



## Lesson Plan: Who Owns It?

**Context of the lesson within the unit:** This lesson addresses the development of property rights through the Constitution through the application of current laws surrounding property rights disputes. This lesson seeks to have students define property rights clearly, recognize the characteristics of ownership, and analyze problems that arise over ownership and use of water.

**Standards Addressed:** Civics 12.2.2 Explain how economic rights are secured and their importance to the individual and to society (e.g., the right to acquire, use, transfer, and dispose of property; right to choose one's work; right to join or not join labor unions; copyright and patent).

Civics 12.3.1. Explain how civil society provides opportunities for individuals to associate for social, cultural, religious, economic, and political purposes.

Economics 12. 1.4 Evaluate the role of private property as an incentive in conserving and improving scarce resources, including renewable and nonrenewable natural resources.

Economics 12.1.5 Analyze the role of a market economy in establishing and preserving political and personal liberty (e.g., through the works of Adam Smith).

Economics 12.2.3 Explain the roles of property rights, competition, and profit in a market economy

Economics 12.3.1 Understand how the role of government in a market economy often includes providing for national defense, addressing environmental concerns, defining and enforcing property rights, attempting to make markets more competitive, and protecting consumer's rights.

**Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects Grades 11-12 Students:**



## Key Ideas and Details

1. Cite specific textual evidence to support analysis of science and technical texts, attending to important distinctions the author makes and to any gaps or inconsistencies in the account.
2. Determine the central ideas or conclusions of a text; summarize complex concepts, processes, or information presented in a text by paraphrasing them in simpler but still accurate terms.
3. Evaluate various explanations for actions or events and determine which explanation best accords with textual evidence, acknowledging where the text leaves matters uncertain.

## Integration of Knowledge and Ideas

7. Evaluate the hypotheses, data, analysis, and conclusions in a science or technical text, verifying the data when possible and corroborating or challenging conclusions with other sources of information.

## **Objectives:**

- Students will understand how property rights are defined using clear, observable data.
- Students will understand that property rights have limits that are defined by our laws.
- Students will clarify the concept of ownership, and be able to explain how the rights associated with ownership vary, depending on the type of property.
- Students will understand that disputes arise over differing views on property rights, and these disputes often must be mediated by a court who will apply an objective standard of ownership based on Constitutional guidelines.



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### Essential Questions/Issues:

How are property rights defined?

Identify various characteristics of property rights as they apply to different types of property.

Explain the responsibilities and actions of the U.S. Government in protecting economic freedom.



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**Assessment:** Student will be evaluated informally by teacher observation of participation and contribution to group effort. In addition, student will perform an authentic task (GRASPS) evaluated by a rubric.

	GRASPS: Your Goal
Goal	<p>Your assignment is to work with your group to create a presentation that asks the class to decide the application of water rights surrounding a controversy. Each group will receive a specific case situation that identifies its role in a controversy and a particular type of water right to be applied to the facts of the situation. Your group will prepare a PowerPoint presentation that :</p> <ol style="list-style-type: none"> <li>1) Explains the situation and controversy over water rights.</li> <li>2) Identifies the various interest involved in the controversy.</li> <li>3) Identifies the type of water right law being applied.</li> <li>4) Seeks to persuade a jury (classroom peers) that its side should prevail.</li> </ol>
Role	You are one of the participants in a controversy over water rights. You are trying to convince a jury (your peers) that your position on the issue is the correct one.
Audience	A classroom jury consisting of all members of the class present.
Situation	Various case studies. (Handout – attached.)
Performance	You will make a persuasive argument through a PowerPoint presentation, after which the jury (class) will conduct a poll to determine its decision.
Standards for Success	Students will be graded based on the performance rubric provided.



