COURSE SYLLABUS
LS 4120 – Inland Water Boundaries
Spring 2016

Instructor Information:
Instructor: Chuck Karayan, L.S.
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Sacramento, CA 95811

Course Information:
Thursdays, 7:30pm to 8:30pm Mountain Time

Prerequisites:
LS 4110

Course Description:
This course provides a basic understanding of Natural Boundaries and a more complete understanding of the geophysical, legal and administrative issues effecting rights in real property adjoining non-tidal waters. Focus areas include the legal issues of “navigability” and its various usages/meanings; an introduction to fluvial geomorphology and its influence on boundary and title matters; the Rivers and Harbors Act, the Clean Water Act, the Environmental Protection Act, and other federal legislation affecting riparian and littoral property.

Inland Water Boundaries is the second of a two-course sequence addressing the water boundary aspects of cadastral surveying. This course builds upon the skills and knowledge acquired in LS 4110 relating them to practical applications involving, boundary and land-use issues. The course also introduces the student to the concepts of “legislative intent” and “administrative law”. Regular case briefing and an independently developed research project are required.

Disability Statement:
If you have a physical, learning, sensory or psychological disability and require accommodations, please let me know as soon as possible. You will need to register with, and provide documentation of your disability to University Disability Support Services (UDSS) in SEO, room 330 Knight Hall.

Objectives/Outcomes/Standards:
LS 4120 involves analysis of complex situations involving conflicts of evidence and personal interests, ultimately leading to appropriate courses of action. This necessarily includes effective verbal, written and graphical communication pertaining to the technical, legal and socio-economic-political impacts of professional problem solving.

Within the first week of class all students will provide one or more internet addresses where quizzes, exams and other course communication is to be sent to them.

All quizzes, exercises and exams will be administered using Microsoft Word.

Text and Readings:
River and Lake Boundaries by James A. Simpson (2nd Ed.), © 2005 Plat Key Publishing
Course Requirements/Assignments:
I expect that all students intend to learn and that they will expend the time and effort to do so; that they will attend all teleconferences and come prepared to fully participate; that they will complete all assignments, quizzes and exams on time; and, that they will be respectful of all persons.

Students are expected to read the entire text by the end of the semester regardless of weekly assignments. The lectures only involve some, non-sequential, portions of the text; they are generally drawn from other materials. Students are also expected to read the Supplemental Materials applicable to each lecture and teleconference.

The instructional design of these courses traces the development of the American Common Law regarding littoral, riparian and lacustrine titles and boundaries from its historical beginnings to its present status. The surveyor’s duty regarding the location of water boundaries cannot be fulfilled without a clear understanding of how these principles of law are actually applied on the ground. No two states being identical, individual examination is required. From a practical point of view that “end-point” cannot be fully accomplished via the lecture/discussion portion of this course. Students will prepare, in electronic format using Microsoft Word or PDF, a comprehensive report of state legislative, judicial and administrative law pertaining to:

1. The limit of the State’s bed title (OHWM/OLWM/etc.) along waters navigable for title purposes;
2. The limit of upland owners ‘bed title’ along waters not navigable for title purposes;
3. The apportionment of accretion and other exposed land along inland waterways – specifically with regard to all methods required, approved, rejected, or modified (including the rational);
4. The state’s involvement in environmental, wetland, etc. protection affecting riparian and lacustrine property owners title, boundary and/or development rights;
5. Those positions taken by the State (legislative, executive and judicial) with regard to navigability-for-public-use purposes and/or arising from its ownership of the water.

The report shall include verbatim text, LexisNexis, or other citation sufficient to allow the reader to verify assertions made. Citations may appear: (1) in the body of the report; (2) as footnotes; or (3) tabulated as an appendix. The report is to be submitted electronically prior to Session 13. Students may choose the jurisdiction (home or employment) to be researched.

Students may choose the state (residence/employment) to be researched. Students wishing to use a different state should discuss the matter with the instructor.

One of the goals of this project is for each student to “discover” where to look for such information. Another is to see the connection between legislated, administrative and judicial law. And last, but not least, to convincingly communicate our expertise. Landowners (clients and adjoiners), administrators and jurists must be persuaded to accept our opinions and monuments – as surveyors we cannot compel such agreement.

Grading Standards:
The greatest value in quizzes and exams is to provide students with a means of assessing their progress. This allows students to identify what they do and do not know and therefore focus their effort where it will be most beneficial. There will be three quizzes, approximately at the ¼, ½ and ¾ points, a ‘professional practice exercise’, and a proctored Final Exam.

