

**From:** [MARTINEZ, SHANE \(DNR\)](#)  
**To:** [BrownScott, Jennifer](#)  
**Subject:** RE: Your Public Records Request  
**Date:** Monday, February 1, 2016 3:13:47 PM  
**Attachments:** [111815 Ron Allen Jamestown.PDF](#)  
[Complete File Contents 10585.pdf](#)  
[10585 Application for tidelands 6.09.1942.pdf](#)  
[10585 Comm Order 05.24.1943.pdf](#)  
**Importance:** High

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Dear Jennifer,

The Washington State Department of Natural Resources (DNR) manages state trust lands for the people of Washington. DNR received your public disclosure request on January 14, 2016. All identifiable records responsive to your request will be provided to you pursuant to Chapter 42.56 RCW.

You Requested:

1. Application to the CPL #10585 that resulted in the execution of Deed #18251 on May 29, 1943, and any associated documents or correspondence.
2. Letter dated November 19, 2015 from Kristin Swenddal, Aquatic Resources Division Manger to the Jamestown S'Klallam Tribe.

DNR has made a diligent and good faith effort to locate records that are responsive your request. We have attached all responsive records to your request. This will conclude your request for records.

Should you have any questions, please feel free to contact our office.

Sincerely,

**Shane Martinez**

Public Disclosure Coordinator  
Environmental and Legal Affairs Section  
Washington State Department of Natural Resources (DNR)  
360-902-1609  
[shane.martinez@dnr.wa.gov](mailto:shane.martinez@dnr.wa.gov)  
[www.dnr.wa.gov](http://www.dnr.wa.gov)

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**From:** MARTINEZ, SHANE (DNR)  
**Sent:** Tuesday, January 19, 2016 4:19 PM  
**To:** 'jennifer\_brownscoth@fws.gov' <jennifer\_brownscoth@fws.gov>  
**Subject:** RE: Your Public Records Request

Dear Jennifer,

The Washington State Department of Natural Resources received your public disclosure request on January 14, 2016. You requested:

1. Application to the CPL #10585 that resulted in the execution of Deed #18251 on May 29, 1943, and any associated documents or correspondence.
2. Letter dated November 19, 2015 from Kristin Swenddal, Aquatic Resources Division Manger to the Jamestown S'Klallam Tribe.

All identifiable records responsive to your request will be provided to you pursuant to Chapter 42.56 RCW. Please be advised that, pursuant to RCW 42.56.120, there is a fee of fifteen cents per page for the duplication or scan of a hard copy record if done in-house. If Natural Resources use an outside vendor for the duplication service, the charge to you will be the cost charged by the vendor, plus the cost of shipping. However, records may also be viewed for no fee.

We are in the process of gathering and reviewing information relevant to your request. We anticipate we will be able to send you information on or around February 4, 2016 . If information becomes available sooner, we will certainly forward it to you.

Thank you,

**Shane Martinez**

Public Disclosure Coordinator  
Environmental and Legal Affairs Section  
Washington State Department of Natural Resources (DNR)  
360-902-1609  
[shane.martinez@dnr.wa.gov](mailto:shane.martinez@dnr.wa.gov)  
[www.dnr.wa.gov](http://www.dnr.wa.gov)

**From:** BrownScott, Jennifer [[mailto:jennifer\\_brownscott@fws.gov](mailto:jennifer_brownscott@fws.gov)]  
**Sent:** Thursday, January 14, 2016 9:27 AM  
**To:** DNR RE Public Disclosure <[publicdisclosure@dnr.wa.gov](mailto:publicdisclosure@dnr.wa.gov)>  
**Subject:**

Please find a public disclosure request attached below. Thank you for your assistance.

-jennifer

---

Jennifer Brown-Scott  
Refuge Manager  
Washington Maritime NWRC  
715 Holgerson Rd  
Sequim, WA 98382  
office: (360) 457-8451 ext.22  
fax: (360) 457-9778

~~Dungeness NWR~Protection Island NWR~San Juan Islands NWR~~

*~Copalis NWR~Flattery Rocks NWR~Quillayute Needles NWR~*



November 18, 2015

The Honorable W. Ron Allen  
Tribal Council Chairman  
Jamestown S'Klallam Tribe  
1033 Old Blyn Hwy  
Sequim, Wa 98382

Dear Chairman Allen:

Thank you for your letter dated October 30, 2015, regarding the Tribe's aquaculture lease (20-A13012).

You asked for our view of "jurisdiction," a term that appears to originate in language used by the U.S. Fish & Wildlife Service (USFWS) in their communications with the Tribe. Rather than "jurisdiction," we can speak to "ownership" and the "property rights" conveyed through the State's easement with USFWS and the State's lease with the Tribe.

The tidelands associated with the lease to the Tribe are State-owned aquatic lands, conveyed to Washington State at statehood. Fee ownership of the tidelands remains with the State to this day. The United States established the Dungeness National Wildlife Refuge in 1915 to be used as a refuge, preserve, and breeding ground for native birds, to be managed by the USFWS. In 1943, the United States submitted an application to the State of Washington for an easement to use the second class tidelands adjacent to Dungeness Spit for purposes of the wildlife refuge. Under the authority of Section 152, Chapter 255, State of Washington Laws of 1927, the governor may grant an easement to the United States for any public purpose. The governor executed an easement to the United States for the second class tidelands in 1943.

The 1943 easement is a legal contract between the state of Washington and the United States. The easement is considered permanent, because under the statute the easement is granted for as long as the United States needs it for their public purpose.

DNR may grant additional authorizations for other uses in this area, so long as those uses are not in conflict with the purpose of the easement. This right to grant additional authorizations has been exercised by DNR since the 1960s and continues to this day with the current lease, now to the Tribe.

DNR has received no correspondence from USFWS asserting that the current lease is in conflict with the easement. Unless USFWS makes such a statement and provides evidence to support such a statement, DNR contends the Tribe has those property rights described in the lease.

Chairman W. Ron Allen  
Jamestown S'Klallam Tribe  
November 18, 2015  
Page 2 of 2

In addition to the property rights described in the easement and lease, the lease provides a *role* for USFWS as stated on page 3 of Exhibit B – Plan of Operations: “The size, location and culture methods used to grow oysters will be discussed and approved by DNR and USFW [sic] prior to establishment. The Tribe will strive to recognize and plan work in the Bay from May 15 through July 30 when cultivation activities will be least disruptive to use of the Bay by Brant and other waterfowl. The Tribe will confer with USFW before conducting activities on the lease outside this window.” DNR views this language, which is unique in leases issued by DNR, as providing a *role* for USFWS rather than a property right or an increase of USFWS “jurisdiction.” Further insight into the unique role for USFWS in this lease is provided by a letter dated July 17, 2007, and signed by USFWS, the Tribe, and DNR, which concludes that the parties have “have met the obligation to honor USFWS’s consultative status in this continuation of a shellfish lease in Dungeness Bay.” That letter preceded issuance of the current lease, which was entered into on October 24, 2007.

It is for these reasons, and in deference to the government-to-government and trustee relationship between the Jamestown S'Klallam Tribe and the United States, DNR believes it does not have a role in defining how the two parties work together to achieve the “approval” provision required under the lease.

Please feel free to contact me at (360) 902-1124 or via email at [kristin.swenddal@dnr.wa.gov](mailto:kristin.swenddal@dnr.wa.gov) if I can answer any questions.

Sincerely,



Kristin Swenddal, Manager  
Aquatic Resources Division

c: Joenne McGerr, DNR Tribal Liaison

4147 ✓  
Y

June  
2nd  
1932

Chief, Bureau of Biological Survey,  
Washington, D. C.

Dear Sir:

Re: Dungeness Spit:

In reply to yours of the 21st ultimo, regarding tide lands bordering on Dungeness Spit in Clallam County, State of Washington, you are advised that the State still owns all of the tide lands bordering on this spit, and under existing statutes the United States of America may secure a deed to same, and it is suggested that you confer with the various bureau heads for the purpose of presenting an application for a deed under section 150, chapter 255, of the Session Laws of 1927, this chapter being the original act cited in your letter under sections of Pierce's Washington Code.

Referring to that part of the spit included in the military reservation, you state that same was transferred by the Military Department to the Secretary of the Interior for disposition, under Executive Order dated August 13th, 1923, and information is requested as to whether or not the title still remains in the government.

Our records show that the military reservation included lots 1, 2 and 3, section 23, lot 1, section 22, and lots 5, 6 and 7, section 27, township 31 north, range 4 west, W. M.

Very truly yours,

Commissioner.

E  
C  
D  
:  
J

~~Robert~~  
Envelope

2nd Tide purchase File No. A. P. 10585

UNITED STATES DEPARTMENT OF AGRICULTURE  
BUREAU OF BIOLOGICAL SURVEY  
WASHINGTON, D. C.

ADDRESS REPLY TO  
CHIEF, BUREAU OF BIOLOGICAL SURVEY  
AND REFER TO

May 21, 1932.

RECEIVED

MAY 31 1932

COMMISSIONER PUB. LANDS.  
2599 ✓

R-Dungeness Spit

Commissioner of Public Lands,  
Olympia, Washington.

Dear Sir:

The Dungeness Spit Reservation in Clallam County was established by Executive Order January 20, 1915 for the protection of native birds of Washington. This area is a long narrow neck of land extending into the straits of Juan de Fuca and bounded on the south by the inner and outer Dungeness Harbors. The flats between the spit and the mainland on the south are subject to the ebb and flow of the tide. The approximate extent of the tide lands north of the channel and adjacent to the highland of the reservations is indicated by green color symbol on the attached map. It is felt that this land is essential to the protection of waterfowl frequenting this area. Many shore birds rest on these mud flats during low tide. The Survey has been administering the refuge for a number of years during which time some difficulty was experienced due to incomplete posting. For this reason it is planned to have the reservation properly marked as soon as the matter can be arranged.

It is of considerable interest to note that the portion of the areas as indicated by red symbol on the attached map was withdrawn under Acts of June 25, 1910 and August 24, 1912 for Naval Radio Compass Stations by Executive Order (4104) of November 20, 1920; and also that the portion indicated in purple was reserved for lighthouse reservation purposes by the Secretary of the Treasury, October 1, 1851. Our records indicate that these two reservations are still in existence. Dungeness Spit was set aside for military purposes September 22, 1866 but under Act of July 15, 1884 and Executive Order of August 13, 1923 it was transferred to the Secretary of the Interior for disposition.