## Quality Criteria: GRASPS Assessment Rubric

Criteria	Advanced	Proficient	Basic	Below Basic
<b>Information Organization</b>	Clearly explains the issues involved in the controversy, the interests involved and the water rights law to be applied to the facts of the case.	Presents information to analyze controversy, identifies most interests involved and substantially identifies the water rights.	Introduces the basic facts of the controversy, names the parties involved, and acknowledges the type of water rights involved.	Does not identify the facts of the issue in controversy or the parties to the issue. Does not mention the type of water rights involved or their application to the controversy.
<b>Group Presentation</b>	All group members are present. Each group member is responsible for a portion of the presentation and carries out their responsibilities. Presentation is clear, informative and captures attention of class members. Presentation demonstrates strong understanding of the material.	All group members are present. A majority of group members take part in the presentation. Presentation is clear and conveys the information required. Presentation demonstrates a clear understanding of the material.	One group member is absent, one or two group members participate in the presentation. Presentation lacks complete focus and is not well organized or clear. Presentation shows a limited understanding of the material.	One or more group members is absent, one group member participates fully in the presentation. Presentation is poorly planned and shows a minimal understanding of the material.
<b>PowerPoint Presentation/ Clarity and technical quality</b>	PowerPoint is clear, concise and presents accurate information that is NOT directly taken from the explanation materials. PowerPoint is easily understood and informative.	PowerPoint is clear and informative; most information is original and accurate. PowerPoint generally understood and helpful to student understanding.	PowerPoint is somewhat correct and focused, mostly accurate and uses only some direct phrases from the explanation materials. Demonstrates limited understanding.	PowerPoint is mainly a repetition of the explanation materials, is mainly read directly from the PowerPoint and is somewhat accurate and informative.
<b>Persuasive Techniques</b>	Presentation contains language that is clear and value neutral; all necessary information is presented; student audience has sufficient factual information to apply water law to the issues to make a decision	Presentation is mostly complete, correct and presented in a way that allows the audience to see both sides of the controversy.	Presentation is somewhat complete, with information that is somewhat balanced. Audience is able to decide the case after viewing most of the information for both sides.	Presentation is not balanced and fails to present the controversy in a balanced manner. Audience decision is based on information for one side only.



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**Lesson Activity Steps:**

	<b>Teacher Steps</b>	<b>Student Expectations</b>
<b>Hook</b>  <b>5-10 minutes</b>	<p>Show clip from movie “Rango” in which the town mayor explains to Rango that whoever controls the water controls everything. In large group discussion, ask students: Can any person really OWN water? Under what conditions?</p> <p>Discuss the various situations where water can clearly be seen as personal property and situations where it is not clear, such as water in the ocean or a lake.</p>	<p>Students should recognize that water rights are fairly clear when it is packaged, but ownership is harder to define if it is in a lake or stream.</p>
<b>Activity</b>  <b>10 minutes</b>	<p>Hold up pictures of several items; a Disneyland season pass; a bicycle; and a gun.</p> <p>For each item, students will follow along on handout #1 that identifies the rights associated with each item.</p> <p>Through class discussion, students will understand the privileges and limitations associated with ownership, use and transfer of each item.</p>	<p>Students will recognize that rights of ownership vary from item to item, but that the rights associated with various items can be identified by their characteristics.</p>
<b>Activity</b>  <b>15 minutes</b>	<p>Divide class into small working groups and give each group a set of pictures (a library book, a hamburger, a garden, a can of paint, and a stream).</p> <p>Within each group, have students discuss each item and answer the following questions:</p>	<p>Student understanding should focus on the variety of ways that ownership is defined, and the range of privileges attached to different types of property.</p>



	<p>-Who is the likely owner of the item?</p> <p>-What are the owner's privileges and limitations?</p> <p>-How is ownership of this item the same as, or, different from other items in the group of pictures?</p> <p>After discussing each item, students will complete the chart in handout #1, identifying the characteristics of property rights for the items in the pictures.</p> <p>After group discussion, have each group prepare a one-sentence generalization about property rights based on their discussion.</p>	
<p><b>Class Discussion</b></p> <p><b>10 minutes</b></p>	<p>Put a copy of handout 1 on an overhead display and discuss with the class the property rights and privileges associated with each of the items they discussed in their groups. For each item, have the class consider the following:</p> <p>-Are the property rights well-defined?</p> <p>-Are the property rights exclusive?</p> <p>-Are the property rights transferable?</p> <p>-Are the property rights enforceable?</p> <p>For further discussion, as the class to consider what happens to the transferability, exclusivity, and enforceability of property rights that aren't or can't be clearly defined. (Without clear property rights, the characteristics that define ownership are very difficult to identify.)</p>	<p>Students should be able to recognize that there are different rights attached to the different types of property and provide examples of limitations that they have experienced with regard to types of property similar to the pictures.</p>



