

Merrill, Hannah

From: pearl hewett [REDACTED]
Sent: Monday, December 10, 2012 9:53 AM
To: Daniel A. Himebaugh
Cc: zSMP; Jo Anne Estes; notac@olypen.com; Karl Spees; [REDACTED] Brian and Brooke; info@justwateralliance.org; [REDACTED] Chapman, Mike; McEntire, Jim; Miller, Sheila Roark; Jay Petersen; harry bell; mary pierce pfaff; Keith Olson; WILLIAM PALMER; Randy Dutton
Subject: Clallam County SMP U.S. Supreme Court Ruling

**Comment on Clallam County SMP Draft Update
U.S. Supreme Court Ruling
George C. Rains Sr. Trust Property
Shoreline designated as Natural
Clallam County SMP Draft Update**

PATENT LAND GRANT PRIVATELY OWNED PRIOR TO STATEHOOD

Please see Clallam County Assessors maps Volume 3, page 3 and 4. Parcel #05300810, Section 8, Township 30N Range 5W and adjoining maps for 53009 SW. I have a copy of the Clallam County Assessors maps with the government survey of the documented meander lines **prior to statehood** This covers the Bagley Creek and Auckland Addition area designated as natural on map #9, **it includes the tidelands, shore lands and non- navigable Bagley Creek.**

WA STATE CONSTITUTION

ARTICLE XVII TIDE LANDS

SECTION 2 DISCLAIMER OF CERTAIN LANDS. The state of Washington disclaims all title in and claim to all tide, swamp and overflowed lands, patented by the United States: *Provided*, the same is not impeached for fraud.

ARTICLE XVII TIDE LANDS

SECTION 1 DECLARATION OF STATE OWNERSHIP. The state of Washington asserts its ownership to the beds and shores of all navigable waters in the state up to and including the line of ordinary high tide, in waters where the tide ebbs and flows, and up to and including the line of ordinary high water within the banks of all navigable rivers and lakes: *Provided*, that this section shall not be construed so as to debar any person from asserting his claim to vested rights in the courts of the state.

Harbors and tide waters: Art. 15.

SECTION 2 DISCLAIMER OF CERTAIN LANDS. The state of Washington disclaims all title in and claim to all tide, swamp and overflowed lands, patented by the United States: *Provided*, the same is not impeached for fraud.

Mrs. Hughes appealed the case to the U.S. Supreme Court.

The high court held that because Mrs. Hughes' predecessor in title had received the **property from the U.S. prior to Washington statehood**, her right to accretions to her land **was governed by federal, not state law**. According to the Court, under federal common law Mrs. Hughes was entitled to the accretions to her property.

Please provide the applicable **Federal Law/laws** to the George C. Rains Trust land.

Pearl Rains Hewett Trustee
George. C. Rains Sr. Estate