Quizzes are mostly “Multiple-Multiple Choice” and “Multiple-Matching” questions but may also include “Fill in the Blank”, “Define and Discuss”, and/or “Compare and Contrast” type questions. The ‘professional
practice exercise' has two required essay questions and an optional third question. The Final Exam may also include essay type questions.

Do not ‘add to’, ‘subtract from’ or otherwise alter any part of any question. Students may use any and all resources of their choosing. DO NOT PLAGIARIZE.

For “Multiple-Multiple Choice” questions mark all correct answers by underlining them.  
(All, some, or none of the possible answers may be correct)

For “Multiple-Matching” questions mark all correct answers by inserting the correct number(s).  
(All, some or none of the possible answers may be used more than once or not at all)

For “Fill in the Blank” questions one or two word responses are usually sufficient. There may be more than one ‘blank’ per question.

For “Define and Discuss” questions the “define” portion may require a sentence or two; the “discuss” portion may require a paragraph or two.

For “Compare and Contrast” questions the ‘compare’ portion seeks a one or two paragraph statement of similarities, while the ‘contrast’ portion seeks a similar statement of their differences.

For “Essay” questions the response should be a complete discussion of the topic. There is no prescribed or suggested length. Exceedingly long answers often indicate a less than full understanding. DO NOT merely quote/paraphrase the text book, my handout, or other source. Demonstrate an understanding by using your own words.

This assessment format is designed to reveal what the student does know as well as what they do not know. The latter is the cornerstone of responsible, self-limiting, professional practice.

Multiple Choice and Matching question “elements” are scored as one point each. Some questions will have more “elements” than others. Fill in the Blank questions are scored as one or two points.

Define portions are scored as two points, while Discuss, Compare and Contrast portions are scored as five points. Partial credit will be assigned as appropriate.

Correctly marked answers will be highlighted in GREEN. Incorrectly marked answers will be highlighted in RED. Unmarked correct answers will be highlighted in YELLOW. GREEN is plus; RED is minus; YELLOW is neither. Total Score and Possible Score will be shown at the top of the quiz/exercise/exam when returned.

Above 80% is an A; 70 to 79 is a B; 60 to 69 is a C, 50 to 59 is a D; below 50 is an F.

Overall grades will be derived as follows:

Final Exam = 20%
Quizzes = 30% (10% each)
Professional Practice Exercise = 20%
Final Exam Alternative = 70% (see note below)
Course Project = 20%
Course Participation = 10% (see note below)
The quizzes and ‘professional practice exercise’ will be sent to each student and returned to the instructor directly via email. The Final Exam will be proctored by a third-party. Each student must quickly find an ‘approvable proctor’ and submit the pertinent information to Angie Gorman in Exam Support (Outreach School). The testing period is limited to two hours at any time (day or night) acceptable to the proctor between Friday, May 6 and Saturday, May 14. The exam must be taken on a computer (yours or theirs) capable of using MS Word documents. IMMEDIATELY UPON COMPLETION SEND THE EXAM DIRECTLY TO THE INSTRUCTOR.

NOTES: Final Exam Alternative - Every student learns in a manner unique unto themselves. Depending upon their individual style and learning curve a ‘testing grade’ based on the Professional Practice Exercise and the Final Exam may more accurately reflect the sum total of their learning. That method which produces the higher overall grade will be applied.

Course Participation – This portion of the overall grade is a reflection of each student’s effort and performance during the teleconferences. While attendance and text reading are not directly included they are factors in the end result.

Attendance/Participation Policy:
University sponsored absences are cleared through the Office of Student Life.

All communication devices (phones, pagers, radios, TV’s, etc.) must be silent during the teleconference. I realize that some students have families and/or roommates but the elimination of background noise is each student’s personal responsibility.

This course is predicated upon a dialogue between the students as well as with the instructor. Questions are mandatory, differing opinions are to be expected. All “argument” must be intellectual, fact-based, and rational – be prepared to cite your references/authority. Personal disparagement/disrespect will not be tolerated. Previous students have found study groups (through separate telephone/internet connections and/or the university’s discussion thread) to be useful.

Each teleconference will begin with an opportunity to explore/clarify issues arising from previous lectures, readings, etc. This will be followed by a similar opportunity regarding the current material. The instructor may include additional materials. In most teleconferences students will present their brief(s) of the assigned case(s) which will be followed by group discussion. Toward the end of each teleconference students will have an opportunity to ask questions about the next assignment and/or future materials.