<p><b>Activity</b></p> <p><b>5 minutes</b></p>	<p>Have students return to their small groups and add 3 more items to their charts in handout #1 – bottled water on the grocery store shelf; water in a lake, and water flowing in a stream</p> <p>Have each group identify the privileges and limitations of ownership for each of the three types of water.</p>	<p>Students should recognize that the property rights for water in the bottle are much easier to define than the rights for water in lakes or flowing in streams.</p>
<p><b>Class Discussion</b></p>	<p>Ask the class group to discuss the following:</p> <ul style="list-style-type: none"> <li>-Are property rights to water always the same?</li> <li>-Which is more likely to create a conflict; ownership of water in a bottle, or ownership of water in a stream or lake? Why?</li> </ul> <p>Distribute handout #2 – The Impact of Water Law on People's choices</p> <p>Discuss with class the different types of water law that are applied when water rights are not clearly defined and a conflict arises.</p>	<p>Students should be able to give examples about limits to water rights that they have experienced.</p> <p>Students should recognize that since property rights to bottled water are clearly defined, there is not likely to be conflict over ownership; however, since property rights to water in a lake or stream are not well defined, it is common for people to have disputes over ownership and use of water.</p>





<b>Wrap-up Discussion</b>	<p>Point out to students that when property rights are clearly defined, there is less conflict about how property is to be used by people.</p> <p>Problems arise when there are no clear property rights, or the rights of two people are in opposition.</p> <p>In the case of disputes over the ownership of water without clearly defined property rights, different types of water rights law are applied which help to resolve issues of unclear rights of ownership.</p>	
<b>Assessment</b>	Authentic Assessment – GRASPS Activity	

**Special Needs of students are considered in this lesson:**

All students should have the ability to recognize the items used in the lesson, and should be able to relate to the different uses of each item. Group discussion, sharing out and completing the grid worksheet are all activities that engage learners of all levels and abilities.



## Lesson Plan: Who Owns It?

### Materials and Resources Needed:

Handout #1 – The characteristics of property rights

Handout #2 - The Impact of Water Law of People's choices

Handout #3 - Case Studies 1-6

Pictures of various items with different rules of ownership; (a ski lift ticket, a gun, a hamburger, a library book, a view of a garden, a bald eagle, a can of pain, water in a stream)

Video Clip – Making Economics Come Alive with John Stossel – Part I Economics of Property Rights; [Clip 1 Private Ownership and Conservation](#) (3:15)

Video Clip - "Rango" scene – Mayor introduces Rango to community of Dirt

### References:

California Council on Economic Education – [www.ccee.org](http://www.ccee.org)

Foundation for Teaching Economics – [www.fte.org](http://www.fte.org)

John Stossel – [Making Economics Come Alive](#) Video Segment "Private Ownership and Conservation"



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Handout #1

**THE CHARACTERISTICS OF PROPERTY RIGHTS**

Directions: Consider each of the items listed below. Could you own this item? Decide how well you think each item meets the characteristics for private property rights. The first

<b>Item</b>	<b>Well-defined? (How?)</b>	<b>Exclusive?</b>	<b>Transferable?</b>	<b>Enforceable? (How?)</b>
<b>Skateboard</b>	Yes	yes	yes	
<b>Lift Ticket</b>	yes (see print on back of ticket)	yes	no	yes (but may be difficult to do)
<b>Gun</b>	yes: local, state, and federal laws	yes	yes, with limits	to some extent—illegal weapons and a black market exist
<b>Library book</b>				
<b>Hamburger</b>				
<b>Beautiful view of a garden</b>				

Three are completed for you.