The fact that the Federal Government is using the area for lighthouse and Naval Radio Station purposes and also that such uses of the highland as under Pierce's Washington State Code, Art. 6334 - 160 Sec. 150 appear to carry with them the right to the use of the adjoining tidelands, has made it uncertain in our minds as to whether it would be necessary to make application for the use of these tidelands as outlined in Art. 6334 - 162 Sec. 152 of the above mentioned code. Art. 6334 - 160 Sec. 150, of course, does not apply

*Jid. Lande*  
*Clallam Co.*

*Dahm*

to bird reservations but since Dungeness Spit is primarily set aside for Lighthouse and Naval Radio Station purposes and that the administration of the area as a bird refuge is at all times subservient to the rules and regulations of the above mentioned reservations, it has caused some doubt as to whether a separate application for use of the tide lands for bird refuge purposes is necessary.

Any information on this matter you may give the Survey will be greatly appreciated for it is highly desirable to post the area as soon as possible.

Very truly yours,

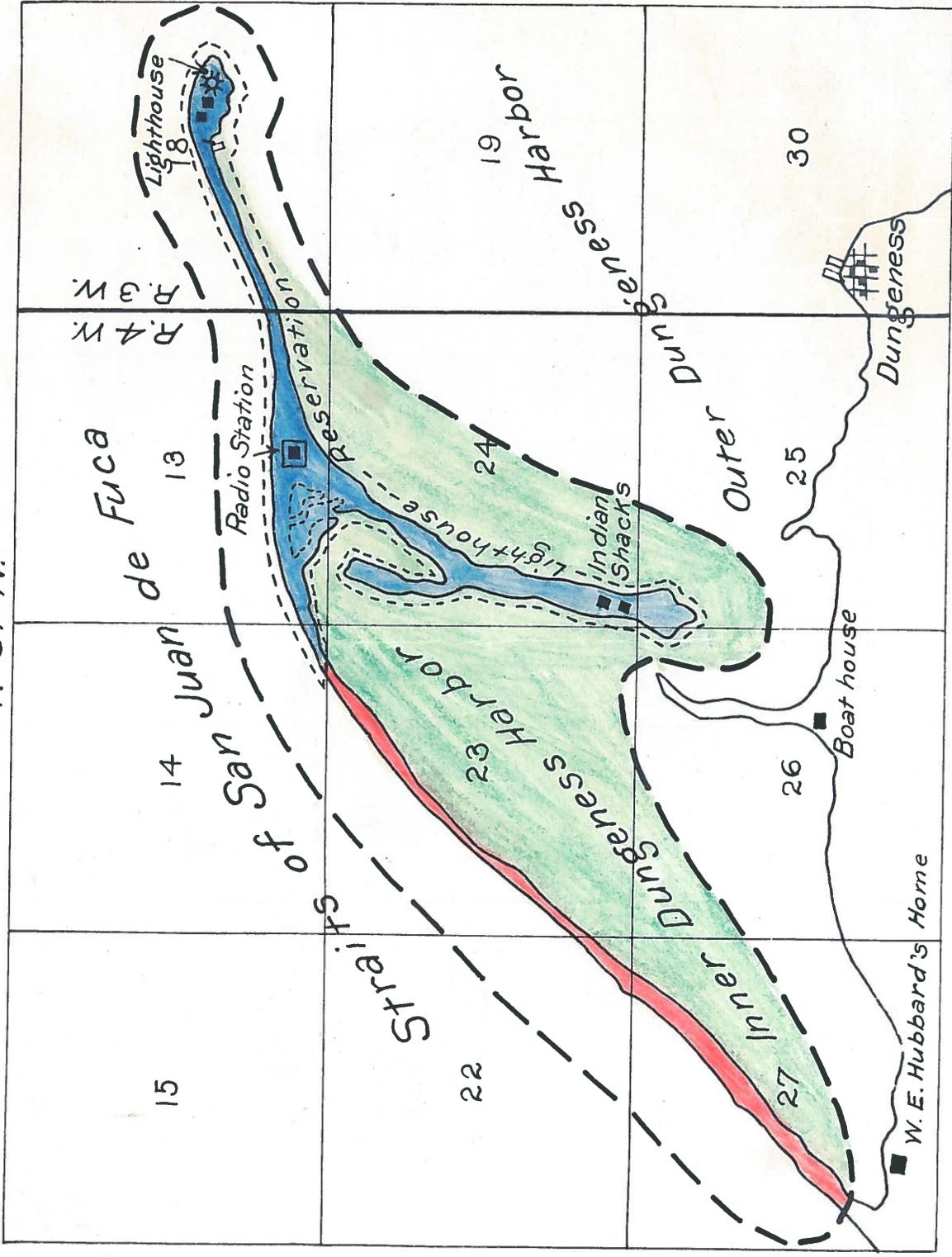
*W C Henderson*

Acting Chief.

Inclosure - C21472

# DUNGENESS SPIT RESERVATION, WASH.

T. 31 N.



U.S.E.

Naval Radio Station Reservation

Lighthouse Reservation

Adjacent lands subject to ebb and flow tides

April 14, 1967

**MEMORANDUM**

**To:** Al O'Donnell  
**From:** M. E. Bowler  
**Subject:** Proposed Recreational Development of the Dungeness Spit

The bed and tidelands of the waters surrounding Dungeness Spit and Dungeness Harbor were originally acquired by the State under the provisions of our State constitution. The major portion of the tidelands surrounding the Spit are still owned by the State of Washington subject to certain rights granted to the United States, the State Parks and Recreation Commission and certain private individuals.

Portions of the tidelands of Dungeness Harbor have been sold by the State and are privately owned. The bed of Dungeness Harbor, of course, belongs to the State of Washington.

Attached hereto are copies of the following documents:

- (1) Commissioner's Order of September 20, 1939 setting aside certain tideland areas for public park purposes.
- (2) Commissioner's Order of May 24, 1943 approving the issuance of a use deed to the United States Fish and Wild Life Service of said State owned tidelands described in the order. Pursuant to said Order of May 24, 1943 a use deed was issued to the United States on May 29, 1943 and recorded in Vol. 19 at p. 246, State Record of Tide Land Deeds.
- (3) Copy of Lease No. 7243 issued to D. C. Oyster Farms for a period expiring February 18, 1973 and covering certain State owned tidelands.
- (4) Commissioner's Order of March 26, 1963 approving the issuance of Lease No. 3926 to Dungeness Oyster Company, Inc. for a term of 10 years from February 18, 1963. The tidelands covered by said lease are described in the order.

---

M. E. Bowler

MEB:ps  
A.P. 10585  
Attachments

STATE OF WASHINGTON  
 DEPARTMENT OF NATURAL RESOURCES  
 BERT COLE, Commissioner

**MEMORANDUM**

TO Marv Bowler ✓  
 Wally Hoffman ✓

DATE April 13, 1967

FROM Al O'Donnell

SUBJECT Proposed Recreational Development on Dungeness Spit, Clallam County

Mr. Chet Miller, Marine Park Supervisor for the State Parks and Recreation Commission, has advised me that there will be a meeting in Dungeness at 10 a.m. on Wednesday, April 19 to discuss the reactions of the several concerned agencies toward additional public recreational use of the Dungeness Spit area.

The U. S. Coast Guard, Fish and Wildlife Service, and this Department, are involved in administering the upland and tideland areas of the spit. In addition, the State Parks and Recreation Commission, the Clallam County commissioners, Port authorities, and other civic organizations are concerned with increasing the recreational use of this area.

It is my understanding that Chet would like to have a brief statement from each of the concerned public agencies relative to their responsibilities and attitude toward cooperative development of increased public recreational opportunities. It would be helpful if we could have a draft of such a statement available for review by Bert and Chuck Kirkwood by Tuesday, April 18. Since our principal interest appears to be in the state-owned tideland surrounding the spit, perhaps Marv could investigate past written statements that have been made by this Department concerning this same area.

I have asked Rod Downen, of the Port Angeles District, to attend this meeting, if possible, and I'm planning to attend myself. Since the meeting is being held at the Three Crab's restaurant, perhaps Marv would like to attend also.

Please confirm with me if we can have a draft of our Department's statement available by Tuesday, April 18, (next week)

ARO/lp

cc: Bert Cole

cc: Rod Downen

E. Gockerell

C. Kirkwood

10505 - USA

7243

3926

Park site 33

April 4, 1963

Peter F. Black Agency  
Sequim, Washington

Gentlemen:

We have your letter of March 29, 1963 requesting information relative to the tidelands abutting Government Lot 4, Section 27, Township 31 North, Range 4 West, W.M.

The tidelands of Dungeness Harbor, abutting the northeasterly side of Government Lot 4, extending out to the line of mean low tide, were sold by the State under Contract of Sale No. 3535 dated May 2, 1908. A deed, conveying said tidelands, was issued May 2, 1919 to Craig L. Spencer. For present ownership of these tidelands, it will be necessary for you to consult the county records.

The State owns the tidelands abutting the northeast side of said Lot 4, lying between the line of mean low tide and the line of extreme low tide.

The tidelands abutting the northwesterly side of said Government Lot 4 extending from the line of ordinary high tide out to the line of extreme low tide, are owned by the State of Washington. However, they are presently included in a use deed issued June 29, 1943 to the United States of America Wildlife Service.

Yours very truly,

BERT L. COLE, Commissioner

By \_\_\_\_\_  
M. E. BOWLER, Supervisor  
Civil Engineering Division

MEB:ps  
A.P. 4700  
A.P. 10585

4-15-63  
MB

February 23, 1961

Mr. David L. Cohn  
423 Seneca Street  
Seattle 1, Washington

Dear Mr. Cohn:

Pursuant to your request, we are enclosing herewith a map on which we have noted the status of the tidelands in Dungeness Harbor, Washington.

Yours very truly,

BERT L. COLE, Commissioner

By \_\_\_\_\_  
M. E. BOWLER, Supervisor  
Civil Engineering Division

MEB:ps  
Enclosure  
A.P. 10585

January 17, 1961

Your Ref. LA-Washington  
Dungeness

U. S. Fish and Wildlife Service  
1001 N. E. Lloyd Boulevard  
Portland 8, Oregon

Attention: Regional Director

Gentlemen:

We have your letter of December 20, 1960 enclosing therein a map showing the results of your tideland survey in Dungeness Harbor.

You ask if this Department has authority to convey to the United States, by use deed or easement, the bed of Dungeness Harbor, lying below the line of extreme low tide. This office does have authority to lease the beds of navigable waters under certain circumstances.

We are enclosing a copy of the law regulating the leasing of navigable water beds.

Such a lease would require the payment of an annual rental. We do not, under our statutes, have authority to grant use deeds to the United States Government of the beds of navigable waters.

