SYLLABUS
Water Law (Law 624)
2 units
Spring 2025

Introduction and Purposes

Course description: The purpose of this course is to assist students in understanding and applying the complex set of laws and policies governing California water law. This course will cover the regulation of both groundwater and surface water by the courts and the State Water Resources Control Board. This course will also explore the development of several key judicial doctrines and policies relating to water law.   In addition, this course will provide students with an overview of both federal and state administrative law as well as other environmental and governmental regulations impacting the water resources of the state, such as the California Environmental Quality Act, the Endangered Species Act, and other relevant federal and state statutes and regulations. Upon completion of the course, students will have a working knowledge of applicable case law, statutes, regulations, and policies governing water law. Students will be able to apply this knowledge to work within the regulatory framework governing water-related issues in California.

Instructors
Eric L. Garner
213-787-2561
951-544-2053 (cell)
egarner@law.usc.edu

Joseph P. Byrne
213-617-7496
323-229-3628 (cell)
jbyrne@law.usc.edu
Office hours immediately after class or by appointment

Course Requirements and Grades
Grade and Final Exam: The grade will be based on a take home exam. Class attendance and participation will comprise 15% of the final grade. The composition of the exam will be discussed during the first class.

Preparation and participation: All students are expected to prepare the assigned reading. Participation in discussions is encouraged. Extra points may be awarded to those students who actively contribute to class discussions.

Course Readings
Textbook: California Water Third Edition, Arthur L. Littleworth and Eric L. Garner

Supplement Handouts: We will pass out additional handouts and supplemental reading throughout the course. These handouts will be available electronically and as needed in hard copy.

<u>**Statement on Academic Integrity**</u>
USC seeks to maintain an optimal learning environment. General principles of academic honesty include the concept of respect for the intellectual property of others, the expectation that the work submitted represents solely the effort of the person(s) submitting the work (unless otherwise allowed by an instructor), and the obligations both to protect one's own academic work from misuse by others as well as to avoid using another's work as one's own.

All students are required to understand and abide by the policies and expectation of the Law School, http://mylaw2.usc.edu/portal/policies/handbook/character/plagiarism.cfm, and the University, http://www.usc.edu/student-affairs/SJACS/forms/AcademicIntegrityOverview.pdf, regarding academic integrity.

<u>**Accommodation of Disabilities**</u>
USC is committed to providing reasonable accommodations for members of the student body who have permanent or temporary physical, learning or other disabilities, to ensure that all students are given an equal opportunity for learning and for pursuing their academic interests. Students wishing to seek accommodation should consult the policies and procedures in the Student Handbook, http://mylaw2.usc.edu/portal/policies/handbook/exceptions/disabilities.cfm.

<u>CLASS SCHEDULE</u>

** Pre-Class Reading Assignment: Chapters I and II, <u>California Water Third Edition</u>

January 13 – Class 1

- Course Introduction
- Overview of California Water Law and Policy
- California's Water Supplies and Delivery Systems
- Course Road Map
- Reading Assignment for Next Class: Chapters 3 – 4

JANUARY 27 – Class 2

- Surface Water Rights
- Groundwater Rights
- Prescriptive Rights
- Imported Water Rights and Groundwater Storage
- Reading Assignment for Next Class: (1) LAO March 2022 Report on Water Districts: https://lao.ca.gov/2002/water_districts/special_water_districts.html; (2) Handout: ("Water Management: Who's in Charge:" Managing Water, Avoiding Crisis, PDF Pages 1-30), Dorothy Green

FEBRUARY 3 – Class 3

- Water Governance Structure
- Interplay Between State, Federal and Local Projects
- California Legislative Process
- Reading Assignment for Next Class: Chapters 7 – 8

FEBRUARY 10 – Class 4

- State Water Resources Control Board
- Interaction of Federal Law and State Water Law
- Impact of Endangered Species Act on Water Use
- Reading Assignment for Next Class: Chapters 5 – 6; National Audubon Society v. Superior Court (1983) 33 Cal. 3d 419

FEBRUARY 24 – Class 5

- Public Trust Doctrine
- Article X, Section 2 and Reasonable Use
- Equitable Apportionment
- The Doctrine of Physical Solution
- Groundwater Storage
- Reading Assignment for Next Class: City of Barstow v. Mojave Water Agency (2000) 23 Cal. 4th 1224; City of Santa Maria v. Adam (2012) 211 Cal App. 4th 266; Antelope Valley Groundwater Cases (Willis) 62 Cal.App.5th 99

MARCH 3 – Class 6

- Groundwater Adjudications and Other Remedies
- Case Studies
- Sustainable Groundwater Sustainability Act
- Interplay Between Adjudications and GSA
- Reading Assignment for Next Class: TBD

MARCH 10 – Class 7

- Water Transfers / State Water Project and Others
- Delta Reform Act and Delta Stewardship Council – Case Study Delta Conveyance Project
- California WaterFix Case Study
- Reading Assignment for Next Class: TBD

MARCH 17-21 – SPRING BREAK

MARCH 24 – Class 8

- Water Supply Planning
- Water Recycling
- Water Conservation
- Reading Assignment for Next Class: Handouts
- Reading Assignment for Next Class: Chapter 9; California Water Code section 10910 to 10915; California Government Code section 66473.7; California Water Impact Network v. Newhall County Water District (2008) 161 Cal.App.4th 1464; O.W.L. Foundation v. City of Rohnert Park (2008) 168 Cal.App.4th 568; Water Code Section 1210 et seq.

MARCH 31 – Class 9

- Water Quality Regulations
- Stormwater Issues and Capture
- Indirect Potable Reuse
- "Waters of the U.S."
- Reading Assignment for Next Class: Chapter 10 and 11

APRIL 7 – Class 10

- Law of the Colorado River
- Into the Future