

From: [PRUITT, BRAD \(DNR\)](#)
To: [BrownScott, Jennifer](#)
Subject: Tidelands at Dungeness Spit
Date: Monday, June 1, 2015 11:06:17 AM
Attachments: [Laws 1909 Chapter 110 aqlands to USA.pdf](#)
[N Dungeness Bay Deed to US Fish and Wildlife.pdf](#)
[Laws 1927 Chapter 255 Sections 150-153.pdf](#)

Jennifer, as discussed on the phone, attached is a copy of the deed and reference to the Laws of 1927. I also added the laws of 1909 that preceded the former.

I hope this information helps.

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SESSION LAWS

OF THE

STATE OF WASHINGTON

ELEVENTH SESSION

Convened January 11; Adjourned March 11

1909

COMPILED IN CHAPTERS, WITH MARGINAL NOTES

—BY—

SAM H. NICHOLS

Secretary of State

PUBLISHED BY AUTHORITY

OLYMPIA, WASH.:
E. L. BOARDMAN, PUBLIC PRINTER.
1909.

CHAPTER 110.

[H. B. 150.]

GIVING TO THE UNITED STATES FOR CERTAIN PURPOSES
TIDE AND SHORE LANDS.

AN ACT granting to the United States for public purposes the use of certain tide and shore lands belonging to the State of Washington.

Be it enacted by the Legislature of the State of Washington:

In front of
forts, maga-
zines, etc.

SECTION 1. That the use of any tide and shore lands belonging to the State of Washington, and adjoining and bordering on any tract, piece or parcel of land, which may have been reserved or acquired, or which may hereafter be reserved or acquired, by the government of the United States, for the purpose of erecting and maintaining thereon forts, magazines, arsenals, dock yards, navy yards, prisons, penitentiaries, light-houses, fog signal stations, or other aids to navigation, be and the same is hereby granted to the United States, so long as the upland adjoining such tide or shore lands shall continue to be held by the government of the United States for any of the public purposes above mentioned: *Provided*, That this grant shall not extend to or include any lands covered by more than four fathoms of water at ordinary low tide; and shall not be construed to prevent the citizens of the State of Washington from using said lands for the taking of food fishes so long as such fishing does not interfere with the public use of them by the United States: *And Provided further*, That whenever the government of the United States shall cease to hold for public purposes any such tract, piece or parcel of land, the use of the tide and shore lands bordering thereon shall revert to the State of Washington.

Use only
granted.

SEC. 2. Whenever application is made to the board of state land commissioners by any department of the United States government for the use of any tide or shore lands belonging to the State of Washington, and adjoining and bordering on any upland held by the United

States for any of the purposes mentioned in section 1, upon proof being made to said board that such uplands are so held by the United States for such purposes, it shall cause said fact to be entered in the minutes of its meetings, and the commissioner of public lands shall certify such fact to the governor and he shall issue a deed, which shall be attested by the secretary of state, conveying the use of such lands, for said purposes, to the United States, so long as it shall continue to hold for said public purposes the uplands adjoining said tide and shore lands.

SEC. 3. Whenever application is made to the board of state land commissioners, by any department of the United States government, for the use of any tide or shore lands belonging to the State of Washington for any public purpose, and said board shall be satisfied that the United States requires or may require the use of such tide or shore lands for such public purpose, said board may reserve such tide or shore lands from public sale and grant the use of them to the United States, so long as it may require the use of them for such public purpose; and the commissioner of public lands of the State of Washington shall certify such fact to the governor, who shall thereupon execute an easement to the United States, which shall be attested by the secretary of state, granting the use of such tide or shore lands to the United States, so long as it shall require the use of them for said public purpose.

Deed.

Use of lands
for public
purposes.

SEC. 4. Whenever the United States shall cease to hold and use any uplands for the use and purpose mentioned in this act, the said easement shall be terminated thereby and said tide and shore lands shall revert to the state without resort to any court or tribunal whatsoever.

Reversion.

Passed by the House March 5, 1909.

Passed by the Senate March 11, 1909.

Approved March 13, 1909.