Yours very truly,

BERT L. COLE, Commissioner

By \_\_\_\_\_  
M. E. BOWLER, Supervisor  
Civil Engineering Division

MEB:ps  
A.P. 10585  
Enclosure

1-23-61  
JB



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
FISH AND WILDLIFE SERVICE  
BUREAU OF SPORT FISHERIES AND WILDLIFE

1001 N. E. LLOYD BLVD.  
P. O. BOX 3737  
PORTLAND 8, OREGON

PACIFIC REGION  
(REGION 1)  
CALIFORNIA  
IDAHO  
MONTANA  
NEVADA  
OREGON  
WASHINGTON

ADDRESS ONLY THE  
REGIONAL DIRECTOR

IA-Washington  
Dungeness

December 20, 1960

RECEIVED

DEC 21 1960

COMMISSIONER OF PUBLIC LANDS

No. ....

Department of Natural Resources

Olympia, Washington

Gentlemen:

By instrument dated May 29, 1943 and filed in State Record of Tide Lands Deeds Volume 19, page 246, the State of Washington conveyed certain second class tidelands in T. 31 N., R. 4 W., W.M., to the United States for use in connection with the Dungeness National Wildlife Refuge.

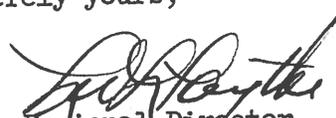
We have recently completed a cadastral survey of Dungeness Harbor, the purpose of which was to define the limits of these tidelands as well as the surveyed lands under our jurisdiction. Attached is a map delineating the surveyed land (in green) and second class tideland (in blue) which form the Dungeness Refuge.

You will note that about one half of the Dungeness Harbor is second class tideland and the remainder is other than second class tideland (deep water area).

Does your Department have the authority to convey to the United States by special use easement deed, by lease, or by any other form of transfer the remainder of the Dungeness Harbor (lands below second class tidelands)?

We will appreciate any information you might be able to furnish us relative to such authority.

Sincerely yours,

  
Regional Director

Attach.

December 2, 1959

Mr. Milo Moore, Director  
Department of Fisheries  
4015 20th Avenue West  
Seattle 99, Washington

Dear Mr. Moore:

We have your letter of November 23, 1959 in which you request that in accordance with Section 75.08.062 R.C.W. that the Commissioner of Public Lands reserve the bed of Dungeness Harbor and all State owned tidelands therein, with certain exceptions, for the use of the Department of Fisheries in connection with your Department's public beach rehabilitation program.

We do not find the above section in our copies of R.C.W.; however, we presume that you refer to Section 75.08.060, Chapter 12, Laws of 1955.

An examination of our records indicates that a portion of the tidelands in Dungeness Harbor are in private ownership, a further portion has been reserved for the use of the State Parks and Recreation Commission, while the major portion of the tidelands are included in a use deed issued to the United States of America Fish and Wildlife Service.

A portion of the area included in the use deed is also included in tideland Lease No. 1842 Issued February 18, 1953 for a period of ten years to E. W. Steffen.

The tideland lease issued December 6, 1955 to Davenney and Marshall was cancelled May 2, 1958.

The tidelands included in the park site and the use deed to the United States could not of course be included in your requested withdrawal without the approval of the Department concerned and we are writing to them to inquire as to whether or not this withdrawal would meet with their approval.

The area included in Lease No. 1842, however, could not at this time be included in the reservation and we might add that it has been the policy of this Department to grant State lessees a preference right to re-lease the lands at the expiration of the original lease.

In view of the divergent interests in the tidelands in this area, it

Milo Moore

#2

December 2, 1959

may be that the best interests of the State would be served by limiting the withdrawal to only the bed of the harbor lying below the line of extreme low tide.

Before writing to the Fish and Wildlife Service and the State Parks and Recreation Commission for their view on the matter of the reservation, we would appreciate it if you could inform us as to just what actual operations are involved in the development of your public beach rehabilitation program and of the progress which has been made along this line in Kilasut (Long) Harbor.

Yours very truly,

BERT L. COLE, Commissioner

By

---

M. E. BOWLER, Supervisor  
Civil Engineering Division

MEB:ps  
A.P. 10585

STATE OF  
**WASHINGTON**  
ALBERT D. ROSELLINI  
GOVERNOR



DEPARTMENT OF  
**FISHERIES**  
MILD E. MOORE  
DIRECTOR

4015 20TH AVENUE WEST  
FISHERMEN'S TERMINAL AT SALMON BAY  
SEATTLE 99, WASHINGTON  
ATWATER 2-0286

November 23, 1959

Mr. Bert Cole, Commissioner  
Department of Natural Resources  
P. O. Box 110  
Olympia, Washington

**RECEIVED**  
NOV 24 1959

COMMISSIONER OF PUBLIC LANDS

No. Bawler - talk to Bert  
about this

Dear Mr. Cole:

The Department of Fisheries of the State of Washington respectfully request, in accordance with Section 75.08.062 R.C.W., that all state tidelands and the bed of Dungeness Harbor, lying within the confines of the harbor in Sections 23, 24, 25, 26 and 27, Township 31 North, Range 4 West W. M., as well as the remaining tidelands in Township 31, Range 4 West, W. M., which have been deeded to the U. S. Fish and Wildlife Service on a use deed in connection with the Dungeness Spit Bird Reserve upon which the state has retained the right to lease to private individuals for short periods of time, subject to approval of the U. S. Fish and Wildlife Service, excepting those tidelands leased for a period of ten years commencing February 13, 1953, E. W. Steffen, Oyster lease and commencing December 6, 1955, Donald Davenney and Ernest Marshall, Oyster lease during the period of said leases, be reserved for the purpose of the Department of Fisheries by Commissioner order.

The Department of Fisheries desires that these tidelands be reserved from sale or lease in connection with the propagation of clams for use in the Departments Public Beach Rehabilitation Program.

Two copies of the Department of Fisheries drawing A-402, relating to Tideland Ownership, Dungeness Harbor, Clallam County, are attached.

Very truly yours,

Milo Moore,  
Director

Rec 75.08.060  
2-5-59

Chap 12 Laws 1955



April 30, 1958

Mr. Frank Eccles  
P. O. Box 248  
Sequim, Washington

Dear Mr. Eccles:

We have your inquiry of April 25, 1958 concerning the status of the tidelands lying in front of your upland property in Section 27, Township 31 North, Range 4 West, W.M.

Our records show that the tidelands in front of the portion of the Bradshaw Donation Land Claim in said Section 27, as described in your letter, were conveyed to the United States Fish and Wildlife Service through deed issued May 29, 1943, pursuant to the provisions of Section 152, Chapter 255 of the Session Laws of 1927.

These tidelands are therefore not open to application.

Yours very truly,

BERT L. COLE, Commissioner

By \_\_\_\_\_  
M. E. BOWLER, Supervisor  
Civil Engineering Division

WFM:ps *m.*  
A.P. 10585

*Attach* →

RECEIVED  
APR 28 1958  
COMMISSIONER OF PUBLIC LANDS  
*Bowen*

P. O. Box 248  
Sequim, Wash.  
25 April 1958

Department of Natural Resources,  
Olympia, Washington

Gentlemen:

I would like to purchase outright the second class tidelands in Dungeness Harbor abutting the uplands which I own. If it is not possible for these second class tidelands to be sold, then I would like to lease these second class tidelands immediately in front of my property.

The land description of the uplands is as follows:

Beginning at a point 559.75 feet west of the section corner common to sections 26, 27, 34 and 35, Township thirty-one (31) north, Range four (4), West of the Willamette Meridian; thence west 330 feet; thence north 993.1 feet; thence north 70 deg 44' 30" east 349.58 feet; thence south 1108.3 feet to the point of beginning, EXCEPT the south 15 feet thereof reserved for road. (Being know as Tracts 34 and 35 Old Thornton Place Tracts, according to the unrecorded plat thereof.)

All that portion of Bradshaw Donation Claim in Section twenty-seven (27), Township thirty-one (31) north, Range four (4), West of the Willamette Meridian, lying between the meander line of Dungeness Harbor in front of said claim and the following described line, to wit:

Beginning at the section corner common to sections 26, 27, 34 and 35, Township 31 north, Range 4, West of W.M.; thence west on Section line 889.75 feet; thence north 993.2 feet to the true point of beginning; thence North 70 deg 44' 30" east 349.58 feet.

Very truly yours,

*Frank Eccles*

*Deed to U.S. of America  
Fish & Wildlife Service, 5-29-43  
Vol. 19, Page 246*

*Stagn 132, Chap. 255, Laws of 1927*

August 24, 1956

Peter F. Black, Agency  
Sequim, Washington

Attention: Mr. Peter F. Black

Gentlemen:

We have your letter of August 14, 1956 concerning the tidelands in front of the east half of Section 27 and the west half of Section 26, Township 31 North, Range 4 West, W.M.

The tidelands in front of the west half of the John Thornton D.L.C. in said Section 26 have been reserved for a park site by Commissioner's Order, dated September 20, 1939.

The tidelands in front of the West 330 feet of the East 1,684.39 feet of the C. M. Bradshaw D.L.C. in said Sections 26 and 27 were conveyed to Tyrrell J. Conroy by deed dated November 26, 1941.

The tidelands above the line of mean low tide in front of Government Lot 2, said Section 27 were conveyed to the Pacific Logging and Timber Company by deed dated November 1, 1907.

The tidelands lying below the line of mean low tide in front of said Government Lot 2 were conveyed to Harry McConkey by deed dated February 16, 1955.

The balance of the tidelands in front of the east half of Section 27 and the west half of Section 26 are included in a use deed issued May 29, 1943 to the United States Fish and Wildlife Service.

There are no state-owned tidelands available for sale or lease in front of the above mentioned portions of said sections.

Very truly yours,

OTTO A. CASE, Commissioner

By Frank O. Sether  
Assistant Commissioner

MEB:gh  
App. 10585  
Ltr. 2813

HOUSES  
FARMS  
ACREAGE  
WATERFRONT

# Peter J. Black, Agency

LICENSED REAL ESTATE BROKER  
SEQUIM, WASHINGTON  
PHONE 28

INSURANCE

August 14, 1956

Commissioner of Public Lands  
Olympia, Washington

Gentlemen:

Can you advise me whether the State of Washington has deeded tide lands in front of the east half of section 27 and the west half of section 26, Township 31 north, Range 4 west of the Willamette Meridian, and if so, to whom. Thank you.