## Lesson Plan: Who Owns It?

Handout #2

### THE IMPACT OF WATER LAW ON PEOPLE'S CHOICES

<b>Riparian Common Law</b>	People who own land along streams, lakes, springs, etc. have the right to “reasonable use” of the water.
<b>Prior Appropriation</b> <b>(First-in-Time, First-in-Right)</b>	The first person to divert water (take out of the stream) and use it has a right to what he used. People who come later may only claim rights to what, if any, is left.
<b>Forfeiture Law</b> <b>(Use-It-Or-Lose-It)</b>	If a water rights holder doesn’t use all the water he has a right to, he permanently loses his right to the unused portion.
<b>Salvaged Water Rule</b>	If a rights holder saves water (by using better irrigation technology, for example, ownership of the saved water reverts to the state. The rights holder may not sell the conserved water.
<b>Beneficial Use</b>	People may establish water rights only for “beneficial use” as established by state law. (For example, agriculture is a beneficial use in all states, but only some states list recreation or fishing as a beneficial use.)
<b>Public Interest</b>	Water rights, especially the right to transfer, are limited by the public interest as defined by law and court rulings. Common examples are protection of an economic area, preservation of the environment, or public health and safety.

Directions: Study the definitions of U.S. water law that appear below. Read the case studies that follow and answer the questions.



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## **Assessment Case Studies: The Impact of Water Law on People's Choices**

Each group will prepare a well organized PowerPoint presentation that explains the facts of the case, the different positions of the parties to the case and the legal reasoning to be applied. Each presentation will be scored according to the GRASPS rubric provided.

### **Case Study #1**

#### **Farmers:**

Joe and Jim are farmers who have adjacent farms along a river. Joe grows alfalfa in his irrigated fields, and he could grow hay without irrigation. Jim lives downstream and grows hay, but he really wants to grow pumpkins. He could earn a great deal more money from pumpkins than he earns from hay. Unfortunately for Jim, pumpkins require more water than is left in the stream below Joe's farm. Joe and Jim are unable to reach an agreement on their own, and decide to take their disagreement to court.

Assuming that the water law applied in this case is Riparian Common Law, what will the outcome be for Joe and Jim?

### **Case Study #2**

#### **Gold Miners:**

Jen and Jan are gold miners. Jen sets up camp on a stream, builds a sluice (a device that channels water with a gate to control flow) and diverts water at 10 cubic feet per second (cfs) through the sluice. Jan arrives 2 months later, builds her camp upstream from Jen and sets up her sluice which uses 5 cfs of water. In August, the stream begins to run very low, and after Jan takes out her water, only 5 cfs are left for Jen. Jen sues Jan for interfering with her ability to mine for gold.

Assuming that the water law applied in this case is Prior Appropriation (First in Time, First in Right) what will the outcome be for Jen and Jan?



## **Case Study #3**

### **Conservation:**

Bert and Ernie are vegetable farmers who want to expand their operation to try growing some new types of vegetables. They currently use water from a stream that adjoins their property, and they understand that their new growing plan will require additional water. A friend of theirs, Grover tells them that they could use 2/3 less water if they installed a drip irrigation system. Grover offers to sell them the irrigation equipment for a reasonable price.

If the Salvaged Water Rule is in effect, should Bert and Ernie purchase the drip irrigation equipment from Grover? Why or why not?

## **Case Study #4**

### **Environmentalists**

Jason currently operates a vegetable farm on his property that adjoins a stream, and he uses water from the stream to irrigate his fields. In his community, a local environmental activist group is concerned because in dry years the stream is so low that fish die by the thousands. They want Jason to leave more water in the stream, and prepare a request that he reduce his water usage by one half. Jason is sympathetic to the environmental concerns of the group, but he must also earn a living.

If the Forfeiture (use it or lose it) rule is in effect, how should Jason respond to the environmental group's request? Why?



## Case Study #5

### **Ground Water**

Jeffrey decides to start a bottled water company, pumping water from a large underground aquifer to his bottling plant. The aquifer is shared by his neighbors who are farmers, and the nearby town. The City Council is alarmed by a report that more water is being taken from the aquifer than is being replaced by natural sources such as rainwater. They tell Jeffrey that he must stop using the aquifer as the source for his bottled water so that more water is available for the town.

If the Public Interest rule is in effect, should Jeffrey agree to the request by the City Council?



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### Outline of Unit Plan: How Much Government is too Much?