State of Washington

IN CONSIDERATION of Section 152, Chapter 255, Laws of 1927 Repealed
~~the receipt of which is hereby acknowledged~~, the STATE OF WASHINGTON does hereby grant, bargain, sell and convey unto
United States of America Fish and Wild Life Service, its successors
~~hereby~~ and assigns, the following described tide ~~xxxxxx~~ lands of the second class, as defined by Chapter 255 of the Session Laws
of 1927, situate in Clallam County, Washington, to-wit:

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 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.

The above described lands are sold subject to all the provisions of Chapter 312 of the Session Laws of 1927, to which reference is hereby made, and which shall be as binding upon the grantee and any successor in interest of said grantee as though set out at length herein.

"The grantor hereby expressly saves, excepts and reserves out of the grant hereby made, unto itself, its successors and assigns forever, all oils, gases, coal, ores, minerals and fossils of every name, kind or description, and which may be in or upon said lands above described, or any part thereof, and the right to explore the same for such oil, gases, coal, ores, minerals and fossils; and it also hereby expressly saves and reserves out of the grant hereby made, unto itself, its successors and assigns forever the right to enter by itself, its agents, attorneys and servants upon said lands or any part or parts thereof, at any and all times, for the purpose of opening, developing and working mines thereon, and taking out and removing therefrom all such oils, gases, coal, ores, minerals and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its successors and assigns forever, the right by its or their agents, servants and attorneys at any and all times to erect, construct, maintain and use all such buildings, machinery, roads and railroads, sink such shafts, remove such soil, and to remain on said lands or any part thereof for the business of mining and to occupy as much of said land as may be necessary or convenient for the successful prosecution of such mining business hereby expressly reserving to itself, its successors and assigns, as aforesaid, generally all rights and powers in, to and over said lands, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and rights hereby expressly reserved". Provided, That no rights shall be exercised under this reservation by the state, its successors or assigns, until provision has been made by the state, its successors or assigns to pay to the owner of the land upon which the rights herein reserved to the state, its successors or assigns are sought to be exercised, full payment for all damages sustained by said owner, by reason of entering upon said land.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said United States of America Fish and Wild Life Service, its successors ~~hereby~~ and assigns, forever.

WITNESS, The Seal of the State, affixed this 29th

day of May, 1943

[SEAL]

(s) Arthur B. Langlie

Governor.

Attest:

(s) Belle Reeves

Secretary of State.

Deed No. 18251

Book No.

App. No. 10585

SESSION LAWS
OF THE
STATE OF WASHINGTON
TWENTIETH SESSION

Convened January 10, Adjourned March 10

1927

Compiled in Chapters by J. GRANT HINKLE, Secretary of State

Marginal Notes and Index

BY

JOHN H. DUNBAR

Attorney General

PUBLISHED BY AUTHORITY

CHAPTER 255.

[S. B. 85.]

PUBLIC LANDS.

AN ACT relating to the selection, control, management, sale, lease and disposition of lands and areas belonging to or held in trust by the state, defining the powers and duties of certain officers in relation thereto, providing for appeals, prohibiting certain acts in relation thereto and providing penalties for violations thereof.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Public lands of the State of Washington are lands belonging to or held in trust by the state, which are not devoted to or reserved for a particular use by law, and include state lands, tide lands, shore lands and harbor areas as hereinafter defined, and the beds of navigable waters belonging to the state.

State lands
classified:

Whenever used in this act the term "state lands" shall mean and include:

School lands.

School lands, that is, lands held in trust for the support of the common schools;

University
lands.

University lands, that is, lands held in trust for university purposes;

Agricultural
college
lands.

Agricultural college lands, that is, lands held in trust for the use and support of agricultural colleges;

Scientific
school
lands.

Scientific school lands, that is, lands held in trust for the establishment and maintenance of a scientific school;

Normal
school
lands.

Normal school lands, that is, lands held in trust for state normal schools;

Capitol
building
lands.

Capitol building lands, that is, lands held in trust for the purpose of erecting public buildings at the state capital for legislative, executive and judicial purposes;

Reversion to
state—when.

expressly provide that if at any time after the granting of said lease, the lands described therein shall cease to be used for the purpose of artificial oyster beds, they shall thereupon revert to and become the property of the state and that the same are leased only for the purpose of cultivating oysters thereon, and that the state reserves the right to enter upon and take possession of said lands if at any time the same are used for any other purpose than the cultivation of oysters.

Lands be-
come unfit
for oyster
beds—Lessee
may apply
for other
lands.