Sincerely,

Peter J. Black

~~12631~~

~~App 10585~~

*Either sold to private party  
of ~~include~~ in ~~use~~ deed  
to U.S. Fish & Wildlife Ser*

App 10585

RECEIVED  
AUG 16 1956  
COMMISSIONER OF PUBLIC LANDS  
No. 2813

*[Handwritten signature]*

Z. W. Lang  
1805 Elm  
Richland, Wn.

Sept. 13, 1954

Office of the Land Commissioner  
State of Washington  
Olympia, Washington

RECEIVED  
SEP 15 1954

COMMISSIONER OF PUBLIC LANDS

No. 32120

Gentlemen:

I am interested in some water-front property that was once part of the Bradshaw Donation Claim on the Western Shore-line of Puget Sound Harbor. The tide-lands in front of the Bradshaw Donation Claim were ceded--illegally, the present owner claims--to the U. S. Fish & Wildlife Service.

Accepting, however, the Fish & Wildlife ownership of tide-lands; what is the line of demarcation between their property and the W 600ft. of the original Bradshaw Donation Claim. Are the tide-lands defined by

December 9, 1955

Mr. Peter F. Black  
Real Estate Broker  
Sequim, Washington

Dear Mr. Black:

We have your letters of December 6, 1955 concerning information relative to certain outer tidelands and also the status of the tidelands in front of Tracts 2, 3 and 4, Old Thornton Place Tracts in section 26, township 31 north, range 4 west W.M.

According to our records, all of the tidelands in front of said section 26 have been either conveyed to the United States and private parties or have been reserved by this department for public park sites. There are no State-owned tidelands in front of said section available for purchase at this time.

Insofar as outer tidelands are concerned we presume that you refer to the tidelands lying between mean low and extreme low tide, or possibly the bed of navigable waters below extreme low tide. In any event if you will give us some further explanation regarding your client's desires and also submit a legal description of your client's upland property in front of which he desires to acquire the tidelands we will be able to furnish you more definite information as to the procedure necessary to acquire these lands.

Very truly yours,

OTTO A. CASE, Commissioner

By \_\_\_\_\_  
Frank O. Sether  
Assistant Commissioner

MEB:bm  
App. 10585 ✓  
Ltr. 5298 ✓  
Ltr. 5299 ✓

*AShad*

HOMES  
FARMS  
ACREAGE  
WATERFRONT

# Peter F. Black, Agency

LICENSED REAL ESTATE BROKER  
SEQUIM, WASHINGTON  
PHONE 28

INSURANCE

December 6, 1955

Commissioner of Public Lands  
Box 110  
Olympia, Washington

Gentlemen:

I have a client who has asked that I obtain for him  
an application, and necessary information to purchase outer  
tidelands from the State of Washington. Would you be kind enough  
to oblige me with same. Thank you.

Sincerely,

*Peter F. Black*

RECEIVED  
DEC 7 1955

COMMISSIONER OF PUBLIC LANDS

5299

*[Handwritten signature]*

HOMES  
FARMS  
ACREAGE  
WATERFRONT

# Peter F. Black, Agency

LICENSED REAL ESTATE BROKER  
SEQUIM, WASHINGTON  
PHONE 28

INSURANCE

December 6, 1955

Commissioner of Public Lands  
Box 110  
Olympia, Washington

RECEIVED  
DEC 7 1955

Gentlemen:

I have a group of clients who are interested <sup>5298</sup> acquiring title to the tidelands in front of Tracts 2, 3 & 4, of Old Thornton Place Tracts, section 26, Township 31 north, Range 4 W.W.M. Could you please advise me whether they are the property of the State of Washington, and if, <sup>5°</sup> send me applications and necessary information required to purchase same. There are four upland owners concerned. Thank you.

COMMISSIONER OF PUBLIC LANDS

Sincerely,

Peter F. Black

Sold to private parties  
Use deed U.S. App 10585  
Track Sites. Rev.

March 23, 1955

U. S. Department of Interior  
Fish and Wildlife Service  
1001 N. E. Lloyd Boulevard  
Portland, Oregon

Attention: Leo L. Laythe, Regional Director

Gentlemen:

We have your letter of March 21, 1955 concerning the issuance of oil and gas leases on certain second class tide lands within the boundaries of the Dungeness National Wildlife Refuge, which tide lands have been included in a use deed issued to the United States under the provisions of Section 152, Chapter 255, Laws of 1927.

Under date of August 4, 1954, several petroleum and gas permits were issued to various individuals covering the bed of Dungeness harbor and all second class tide lands in the area in which the State of Washington retained oil and gas rights. These permits were issued for a period of three years and are for exploratory purposes only. A permittee, upon discovery of petroleum in commercial quantities, shall be entitled to a lease for the extraction of petroleum. All of these permits have been made subject to rights heretofore conveyed by the State and no permittee shall commence operations until he has compensated the owners of such rights, according to law.

Your rights, therefore, would have to be considered before active drilling operations took place on these tidelands. In the event that a commercially producing operation occurs in the area, you may rest assured that the best interests of everyone concerned will be carefully considered in the issuance of any leases.

Very truly yours,

OTTO A. CASE, Commissioner

By: Frank O. Sether  
Assistant Commissioner

MEB:dc  
Ltr. 1382

*A Hoch*  
*Apr 10 585*



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
FISH AND WILDLIFE SERVICE

LA-Washington  
Dungeness  
Standard Oil

REGION 1

OFFICE OF REGIONAL DIRECTOR

1001 N.E. LLOYD BOULEVARD  
PORTLAND, OREGON

WASHINGTON

OREGON

CALIFORNIA

NEVADA

IDAHO

MONTANA

Mr. Otto Case  
Land Commissioner  
Dept. of Public Lands  
Box 110  
Olympia, Washington

RECEIVED

MAR 23 1955

COMMISSIONER OF PUBLIC LANDS

No. 1382

March 21, 1955

Dear Mr. Case:

This Service has recently been informed that the Standard Oil Company of California may have applied for oil and gas leases on certain second-class tidelands within the boundaries of the Dungeness National Wildlife Refuge. These second-class tidelands were granted to the United States under the State Tideland Deed of May 29, 1943, subject, however, to a reservation by the State of all mineral rights.

Although this Service can not prevent issuance of leases on this land, it would be to the benefit of the purposes and establishment of the Refuge that no lease be issued. The area within the Dungeness Refuge presently available for migratory waterfowl protection is very limited and any activity within the lagoon would definitely disturb the waterfowl and tend to make the refuge ineffective. The stand of eel grass on these second-class tidelands is extremely important as brant feed and any drilling operations on this area would destroy at least part of this natural feed and also frighten the birds away from the refuge area. Therefore, we request that you give careful consideration to our refuge area and needs in the event Standard Oil should apply for oil and gas leases.

Thank you for your consideration.

Very truly yours,

Leo L. Laythe  
Regional Director

LA-Washington  
Dungeness  
Standard Oil

March 21, 1955

Mr. Otto Case  
Land Commissioner  
Dept. of Public Lands  
Box 110  
Olympia, Washington

Dear Mr. Case:

This Service has recently been informed that the Standard Oil Company of California may have applied for oil and gas leases on certain second-class tidelands within the boundaries of the Dungeness National Wildlife Refuge. These second-class tidelands were granted to the United States under the State Tideland Deed of May 29, 1943, subject, however, to a reservation by the State of all mineral rights.

Although this Service can not prevent issuance of leases on this land, it would be to the benefit of the purposes and establishment of the Refuge that no lease be issued. The area within the Dungeness Refuge presently available for migratory waterfowl protection is very limited and any activity within the lagoon would definitely disturb the waterfowl and tend to make the refuge ineffective. The stand of eel grass on these second-class tidelands is extremely important as brant feed and any drilling operations on this area would destroy at least part of this natural feed and also frighten the birds away from the refuge area. Therefore, we request that you give careful consideration to our refuge area and needs in the event Standard Oil should apply for oil and gas leases.

Thank you for your consideration.

Very truly yours,

Leo L. Laythe  
Regional Director

December 28, 1954

Mr. W. W. Graham  
18134 Brittany Drive  
Seattle 66, Washington

Dear Mr. Graham:

We have your letter of December 20, 1954, concerning the tide lands of Dungeness Bay reserved for Park purposes or public use.

By Commissioner's Order of September 20, 1939, the following described tidelands were reserved for park purposes:

All tide lands of the second class, owned by the State of Washington, situate in front of, adjacent to or abutting upon the following described uplands:

That part of Lot 4, section 26, township 31 north, range 4 west, W.M., measured along the government meander line as follows: Beginning at the point of intersection of the north line of said Lot 4 with said meander line and running thence southwesterly along said meander line 4.17 chains, more or less, to a point thereon which is distant 17.00 chains easterly and northeasterly along the meander line from the point of intersection of the west line of said Lot 4 with said meander line, with a frontage of 4.17 lineal chains, more or less; also,

The west 4.00 chains, measured along the government meander line of Lot 4, section 26, township 31 north, range 4 west, W.M., with a frontage of 4.00 lineal chains, more or less; also

The west half, in width, of the John Thornton Donation Land Claim No. 36 in section 26, township 31 north, range 4 west, W.M., with a frontage of 21.27 lineal chains, more or less.

The United States of America Fish and Wildlife Service have a special use deed from the State of Washington covering the following described tidelands of Dungeness Bay:

*app. no. 10585*

All tide lands of the second class owned by the State of Washington, situate in front of, adjacent to or abutting upon the following described uplands in township 31 north, range 4 west, W.M.

Lots 1, 2, 3 and 4, section 13, with a frontage of 156.35 lineal chains, more or less, also

Lot 1, section 14, with a frontage of 30.18 lineal chains, more or less; also

Lot 1, section 22, with a frontage of 54.21 lineal chains, more or less, also

Lots 1, 2 and 3, section 23, with a frontage of 179.28 lineal chains, more or less; also

Lots 1, 2, 3, 4 and 5, section 24, with a frontage of 258.35 lineal chains, more or less; also

Lot 5, section 25, with a frontage of 40.93 lineal chains, more or less; also

Lot 2, section 26, except the tide lands included in a deed from the State of Washington to Don H. Palmer, issued February 26, 1930, under application No. 7609 and except the tide lands included in a tract of oyster land deeded by the State of Washington to San Juan Farm Association, December 23, 1931, under application No. 9396, with a frontage of 47.53 lineal chains, more or less; also

Lot 3, section 26, with a frontage of 5.00 lineal chains, more or less; also

The  $\frac{1}{2}$  in width of the John Thornton Donation Claim No. 38, in section 26, with a frontage of 20.29 lineal chains, more or less; also

The C.M. Bradshaw Donation Claim No. 39, in sections 26 and 27, except the west 330 feet of the east 1684.39 feet thereof, with a frontage of 34.59 lineal chains, more or less; also

Lots 5, 6 and 7 and the northwesterly side of lot 4, section 27, with a frontage of 174.63 lineal chains, more or less; also

Lots 1 and 2, section 18, township 31 north, range 3 west, W.M., with a frontage of 149.66 lineal chains, more or less.

