

## WR 506 Assignment for October 16 2008:

### Reading:

The following readings can be found in the law library course reserves under Water Law: [http://db.lib.uidaho.edu/ereserve/by\\_course.php?subject=44](http://db.lib.uidaho.edu/ereserve/by_course.php?subject=44) You may be asked for an id: lawstu and password: fall07 Once in the list of readings under Water Law, read the following:

- Idaho Supplement Chapter 2, pages 2-1 to 2-4: Drake v. Earhart
  - Idaho Supplement Chapter 2, Pages 2-8 to 2-9: Glen Dale Ranches v. Shaub
- In addition, read *Winters v. United States*, which can be found on the course website.

Assignment: Brief *Winters v. United States*. A student brief is not the type of legal brief filed with a court when arguing a case. Instead, it is a short summary of a case designed to help students learn the process of legal analysis. The following website is the best one I found on how to brief a case:

<http://www.lib.jjay.cuny.edu/research/brief.html>

The one shortcoming of this website is that it gives too little attention to step 5 – reasoning. This step is the crux of understanding how lawyers develop arguments to use in applying the law to the next case that comes up with a similar but slightly different set of issues or facts. Learning this process is critical to understanding that you cannot simply read a statute to determine what the law is in a particular area.

Other sources (the following sources are for Idaho, similar websites can be found for other states):

The following is not an assignment, but simply for your reference:

Idaho statutes covering water (quantity, not quality) can be found at Title 42 of the Idaho Code: <http://www3.state.id.us/idstat/TOC/idstTOC.html> scroll down and click on Title 42.

Idaho administrative rules for the Idaho Department of Water Resources can be found at: <http://adm.idaho.gov/adminrules/agyindex.htm> scroll down and click on Water Resources, Department of. Administrative rules are promulgated by the agency to allow it to implement the statutes in the Idaho Code.

In Idaho, as with many western states, water is also addressed in the state constitution. You can find this at: <http://www3.state.id.us/idstat/const/constTOC.html> scroll down and click on Article XV