individual with the proper resources (<http://supportandsafety.colostate.edu/tellsomeone>). Rams take care of Rams. Reach out and ask for help if you or someone you know is having a difficult time.

### Sexual Assault and Violence Elimination

CSU's Student Sexual Harassment and Violence policy, following national guidance from the Office of Civil Rights, requires that professors follow CSU policy as a "mandatory reporter" of any personal disclosure of sexual harassment, abuse, and/or violence related experiences or incidents shared with the professor in person, via email, and/or in classroom papers or homework exercises. These disclosures include but are not limited to reports of personal relational abuse, relational/domestic violence, and stalking. While professors are often able to help students locate appropriate channels of assistance on campus (e.g., see the CSU Health Network link below), disclosure by the student to the professor requires that the professor inform appropriate CSU channels to help ensure that the student's safety and welfare is being addressed, even if the student requests that the disclosure not be shared.

For counseling support and assistance, please see The CSU HEALTH NETWORK, which includes a variety of counseling services that can be accessed at: <http://www.health.colostate.edu/>. And, The Sexual Assault Victim Assistance Team is a confidential resource for students that does not have a reporting requirement and that can be of great help to students who have experienced sexual assault. The web address is <http://www.wgac.colostate.edu/need-help-support>.

### CLASS SCHEDULE

The following is the anticipated course schedule. **It is subject to change.**

	Tuesday	Thursday
<b>Week 1</b> (January 16 & 18)	Introductions and Overview of the Course; Review Syllabus	History of Water Resource Development; Colorado Hydrology  <i>Readings:</i>  (1) CWL Chapters 1-2 (2) Cech Chapter 2 (24-41)
<b>Week 2</b> (January 23 & 25)	<b><u>NO CLASS</u></b>	Water Law Basics  <i>Readings:</i>  (1) CWL Chapter 3

<b>Week 3</b> (Jan. 30 & Feb. 1)	Tributary Water Rights  <u>Readings:</u>  (1) CWL Chapter 7 (85-106)	Tributary Water Rights (continued)
<b>Week 4</b>  (February 6 & 8)	Finish Tributary Water Rights; Start Changes of Water Rights  <u>Readings:</u>  (1) CWL Chapter 5 (106-116) (2) Gould Article	<b>QUIZ No. 1</b>  Changes of Water Rights (cont.) & Alternative Transfer Methods (ATM)s  <u>Readings:</u>  (1) Shopping for Water, Chapter 3: Reforming Western Water Law and Policy (13-27)
<b>Week 5</b>  (February 13 & 15)	Augmentation Plans  <u>Readings:</u>  (1) CWL Chapter 5 (116-128) (2) Jones Article	<u>Guest Lecture:</u> Brad Grasmick (Attorney) and Ed Armbruster (Engineer)  Topic: Augmentation Plans
<b>Week 6</b>  (February 20 & 22)	State Water Entities  <u>Readings:</u>  (1) CWL Chapter 5 (90-95) (2) CWL Chapter 10	<b>QUIZ No. 2</b> Administration of Tributary Water  <u>Readings:</u>  (1) CWL Chapter 9
<b>Week 7</b>  (Feb. 27 & March 1)	Groundwater Rights and Administration  <u>Readings:</u>  (1) CWL Chapters 6 and 7	Groundwater Rights and Administration (cont.)
<b>Week 8</b>  (March 6 & 8)	Review for Midterm Exam	<b>MIDTERM EXAM</b>
<b>Week 9</b>  (March 13 & 15)	SPRING BREAK	SPRING BREAK
<b>Week 10</b>  (March 20 & 22)	<u>Guest Lecture:</u> Brian Werner, Northern Water	<u>Video:</u> The Great Divide

<p><b>Week 11</b> (March 27 &amp; 29)</p>	<p>Environmental &amp; Instream Flow Water Rights</p> <p><u>Readings:</u></p> <p>(1) Merriman and Janicki Article</p>	<p>Water Resource Planning</p> <p><u>Readings:</u></p> <p>(1) Colorado State Water Plan (Executive Summary)</p> <p>(2) Colorado Water for the 21<sup>st</sup> Century Act</p> <p>(3) State Water Plan, Chapter 6, Section 2</p>
<p><b>Week 12</b> (April 3 &amp; 5)</p>	<p>Transbasin Diversions</p> <p><u>Readings:</u></p> <p>(1) Citizen's Guide: Colorado Foundation for Water Education</p>	<p>Interstate Compacts</p> <p><u>Readings:</u></p> <p>(1) Citizen's Guide: Colorado Foundation for Water Education</p>
<p><b>Week 13</b> (April 10 &amp; 12)</p>	<p><u>Guest Lecture</u> Dave Nettles, Colorado Water Division One Engineer</p> <p>Topic: Water Rights Administration</p>	<p style="text-align: center;"><b>Quiz No. 3</b></p> <p>Federal Water Entities</p> <p><u>Readings:</u></p> <p>Cech Chapter 9</p>
<p><b>Week 14</b> (April 17 &amp; 19)</p>	<p>Colorado River: "Law of the River"</p> <p><u>Readings:</u></p> <p>(1) Prof. MacDonnell Chapter (13-20)</p> <p>(2) Norris Hundley Chapter (9-37)</p>	<p>Introduction to Federal Water Quality</p> <p>(1) Congressional Research Office: Summary of Clean Water Act</p> <p>(2) Environmental Law Institute Clean Water Act Jurisdictional Handbook</p>
<p><b>Week 15</b> (April 24 &amp; 26)</p>	<p>Hydropower</p> <p><u>Readings:</u></p> <p>(1) Congressional Research Office Article (1-19)</p>	<p style="text-align: center;"><b>QUIZ No. 4</b></p> <p>Water Conflicts (International)</p> <p><u>Readings:</u></p> <p>(1) Priscoli and Wolf, Chapter 2</p>
<p><b>Week 16</b> (May 1 &amp; 3)</p>	<p style="text-align: center;">Flex Class</p>	<p style="text-align: center;">Review for Final Exam</p>