The above described tide lands are conveyed under the provisions of Section 152 of Chapter 255 of the Session Laws of 1927.

Mr. W. W. Graham

-3-

December 28, 1954

A portion of the tide lands covered by the use deed were leased, with the permission of the Fish and Wildlife Service, to E. W. Steffan for oystering. Said lease includes the tide lands in front of the easterly side of lots 1, 2, and 3, section 23 and in front of the west side of lots 1 and 4, section 24, all in township 31 north, range 4 west, W.M.

All of the tide lands covered by said use deed, except those under lease, could be used by the general public for recreational purposes, so long as that use does not interfere with rights of the United States as acquired through the use deed.

The tide lands within Dungeness Harbor not included in the Park site and use deed are privately owned, except for small portions below mean low tide in front of part of section 27, township 31 north, range 4 west, W.M.

Very truly yours,

OTTO A. CASE, Commissioner

By: \_\_\_\_\_  
Frank O. Sether  
Assistant Commissioner

MEB:dc  
App. 10585  
Ltr. 4540

*Attach*

18134 Pittomy Drive  
Seattle 66, Wash.

December 20, 1954



State Land Commissioner  
Olympia, Washington

Gentlemen:

Could you please let me know what areas along the beach  
and spits inside Dungeness Bay are set aside for state park purposes,  
(Clallam County)  
or for public use.

If possible, I would like to get the exact measurements  
from a known given point. I understand that in many of the areas inside  
the bay, the tide lands still belong to the state and are not owned by  
private parties who have the adjoining upland.

Thank you kindly for the information.

Sincerely yours,

  
W. W. Graham

jvz

September 16, 1954

Mr. Linton W. Lang  
1005 Elm  
Richland, Washington

Dear Mr. Lang:

We have your letter of September 13, 1954 concerning the tide lands in front of the west 600 feet of the C. M. Bradshaw Donation Claim No. 39 in section 27, township 31 north, range 4 west, W.M.

These second class tide lands were included in a use deed issued under the provisions of Section 152, Chapter 255, Laws of 1927 to the United States Fish and Wildlife Service on May 29, 1943. The deed conveyed the use of these lands for a public purpose, which we understand is for a waterfowl refuge. Should the United States cease to use the area for that purpose these lands would revert to the State.

While we would not accept an application to purchase the tide lands as long as the use deed is operative, we could lease them, with the approval of and subject to the use thereof by the Fish and Wildlife Service.

Second class tide lands are public lands belonging to the State, over which the tide ebbs and flows, outside of and more than two miles from the corporate limits of any city, from the line of ordinary high tide to the line of extreme low tide.

Under the provisions of Section 2, Article XVII of our constitution the State disclaimed title to any tide, swamp or overflowed lands patented by the United States. This section of the constitution has been interpreted by our Supreme Court to mean that the State has no interest in any tide lands included within the meanders of an upland survey, when said upland was patented prior to Statehood, November 11, 1889. In other words, where uplands were patented prior to that date, the upland ownership extended to either the line of ordinary high tide or the meander line depending upon which line was the farther out.

App No. 10585 ←

Mr. Linton W. Lang

-2-

September 16, 1954

Usually the meanders were run out on the beach aways and where that was the case, the above ruling had the effect of including any tide lands between the meander line and line of ordinary high tide in the upland ownership.

According to the government survey of the Bradshaw Donation Land Claim, the meander line in front of the west 600 feet thereof runs N 72° E from a point which is 8.23 chains (543.18 feet) north from the south line of said section 27 as measured along the west line of the donation land claim.

The precise location of the meander line and its relation to the line of ordinary high tide would have to be determined from a field survey.

We presume that your question regarding National legislation refers to the tide lands oil legislation recently passed by Congress. This law does not affect the State of Washington.

Under the provisions of our constitution, approved November 11, 1889, the State asserted ownership of all tide lands, shore lands and beds of navigable bodies of water within the State. Prior to June 11, 1907, the State conveyed the rights to minerals, oil, gas, coal, etc., whenever tide or shore or other State lands were sold. Since that date, however, the State has reserved such rights for the State in all deeds of conveyance.

If you desire further information, please let us know.

Very truly yours,

OTTO A. CASE  
Commissioner of Public Lands

By \_\_\_\_\_  
Frank O. Sether  
Assistant Commissioner

MEB:lo  
App. 10585  
Ltr. 3212

*Attach*

- 2 -

medium low-tide, high-tide or  
so-called "Meander Line"? If  
the present property is defined  
by the "Meander Line" being the  
North boundary, what is your <sup>opinion of when</sup> <sup>^</sup>  
this line lies for the W. 600 ft. of  
the Bradshaw claim with respect  
to high tide? Does recent National  
legislation affect this land?

I realize that this will require  
considerable researching by your  
office, but will greatly appreciate  
any help you can give me  
regarding this land.

Sincerely yours,  
Linton W. Fargy.

January 10, 1952

Dr. Roy F. West  
1604 Medical Dental Bldg.  
Seattle, Washington

Dear Sir:

We have your letter of January 7, 1952 concerning the tide lands in front of the West 330 feet of the East 889.75 feet of Section 27, Township 31 North, Range 4 West, W.M., on Dungeness Harbor in Clallam County.

All of the tide lands in front of the above described property were included in a use deed issued by the State of Washington, May 29, 1943, to the United States of America Fish and Wildlife Service.

Therefore, an application to purchase these tidelands cannot be accepted as long as the United States requires the use of the area.

We are enclosing, however, a circular of general information relating to the sale and lease of State lands.

Very truly yours,

JACK TAYLOR, COMMISSIONER

BY

Frank Yates  
Assistant Commissioner

MEB:gbt  
ltr. 55  
App. 10585 - *Attach*  
enc.

DR. ROY F. WEST  
EXTRACTIONS AND ORAL SURGERY  
1604 MEDICAL AND DENTAL BLDG.  
SEATTLE

Jan. 7 - 1952

Mr. Jack Taylor, Commissioner,  
Department of Public Lands  
Olympia Wash.

RECEIVED

JAN 9 - 1952

COMMISSIONER OF PUBLIC LANDS

No. \_\_\_\_\_

55

Dear Sir:

I am enclosing the description of a piece of land I own at Dungeness.

It has a water front on Dungeness Harbor out to meander line.

I want to purchase from the state the tide lands of the second class lying below the line of mean low tide in front of my acreage.

I understand that it has been appraised. Will you please inform me how I should go about buying this property?

Sincerely yours.

Roy F. West

10585

RECEIVED

JAN 9 - 1952

COMMISSIONER OF PUBLIC LANDS

No. ....

Beginning at a point 559.75 feet west of the section corner common to sections 26, 27, 34, and 35, Township 31 north, Range 4 west of the willamette Meridian; thence west 330 feet; thence north 993.1 feet; thence north  $70^{\circ} 44' 30''$  east 349.58 feet; thence south 1108.3 feet to the point of beginning, Except the south 15 feet thereof reserved for road. (Being known as tracts 34 and 35 Old Thornton Place Tracts, according to the unrecorded plat thereof.

All that portion of Bradshaw Donation Claim in section 27, township 31 north, range 4 west of Willamette Meridian, lying between the meander line of Dungeness Harbor in front of said claim and the following described line, to-wit:

Beginning at the section corner common to sections 26, 27, 34, and 35, township 31 north, range 4 west of W. M. ; thence west on section line 889.75 feet; thence north 993.2 feet to the true point of beginning ; thence N  $70^{\circ} 44' 30''$  east 349.58 feet.

889.75

5 4  
5.68  
3408  
3408  
37688

January 24, 1949

Pacific Northwest Land Company  
Fourth and Pike Building  
Seattle 1, Washington

Attention: Mr. Arthur D. Johnson

Gentlemen:

We have your letter concerning tidelands in front of the  $W\frac{1}{2}$  of  $SW\frac{1}{4}$ , section 26, township 31 north, range 4 west, W.M.

Technically we do not find any land bearing the legal description of the  $W\frac{1}{2}$  of  $SW\frac{1}{4}$  in said section 26. Originally the fractional  $W\frac{1}{2}$  of  $SW\frac{1}{4}$  of said section 26 was designated as government lot 6 containing 48.50 acres as shown on the U. S. Government Township Plat approved by The Surveyor General of Washington Territory on February 21, 1859. This township plat was superseded by one filed by The Surveyor General on February 28, 1863, showing the donation land claims and segregating these claims from the remainders of the sections involved. The fractional  $W\frac{1}{2}$  of  $SW\frac{1}{4}$  of said section 26 is therefore a portion of the west part of the John Thornton Donation Land Claim and a portion of the east part of the C. M. Bradshaw Donation Land Claim.

The tidelands in front of the west half in width of the John Thornton Donation Land Claim were reserved for State park purposes by order of the Commissioner of Public Lands dated September 20, 1939. The tidelands in front of the east part of the C. M. Bradshaw Donation Land Claim, including the remainder of the tidelands in front of the west part of said section 26 and a portion of the tidelands in front of adjoining section 27, are included with those reserved for the use of the U. S. Fish and Wild Life Service through a use or easement deed issued by the State of Washington May 29, 1943, under application No. 10585.

Pacific Northwest  
Land Company

-2-

January 24, 1949

From the above you will note that none of the tidelands in front of the fractional  $W\frac{1}{2}$  of  $SW\frac{1}{4}$  of said section 26 are available for sale.

Very truly yours,

JACK TAYLOR  
Commissioner

RFR:jjj

420

AP2T10585 — *attach*

St. Park #33

# The Pacific Northwest Land Company

FOURTH AND PIKE BUILDING  
SEATTLE 1, WASH.

C. MARC MILLER  
ARTHUR D. JOHNSON

TELEPHONE MAIN 1191

January 21, 1949

RECEIVED  
JAN 22 1949  
COMMISSIONER OF PUBLIC LANDS  
to \_\_\_\_\_

State Land Commissioner  
Olympia  
Washington

420

Dear Sir

We are writing this letter on behalf of an interested buyer, who, we are sure, will acquire title to the West  $\frac{1}{2}$  of Southwest  $\frac{1}{4}$  of Sec. 26, Twp. 31 N. Range 4 W.W.M.