Students who have questions regarding specific quiz/exercise/exam answers and/or grading should address them via the internet or telephone, teleconference time is usually too short to permit such in-depth discussions. General questions with which other students may be concerned may be discussed – at the instructor’s discretion.

Students are expected to have: read the text assignment, the pertinent supplemental materials, viewed the lectures, and read and briefed assigned cases prior to the teleconference.

Academic Honesty:
UW Regulation 6-802. The University of Wyoming is built upon a strong foundation of integrity, respect and trust. All members of the university community have a responsibility to be honest and the right to expect honesty from others. Any form of academic dishonesty is unacceptable to our community and will not be tolerated [from the University Catalog]. Teachers and students should report suspected violations of
standards of academic honesty to the instructor, department head, or dean. Other University regulations can be found at: [http://www.uwyo.edu/generalcounsel/new-regulatory-structure/index.html](http://www.uwyo.edu/generalcounsel/new-regulatory-structure/index.html)

**Course Outline:**

**Session 1**  
**January 28**  
Water Law  
Text Reading: Pages 1 to 8  
Brief: California Oregon Power Co. v Beaver Portland Cement

**Session 2**  
**February 4**  
Intro. to Fluvial Geomorphology  
Text Reading: Pages 356 to 385  
Brief: Keener v Sharp

**Session 3**  
**February 11**  
Boundaries within Riverbeds  
Text Reading: Pages 160 to 166 and Pages 270 to 310  
Brief: Ingraham v Wilkinson and Leader v Mathews

**Session 4**  
**February 18**  
Erosion and Avulsion  
Text Reading: Chapter 4  
Brief: County of St. Clair v Lovingston

**Session 5**  
**February 25**  
Accretion, Reliction and Title  
Text Reading: Chapter 5  
Brief: Ward Redwood v Fortain

**QUIZ 1**

**Session 6**  
**March 3**  
Navigability – Part 1 (Title)  
Text Reading: Chapter 2 and Pages 59 to 109  
Brief: U.S. v Gerlach

**Session 7**  
**March 10**  
Islands, Bars and Batture  
Text Reading: Chapter 6  
Brief: Bonelli Land and Cattle Co. v. Arizona  
Discuss the questions on Pgs.94 & 96 of the Supplemental Materials

**March 17**  
Spring Break

**Session 8**  
**March 24**  
PLSS Water Boundaries  
Text Reading: Pages 9 to 30 and Pages 323 to 326  
*Suggested Reading: Chapter 8 of the 2009 Manual*  
Brief: State Land Board v Corvallis Sand and Gravel

**QUIZ 2**
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<tr>
<th>Session 9</th>
<th>Navigability – Part 2 (Jurisdiction)</th>
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<tbody>
<tr>
<td>March 31</td>
<td>Text Reading: unassigned</td>
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<td>Brief: Utah v U.S. (both cases)</td>
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<td>Discuss the questions on Pg. 118/9 &amp; 122 of the Supplemental Materials</td>
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<th>Session 10</th>
<th>Wetlands</th>
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<tr>
<td>April 7</td>
<td>Text Reading: Page 390</td>
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<td>Discuss state environmental laws</td>
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<th>Session 11</th>
<th>The Clean Water Act</th>
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<td>April 14</td>
<td>Text Reading: Pages 38 to 54</td>
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<td>Brief: U.S. v Riverside Bayview Homes and SWANCC v USACE</td>
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<th>Session 12</th>
<th>Floods, Floodplains and Flood Insurance</th>
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<td>April 21</td>
<td>Text Reading: unassigned</td>
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<td>Discuss the question on Pg. 150 and the Notice on Pg. 153 of the Supplemental Materials</td>
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**COURSE PROJECT DUE**

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<th>Session 13</th>
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<td>Brief: Stranholm v Barbey</td>
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**QUIZ 3**

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<th>Session 14</th>
<th>Navigability – Part 3 (Public Use)</th>
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<tr>
<td>May 5</td>
<td>Text Reading: Page 45</td>
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<td>Discuss Trespass and the bulleted question on Pg. 183 of the Supplemental Materials</td>
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**Session 15**

**FINAL EXAM**

The instructor may make changes to the syllabus as the course proceeds. If necessary, these changes will be announced in class. Substantive changes made to the syllabus shall be communicated in writing to the students.