SEC. 149. If from any cause any lands leased for the purpose of planting and cultivating artificial oyster beds, shall become unfit and valueless for that purpose, the lessee or his assigns, upon certifying such fact under oath to the commissioner of public lands, together with the fact that he has abandoned such land, shall be entitled to make application for other lands for that purpose.

Grant to
U. S. of use
of tide and
shore lands.

SEC. 150. The use of any tide and shore lands belonging to the state, and adjoining and bordering on any tract, piece or parcel of land, which may have been reserved or acquired, or which may hereafter be reserved or acquired, by the government of the United States, for the purpose of erecting and maintaining thereon forts, magazines, arsenals, dock yards, navy yards, prisons, penitentiaries, light-houses, fog signal stations, aviation fields, or other aids to navigation, be and the same is hereby granted to the United States, so long as the upland adjoining such tide or shore lands shall continue to be held by the government of the United States for any of the public purposes above mentioned: *Provided*, That this grant shall not extend to or include any lands covered by more than four fathoms of water at ordinary low tide; and shall not be construed to prevent any citizen of the state from using said lands for the taking of food fishes so long as such

The use
limited.

fishing does not interfere with the public use of them by the United States.

SEC. 151. Whenever application is made to the commissioner of public lands by any department of the United States government for the use of any tide or shore lands belonging to the state and adjoining and bordering on any upland held by the United States for any of the purposes mentioned in the preceding section, upon proof being made to said commissioner of public lands that such uplands are so held by the United States for such purposes, he shall cause such fact to be entered in the records of his office and shall certify such fact to the governor and who shall execute a deed, in the name of the state attested by the secretary of state, conveying the use of such lands, for said purposes, to the United States, so long as it shall continue to hold for said public purposes the uplands adjoining said tide and shore lands.

Application
by the U. S.
to the land
commis-
sioner.

Deed by the
Governor.

SEC. 152. Whenever application is made to the commissioner of public lands, by any department of the United States government, for the use of any tide or shore lands belonging to the state, for any public purpose, and said commissioner shall be satisfied that the United States requires or may require the use of such tide or shore lands for such public purpose, said commissioner may reserve such tide or shore lands from public sale and grant the use of them to the United States, so long as it may require the use of them for such public purposes; and the commissioner of public lands shall certify such fact to the governor, who shall thereupon execute an easement to the United States, which shall be attested by the secretary of state, granting the use of such tide or shore lands to the United States, so long as it shall require the use of them for said public purpose.

Grant of
easement to
the U. S. in
tide and
shore lands.

Reversion of
grant or
easement
to the state.

SEC. 153. Whenever the United States shall cease to hold and use any uplands for the use and purpose mentioned in section 150 of this act or shall cease to use any tide or shore lands for the purpose mentioned in section 152 of this act, the grant or easement of such tide or shore lands shall be terminated thereby, and said tide or shore lands shall revert to the state without resort to any court or tribunal.

Land com-
missioner to
manage all
lands ac-
quired by
escheat, sale,
gift, etc.,
to state.

To inspect,
lease and sell
as other
lands.

Proceeds to
common
school fund.

Testator
may other-
wise direct.

May employ
agent to rent
such lands.

Rental
conditions.

SEC. 154. The commissioner of public lands shall have the power and it shall be his duty to manage and control all lands acquired by the state by escheat or operation of law and all lands acquired by the state by deed of sale or gift or by devise, except such lands as are conveyed or devised to the state to be used for a particular purpose and he shall cause such lands to be inspected, appraised, managed, leased or sold in the same manner as is prescribed in this act for the sale or lease of state lands, other than capitol building lands, and the proceeds of the lease or sale of all such lands shall be covered into the common school fund in the state treasury in the manner prescribed by law: *Provided*, That if the grantor in any such deed or the testator in case of a devise shall specify that the proceeds of the sale or lease of such lands shall be devoted to a particular purpose such proceeds shall be so applied: *And provided further*, That the commissioner of public lands is authorized to employ an agent or agents to rent any improved escheated, deeded or devised urban property for such rental and time and in such manner as the commissioner may direct, but no such property shall be rented by such agent for a longer period than one year and no such tenant shall be entitled to compensation for any improvement which he shall make on such property. Such agent or agents shall cause such repairs to be