Our man will be interested in acquiring the tidelands fronting on the above described property after he becomes the owner of same. Kindly advise if tidelands are for sale and what your Department is asking for them. Should it be that you have already sold any portion of same, kindly give us the name of the buyer, and we will greatly appreciate it.

Hope to hear from you soon in this regard.

Yours very truly

THE PACIFIC NORTHWEST LAND COMPANY

By

*Arthur D. Johnson*  
Arthur D. Johnson

adj:vd

A. P. 10585

State Park Site No 33

# PORT OF PORT ANGELES

1744  
X

COMMISSIONERS:  
FRED C. STRANGE, PRESIDENT  
PORT ANGELES  
R. O. WAHLGREN, SECRETARY  
FORKS  
HAYES EVANS  
SEQUIM



PORT ANGELES, WASHINGTON

April 19, 1948

H. W. DAVIES,  
MANAGER AND ENGINEER

Ph. 220

Frank Sether  
Assistant Land Commissioner  
Olympia, Washington

RECEIVED  
APR 20 1948  
COMMISSIONER OF PUBLIC LANDS  
No. 2426

Dear Frank:

Will you kindly send me a print of Lot 2, Section 26, Township 31, Range 2 W.W.M. in the vicinity of Old Dungeness, showing the oyster lands.

*Eng*

The Port is planning some development in the way of a boat haven, etc.

Thanking you in advance.

Yours truly,  
*H. W. Davies*  
H.W. Davies, Manager  
PORT OF PORT ANGELES

*Next month*

P.S. Am still looking for a visit from you and Mr. Reid.

No reply, Mr. Davies telephoned, stating he wanted large scale map  
A.P. 10585 - 2d tide  
Ret. Eng.

*a*  
*x*

January 22, 1948

Mr. E. C. Bigelow  
Dungeness Way  
Sequim, Washington

Dear Mr. Bigelow,

We have your letter of January 16, 1948 concerning the tide lands on the Dungeness Bay side of Dungeness spit in Clallam County, Washington.

All of these tide lands are covered by a use deed issued to the United States Fish and Wild Life Service, May 29, 1943. A portion of these tide lands, those in front of sections 22, 23 and part of 27 are covered by a pending application to lease, for booming purposes, filed by Crown Zellerbach Corporation. The issuance of said lease depends upon whether or not the applicant can make satisfactory arrangements with the Fish and Wild Life Service.

It is possible that a general lease covering the balance of the tide lands covered by said use deed, on Dungeness Bay can be issued. We suggest, however, that before an application is filed that you determine what attitude the Fish and Wild Life Service would take regarding such a lease. Their address is 600 Weatherly Building, Portland, Oregon.

We are enclosing, herewith, a blank form for use in making an application to lease. We are also enclosing a circular of general information relating to the sale and lease of State land.

Very truly yours,

OTTO A. CASE, Commissioner

RFR:mob:pb  
374

App; 3067  
10585 - *Attach*

Encs.

Dungeness Bay  
Sequim, Wash  
Jan. 16th, 1948

State Land Commissioner,  
Olympia, Wash.

Dear Sir:

I am interested in leasing  
the tidelands on the Dungeness Bay  
side of the Dungeness Spit for  
clam digging.

If this is not under your juris-  
diction, will you please advise  
whom I should contact.

Any information will be  
appreciated.

Respectfully  
M. J. Bigelow  
For: E. C. Bigelow

APD 10585 USA  
AL 3067

RECEIVED  
JAN 19 1948  
COMMISSIONER OF PUBLIC LANDS  
No. \_\_\_\_\_

374

1744  
X

May 7, 1946

Port of Port Angeles  
Port Angeles,  
Washington

Gentlemen:

Pursuant to the request of Mr. Davies and Mr. Burrowes, when they were in our office recently, we have made a photostat of our tideland index Plate No. 55, for Clallam County, and we are sending the two sheets to you herewith.

The deed dated May 29, 1943, to U. S. Fish and Wild Life Service, was made under the provisions of section 152 of Chapter 255 of the Laws of 1927 and is therefore a use deed or an easement deed and does not convey full fee title. The state could, therefore, issue leases covering these tidelands subject to this easement deed and the lessee could use the tidelands for any purpose that did not interfere with the use by the United States for the purpose for which the easement was obtained.

Very truly yours,

OTTO A. CASE, Commissioner

BY

\_\_\_\_\_  
Raymond F. Reed  
Chief Engineer

RFR:bq  
App: 10585

*Attach  
Pet Eng.*

January 22, 1945

Mr. Harry LeGear  
P. O. Box 568  
Port Angeles, Washington

Dear Mr. LeGear:

We have your letter concerning the tide lands in front of Lots 40 and 41 of the Old Thornton Place Tracts, originally the Bradshaw Donation Claim in Section 27, Township 31 north, Range 4 west, W. M.

The tide lands of the second class in front of the west 330 feet of the east 1684.39 feet of the C. M. Bradshaw Donation Land Claim were deeded by the State October 20, 1931 to Tyrrell J. Conroy. Use of the remainder of the tide lands in front of said C. M. Bradshaw Donation Land Claim was deeded by the State to the United States of America Fish and Wild Life Service May 29, 1943 under the provisions of Section 152 of Chapter 255 of the Laws of 1927. We do not have a copy of the plat of Old Thornton Place Tracts; however, these tracts are indicated on a small scale in Metsker's Atlas and it appears that the tide lands in front of said lots 40 and 41 are a portion of those included in the use deed issued to the United States of America.

In view of the present status of these tide lands, an application to purchase would not be accepted.

Very truly yours,

OTTO A. CASE, Commissioner

By Raymond F. Reed  
Chief Engineer

RFR:er  
App. 10585

264

*Attach*

Harry LeGear

RECEIVED

REAL ESTATE . INSURANCE

Aldwell Bldg. . Phone 909-W  
PORT ANGELES, WASHINGTON

JAN 19 1945

COMMISSIONER OF PUBLIC LANDS  
No. 264

January 18, 1945

*Evary*

State Land Department  
Olympia, Washington

Dear Sirs:

I have purchased platted lots 40 & 41 in the Old Thornton  
Place Tracts, Originally Bradshaw Donation Claim, in  
Section 27- Township 31- Range 4 West.

I would like to purchase the tide lands in front of lot 41  
(above description) if it is for sale. Please advise.

Yours very truly

*Harry LeGear*

Harry LeGear  
P.O.Box 568  
Port Angeles, Washington

# RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

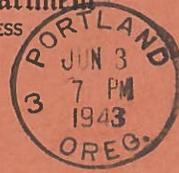
1 Richard [Signature]  
(Signature or name of addressee)

2 Evelyn Rose  
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery June 3rd, 1943

Post Office Department  
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300



Return to **JACK TAYLOR**  
COMMISSIONER OF PUBLIC LANDS

Street and Number,  
or Post Office Box,

(NAME OF SENDER)

RETURN TO  
**JACK TAYLOR**  
COMMISSIONER OF PUBLIC LANDS  
P.O. BOX 17  
OLYMPIA, WASH.

REGISTERED ARTICLE

No. 2649

Post Office

INSURED PARCEL

No. 1

16-12421

State

APPLICATION NO. 10585

ISSUE GRAVEL)  
TIMBER) \_\_\_\_\_

CERTIFICATE \_\_\_\_\_

CONTRACT \_\_\_\_\_

*Special  
Use*

DEED 2<sup>nd</sup> @ low tide

RE-LEASE \_\_\_\_\_

TO United States of America  
Fish and Wild life Service

CONSIDERATION Sec. 151, Ch. 255 - laws 1927

DESCRIPTION See Eng Report

REMARKS \_\_\_\_\_

RETURN TO

*Sether*

DEED 18251 ISSUED.

*Prepared 5-25-43  
S.J.*

**REPORT OF ENGINEER**

**STATE OF WASHINGTON  
OFFICE OF  
COMMISSIONER OF PUBLIC LANDS**

Olympia, December 8, 1942

*To the Honorable Commissioner of Public Lands, Olympia, Wash.:*

SIR: I herewith submit the following report on Application No. 10585 by United States of America, Fish and Wild Life Service, 600 Weatherly Building, Portland, Oregon, to acquire the use of the unsold tide lands of the second class in front of sections 13, 14, 22, 23, 24, 26, 27 and in front of lot 5, section 25, all in township 31 north, range 4 west, and in front of section 18, township 31 north, range 3 west, at or near Dungeness Spit in the north-eastern part of Clallam County.

The desired tide lands are to be conveyed to the above named applicant under the provisions of section 152 of Chapter 255 of the Session Laws of 1927.

In answer to the question in the application " Are you the owner of the abutting uplands" applicant states portions , U, S. Military Reservation, portion of Lighthouse Reservation and portions in private ownership and that there are no improvements on the desired tide lands as far as known and that the tide lands are in part located in front of lands reserved by the United States for Military, Lighthouse or other public purposes.

The tide lands in front of the east half in width of John Thornton Donation Claim No. 38, in section 26 was covered by lease No. 1035 issued October 27, 1932, to the Port of Port Angeles for a term of 10 years under application No. 1394. Said lease No. 1035 expired October 27, 1942.

The tide lands on the east side of lot 2, section 26 in front of south 36.54 chains as measured along the meander line were deeded to Don H. Palmer, February 26, 1930, under application No. 7609.

Page # 2  
App. # 10585

The major portion, if not all, of the remaining tide lands in front of lot 2 were included in an oyster tract deeded by state to San Juan Farm Association December 23, 1931, under application No. 9396. Any tide lands which are not included in said oyster tract are desired by the applicant.

By executive order No. 2123 of January 20, 1915 signed by Woodrow Wilson, the Dungeness Spit in township 31 north, ranges 3 and 4 west, was reserved and set apart for use of the Department of Agriculture as a refuge, preserve and breeding grounds for native birds, that said order is not intended to abrogate the orders creating military and light house reservations located in part upon the same lands, nor shall it in any manner interfere with the use of the lands for military or lighthouse purposes, but rather, in addition to such uses.

A modification of executive order No. 2123 was made August 16, 1940, by Franklin D. Roosevelt to permit the Navy Department to have primary jurisdiction over the following described land for naval purposes:

T. 31 N.R. 4W., W.M.  
Sec. 13, lots 1, 2, 3 and 4  
Sec. 14, lot 1.  
Sec. 24, lots 1, 2, 3, 4 and 5/  
Sec. 25, lot 5.  
Sec. 26, lot 3.

The following uplands in the Dungeness Spit were included in a military reservation approved by the president under executive order dated September 22, 1866.

Page # 3  
App. # 10585

T. 31 N. R. 3 W., W. M.  
Sec. 18, lots 1 and 2.  
T. 31 N. R. 4 W., W. M.  
Sec. 13, lots 1, 2, 3 and 4.  
Sec. 14, lot 1.  
Sec. 22, lot 1.  
Sec. 23, lots 1, 2 and 3.  
Sec. 24, 1, 2, 3, 4 and 5.  
Sec. 25, lot 5.  
Sec. 26, lot 3.  
Sec. 27, lots 4, 5, 6 and 7.  
Sec. 28, lot 1.

Lots 1 and 2, section 18, Township 31 north, range 3 west and lots 1, 2, 3 and 4, section 13, lot 1, section 14, lots 1, 2, 3, 4 and 5, section 24, lot 5, section 25 and lot 3, section 26 were included in a Lighthouse Reserve, according to a letter dated March 12, 1859, in the Department of Interior files and as noted on the government plat.

The remaining uplands in sections 26 and 27 are privately owned.

The desired tide lands may be described as follows:

All tide lands of the second class owned by the State of Washington, situate in front of, adjacent to or abutting upon the following described uplands in township 31 north, range 4 west, W. M.

Lots 1, 2, 3 and 4, section 13, with a frontage of 156.35 lineal chains, more or less, also

Lot 1, section 14, with a frontage of 30.18 lineal chains, more or less; also,

Lot 1, section 22, with a frontage of 54.21 lineal chains, more or less; also

Lots 1, 2 and 3, section 23, with a frontage of 179.28 lineal chains, more or less; also

Lots 1, 2, 3, 4 and 5, section 24, with a frontage of 258.35 lineal chains, more or less; also

Lot 5, section 25, with a frontage of 40.93 lineal chains, more or less; also

Page # 4  
App. # 10585

Lot 2, section 26, except the tide lands included in a deed from the State of Washington to Don H. Palmer, issued February 26, 1930, under application No. 7609 and except the tide lands included in a tract of oyster land deeded by the State of Washington to San Juan Farm Association, December 23, 1931, under application No. 9396, with a frontage of 47.53 lineal chains, more or less; also

Lot 3, section 26, with a frontage of 5.00 lineal chains, more or less; also

The E $\frac{1}{2}$  in width of the John Thornton Donation Claim No. 38, in section 26, with a frontage of 20.29 lineal chains, more or less; also

The C. M. Bradshaw Donation Claim No. 39, in sections 26 and 27, except the west 330 feet of the east 1684.39 feet thereof, with a frontage of 34.59 lineal chains, more or less; also

Lots 5, 6 and 7 and the northwesterly side of lot 4, section 27, with a frontage of 174.63 lineal chains, more or less; also

Lots 1 and 2, section 18, township 31 north, Range 3 west, W. M., with a frontage of 149.66 lineal chains, more or less.

The above described tide lands are conveyed under the provisions of section 152 of Chapter 255 of the Session Laws of 1927.

NOTE:

The above described tide lands have a total frontage of 1151 lineal chains, more or less.

Respectfully submitted

Raymond F. Reed  
Chief Engineer

EBT:bm  
# 10585

EBT. R.F.R.

ADDRESS ONLY THE REGIONAL DIRECTOR  
FISH AND WILDLIFE SERVICE  
AND REFER TO

REGION 1

WASHINGTON  
OREGON  
CALIFORNIA  
NEVADA  
IDAHO  
MONTANA

LA - Washington  
Dungeness

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
FISH AND WILDLIFE SERVICE

OFFICE OF REGIONAL DIRECTOR  
600 WEATHERLY BUILDING  
PORTLAND, OREGON

August 21, 1942

RECEIVED  
AUG 25 1942

*al*  
*x-*

*Eug*

Mr. Jack Taylor, Land Commissioner  
State Land Board  
Olympia, Washington

COMMISSIONER OF PUBLIC LANDS  
No. -----

Dear Mr. Taylor:

Attention: Mr. Ray Reed

9169

Reference is made to my conversation with Mr. Reed on August 20.

It will be appreciated if you will take immediate action on the easement for the Dungeness Spit area. We would like to have this easement before the fall hunting season begins in order that we may have time to properly post this refuge. Anything you can do to expedite this matter will be appreciated.

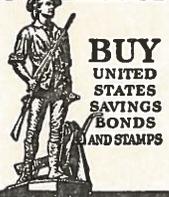
Very truly yours,

*R. J. Schaar*

R. J. Schaar  
Assistant Land Valuation Engineer

*No reply*  
*A.P. 10585*

FOR DEFENSE



BUY  
UNITED STATES  
SAVINGS  
BONDS  
AND STAMPS

*Ret*

5291  
X

July 6, 1942

United States Fish &  
Wild Life Service  
600 Weatherly Building  
Portland, Oregon

Gentlemen:

We are enclosing herewith photostats of certain  
tide lands in Pacific County which you requested.

Very truly yours,

JACK TAYLOR, Commissioner

By: \_\_\_\_\_  
Frank Yates,  
Assistant Commissioner

RFR:a  
8261

A.P. 10585  
Ret.

ADDRESS ONLY THE REGIONAL DIRECTOR  
FISH AND WILDLIFE SERVICE  
AND REFER TO

LA - Washington  
Dungeness  
Skagit

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
FISH AND WILDLIFE SERVICE  
OFFICE OF REGIONAL DIRECTOR  
600 WEATHERLY BUILDING  
PORTLAND, OREGON

REGION 1

WASHINGTON  
OREGON  
CALIFORNIA  
NEVADA  
IDAHO  
MONTANA

RECEIVED  
JUN 17 1942

COMMISSIONER OF PUBLIC LANDS  
No. \_\_\_\_\_

June 17, 1942

8261

*Reed*

Mr. Jack Taylor  
Commissioner Public Lands  
Olympia, Washington

Dear Mr. Taylor:

Attention Mr. Raymond Reed

Reference is made to our conversation of June 9 at which time I left with you applications for Dungeness Spit and Skagit tidelands. Attached are copies of Executive Orders pertaining to Dungeness.

*with A.P.*

In connection with tidelands on the Willapa Refuge, I saw Mr. Foster, Director of Fisheries in Seattle and as soon as we receive the photostat from you, we will send it to him and his men will make a survey of these tidelands to determine their economic worth. If the lands are quite valuable and the State could ultimately receive revenue from them, provisions would be made in the easement whereby the State might reserve the land for oyster propagation. It is our understanding however that the tideland on Long Island does not provide the proper food for the raising of oysters but could be valuable from the oyster seed standpoint.

We would appreciate receiving the photostat of Willapa Bay and the easements for the Dungeness and Skagit areas.

Very truly yours,

*R. J. Schaar*

R. J. Schaar  
Assistant Land Valuation Engineer

FOR DEFENSE Enclosures



EXECUTIVE ORDER

-----

It is hereby ordered that Dungeness Spit, an arm of land extending from the north shore of the State of Washington into the Strait of Juan de Fuca, as the same is shown upon the official plats of survey of townships thirty-one north, ranges three and four west of the Willamette Meridian, on file in the General Land Office, and as segregated by the broken line upon the diagram hereto attached and made a part of this order, be and the same is hereby reserved and set apart for the use of the Department of Agriculture as a refuge, preserve and breeding ground for native birds. This order is not intended to abrogate the orders creating military and lighthouse reservations located in part upon the same lands, nor shall it in any manner interfere with the use of the lands for military or lighthouse purposes, but rather, in addition to such uses, shall insure the protection of the native birds therein.

It is unlawful for any person to hunt, trap, capture, wilfully disturb or kill any bird of any kind whatever, or take the eggs of such birds within the limits of this reserve, except under such rules and regulations as may be prescribed by the Secretary of Agriculture.

Warning is expressly given to all persons not to commit any of the acts herein enumerated, under the penalties prescribed by Section 84 of the U. S. Penal Code, approved March 4, 1909 (35 Stat., 1088).

This reservation to be known as Dungeness Spit Reservation.

WOODROW WILSON

The White House,

20 January, 1915.

(No. 2123.)

EXECUTIVE ORDER

- - - - -

MODIFICATION OF EXECUTIVE ORDER NO. 2123 OF JANUARY 20, 1915,  
RESERVING CERTAIN PUBLIC LAND AS A NATIVE BIRD REFUGE

WASHINGTON

By virtue of the authority vested in me as President of the United States, it is ordered that Executive Order No. 2123 of January 20, 1915, reserving certain public land in the State of Washington as a refuge, preserve and breeding ground for native birds, known as Dungeness Spit Reservation, be, and the same is hereby, modified to the extent necessary to permit the Navy Department to have primary jurisdiction over the following-described land for naval purposes:

Willamette Meridian

T. 31 N., R. 4 W.,  
Sec. 13, lots 1, 2, 3, and 4,  
Sec. 14, lot 1,  
Sec. 24, lots 1, 2, 3, 4, and 5,  
Sec. 25, lot 5,  
Sec. 26, lot 3,  
aggregating 147.50 acres.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

August 16, 1940.

(No. 8518)

(F.R. Doc. 40-3440; Filed, August 17, 1940; 11:38 a.m.)

(Published in Federal Register  
Volume 5, Number 162  
Tuesday, August 20, 1940.)

5291  
X

July 6, 1942

United States Fish &  
Wild Life Service  
Weatherly Building  
Portland, Oregon

Attention: R. J. Schaar

Gentlemen:

Your application for a deed to the use of the tide lands in front of sections 22, 23, 24, 26, 27, and lot 5, section 25, township 31 north, range 4 west, and section 18, township 31 north, range 3 west, under the provisions of Section 152, Chapter 255, Laws of 1927, has been filed under No. 10585.

Very truly yours,

JACK TAYLOR, Commissioner

By: \_\_\_\_\_  
Frank Yates,  
Assistant Commissioner

RFR:a  
App 10585

EASEMENT

KNOW ALL MEN BY THESE PRESENTS that the State of Washington, acting by and through the Governor of said State, to-wit: Arthur B. Langlie, does by these presents hereby grant and convey unto the United States of America an easement over, across and upon and for the use of the following described tide and/or shore lands for the purpose of establishment of a migratory waterfowl refuge:

All tideland in front of, abutting, and adjoining Willamette Meridian, Township 31 North, Range 4 West, Section 13, Lots 1, 2, 3, and 4; Section 14, Lot 1; Section 22, Lot 1; Section 23, Lots 1, 2, and 3; Section 24, Lots 1, 2, 3, 4, and 5; Section 25, Lot 5; Section 26, Lot 2, except the following described parcel:

All tidelands of second class beginning at a point at or near the S.W. corner Lot 2, Section 26, Township 31 North, Range 4 West, and 200' W of a post set for the corner of Lots 1 and 4 of said Section 26 and on the S line of said Lot 2; said post being N 53°10' E 1433.84' dist. from N.E. corner of John Thornton Donation Claim and N 76°15'43" W 1362.78 distant from meander corner on E line of Section 26; thence running W from said point of beginning 200', N 3°6'15" E 300.44', N 1°39'54" W 300.13', N 3°6'15" E 300.44', N 9°42' E 304.35', N 1°31'46" E 315.81', N 7°15'35" E 295.9', N 33°55' E 349.46', N 9°5'25" E 607.64', N 30°57'50" E 145.57', N 44°21'25" E 251.74', S 27°32' E 343.96', S 22°07'50" E 323.85', S 12°03'25" E 105.32', S 20°33'20" W 170.88', S 33°53'20" W 403.53' and W 120' to a point on or near the shore line of said Lot 2; thence app. along said shore line N 31°15'50" E 327.57', N 46°41'05" E 240.52', N 16°42' E 52.20', N 65°56'10" W 63.52', S 53°48'25" W 101.61', S 35°12'15" W 199.48', S 33°55' W 349.46', S 12° W 300', S 6°2'34" W 317.47', S 9°42'07" W 304.35', S 7°49'58" W 302.83', S 7°50'05" W 302.83', and S 7°49'58" W 302.83', to said point of beginning, containing an area of 23.68 acres according to the plot on file in the office of the Commissioner of Public Lands at Olympia, Washington;

3

pt. L. 74

and Lot 2; Section 27, Lots 5, 6, and 7; Section 34, D.L.C. #39, and Section 35, D.L.C. #38 and #39.

Township 31 North, Range 3 West, Section 18, Lots 1 and 2.

TO HAVE AND TO HOLD the said easement over, across and upon the above described tide and/or shore lands so long as they shall be used by the said United States of America for said public purpose.

IN WITNESS WHEREOF I have hereunto set my hand and the official seal of the State of Washington this \_\_\_\_\_ day of \_\_\_\_\_, 1942.

\_\_\_\_\_  
Governor, State of Washington

ATTEST:

\_\_\_\_\_  
Secretary of State

WITNESSETH:

\_\_\_\_\_  
\_\_\_\_\_

ACKNOWLEDGMENT FOR INDIVIDUALS

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

Be it remembered that on \_\_\_\_\_,  
(month, day and year)

before the subscriber, a \_\_\_\_\_ in and for the  
County of \_\_\_\_\_, State of \_\_\_\_\_,  
appeared \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Indicate husbands and wives, single persons, etc.)

described in and who executed the hereto annexed instrument of writing,  
dated \_\_\_\_\_, and acknowledged that the executed  
the said instrument freely and voluntarily for the uses and purposes  
therein stated; and I further certify that the said persons are known to  
me to be the persons described in and who executed the said instrument.

Given under my hand and official seal.

\_\_\_\_\_

\_\_\_\_\_  
(Official Title)

My commission expires \_\_\_\_\_

(SEAL)

# Application to Purchase Tide or Shore Lands

(SECOND CLASS)

To the Commissioner of Public Lands, Olympia, Washington.

I, United States of America, <sup>Fish and Wild Life Service</sup>, of Portland, <sup>Ore</sup> Wash., do hereby apply to purchase that certain tract of tide land of the second class situated in Clallam County, Washington, particularly described as follows, to wit:

All open state owned tide lands in front of sections 22, 23, 24, 26, 27 and Lot 5, section 25, T. 31 N., R. 4 W., W. M. and section 18, T. 31 N., R. 3 W. Under provisions of Sec. 152 of <sup>chap. 255</sup> Laws 1927

At Dungeness Spit in the northeast part of Clallam Co.

Copy of Executive orders of Jan. 20, 1915 and of 1916 to be furnished.

(This location is desired first)

O.K. to file, Reed

Are you the owner of the abutting uplands? Portions U.S. Military Reservation  
If not, give name and last known P. O. address of such owner Portion U.S. Lighthouse reservation and portions in private ownership.

Are there any improvements on the tide or shore lands covered by the application? Not so far as known.  
If so, state character and value of same.

By whom are the improvements claimed? \_\_\_\_\_

Are the lands located in front of, or within two miles of the corporate limits of any city or town? No.

Are the lands located in front of any lands reserved by the United States for military, lighthouse or other public purposes? Partly, see above

Are the lands located within a Port District? Port of Port Angeles.

Are you a citizen of the United States or have you declared your intention to become such? \_\_\_\_\_

Dated at Olympia, Washington, this 9th day of June, 1932  
(Sign here) United States of America, Fish and Wild Life Service

by R. J. Schaar Asst. Land Valuation Eng  
Ten dollars Must Accompany this application.

P. O. Address 600 Weatherly Bldg  
Portland, Ore.

Filed 6-30-42

INSTRUCTIONS.

A. Applications to purchase second class tide or shore lands must be accompanied by a special deposit of \$10.00 required by statute which will later be applied on the purchase price. Remittance should be made payable to A. C. Martin, Commissioner of Public Lands.

SECOND CLASS TIDE LANDS.

Second class tide lands embrace all tide lands not located in front of or within two miles of an incorporated city or town, and extend to the line of extreme low tide. Tide lands of this class are in general, sold at public auction upon application after being inspected in the field, appraised and advertised. The sales are conducted by the County Auditor of the county in which the tide lands are located in front of the court house at the county seat, between the hours of 10 a. m., and 4 p. m., on the day set.

SECOND CLASS SHORE LANDS.

Second class shore lands embrace all shore lands on lakes and rivers not affected by tidal flow, not located in front of or within two miles of an incorporated city or town, and extend to the line of navigation. Shore lands of this class are sold to the abutting upland owners under a preference right upon application after being inspected in the field and appraised. The upland owner is given a period of 30 days after receiving notice of the appraisal, in which to exercise this preference right. If the owner of the abutting upland fails to purchase the shorelands covered by a pending application, the frontage is then advertised and offered at public auction in the same manner as second class tide lands.

B. Applications for second class shore lands made by the owner of the abutting uplands and for second class tide lands, when by special law a preference right is involved, should be accompanied by the following proofs of ownership of the abutting lands:

1. Certificate of title from County Auditor or an Abstractor setting forth the record ownership of the abutting lands.
2. Affidavit of applicant setting forth the actual ownership of the abutting lands.

DETACHED TIDE AND SHORE LANDS.

Tide or shore lands of the second class which are separated from the upland by navigable waters are sold at public auction at not less than \$5.00 per acre. An applicant must, at his own expense, survey and file with his application a plat of the tract covered thereby, said survey to be connected with and the plat to show two or more connections with the United States survey of the uplands, said plat to be prepared on mounted paper, size 24" x 36" containing an area table and a certificate of the engineer making the survey. The field notes of the survey must also accompany the application.

No appraisements are made until after an application has been received and an inspection made. Plat must be signed and sealed by a registered engineer or land surveyor.

Applicant.

United States of America  
Fish & Wildlife Service

Second Class { TIDE SHORE } Lands

Application to Purchase

County of Clallam

No. 10585 \$

DEPARTMENT OF PUBLIC LANDS  
Office of Commissioner

FOS:hn

.....  
In re: Application No. 10585 by  
the United States of America  
Fish and Wild Life Service to  
acquire the use of certain  
unsold tide lands in Clallam  
County.  
.....

May 24, 1943  
O R D E R

It appearing to the Commissioner at this time that Application No. 10585 has been filed in this office by the United States of America Fish and Wild Life Service for a deed to the use of the unsold tide lands of the second class in front of sections 13, 14, 22, 23, 24, 26, 27 and in front of Lot 5, section 25, all in township 31 north, range 4 west, and in front of section 18, township 31 north, range 3 west, at or near Dungeness Spit in the northeastern part of Clallam County; that said deed is requested under the provisions of Section 152 of Chapter 255 of the Session Laws of 1927, and

It further appearing that the United States of America is the owner of the abutting uplands, the said area being United States Military Reservation, portion of Lighthouse Reservation and that although certain of the other uplands are in private ownership there are no improvements on the desired tide lands so far as are known and

It further appearing that certain portions of the tide lands desired have heretofore been sold by the State and the application is now considered as covering only those portions in State ownership and the Commissioner being fully advised and believing that the deed should be issued it is therefore

ORDERED and DIRECTED that under and pursuant to application No. 10585 a deed to the use of certain tide lands in Clallam County be granted to the United States Fish and Wild

Life Service in accordance with the provisions of Section 152, Chapter 255 of the Session Laws of 1927, the tide lands included in said deed being more particularly described as follows:

All tide lands of the second class owned by the State of Washington, situate in front of, adjacent to or abutting upon the following described uplands in township 31 north, range 4 west, W.M.

Copy  
Lots 1, 2, 3 and 4, section 13, with a frontage of 156.35 lineal chains, more or less, also

Lot 1, section 14, with a frontage of 30.18 lineal chains, more or less; also

Lot 1, section 22, with a frontage of 54.21 lineal chains, more or less; also

Lots 1, 2 and 3, section 23, with a frontage of 179.28 lineal chains, more or less; also

Lots 1, 2, 3, 4 and 5, section 24, with a frontage of 258.35 lineal chains, more or less; also

Lot 5, section 25, with a frontage of 40.93 lineal chains, more or less; also

Lot 2, section 26, except the tide lands included in a deed from the State of Washington to Don H. Palmer, issued February 26, 1930, under application No. 7609 and except the tide lands included in a tract of oyster land deeded by the State of Washington to San Juan Farm Association, December 23, 1931, under application No. 9396, with a frontage of 47.53 lineal chains, more or less; also

Lot 3, section 26, with a frontage of 5.00 lineal chains, more or less; also

The  $E\frac{1}{2}$  in width of the John Thornton Donation Claim No. 38, in section 26, with a frontage of 20.29 lineal chains, more or less; also

The C.M. Bradshaw Donation Claim No. 39, in sections 26 and 27, except the west 330 feet of the east 1684.39 feet thereof, with a frontage of 34.59 lineal chains, more or less; also

Lots 5, 6 and 7 and the northwesterly side of lot 4, section 27, with a frontage of 174.63 lineal chains, more or less; also

Lots 1 and 2, section 18, township 31 north, range 3 west, W.M., with a frontage of 149.66 lineal chains, more or less.

The above described tide lands are conveyed under the provisions of Section 152 of Chapter 255 of the Session Laws of 1927.

NOTE:

The above described tide lands have a total frontage of 1151 lineal chains, more or less.

JACK TAYLOR, Commissioner

By: 

Frank Yates