

Out of the Archives

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The complexity of tidelands research in Washington

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Tidelands or shorelands in the state of Washington are some of the most misunderstood, contested, and litigious pieces of property, not to mention the hardest to research. One must pack their patience and have lots of time to research the ownership of certain parcels of tideland.

The laws pertaining to tidelands have been revised several times since Washington became a state in 1889. The ownership and sale of tidelands saw a big change enacted by the legislature in May of 1971. You can read about the changes in the [Session Laws of 1971](#), "Chapter 217 [Engrossed House Bill No. 40], State Tide and Shore Lands," pages 992-994 (PDF pages 998-1,000).

To undertake a tideland research project, the most important information to bring with you is the legal description of the property. In the state of Washington, a piece of property is found by section, township, and range which is referred to as the Public Land Survey System. There are 36 sections in each township, each section contains 640 acres. The townships are typically six miles per side (36 square miles). Here is an explanation of how townships are broken down into smaller pieces: http://geology.isu.edu/wapi/geostac/Field_Exercise/topomaps/plss.htm.



Figure 1: Location of the Willamette Stone.

The starting point for township and range in Washington is the Willamette Stone, the point at which the Willamette meridian (north-south) and baseline (east-west) intersect, located in western Portland, Oregon.

Some of the terminology you must know when researching are: tidelands, shorelands, submerged lands, DNR (Department of Natural Resources), Commissioner of Public Lands, state-owned, publicly-owned, privately-owned, upland property, abutting upland, adjoining uplands, leased, first class tidelands, first class shorelands, second class tidelands, second class shorelands, high water mark, low water mark, meander line, navigable, non-navigable, harbor area, plat, deed, grantor, grantee, private fee ownership, patent, legal description, separate chain of title, title insurance, aquatic land, aquatic land boundaries, underwater land, submerged land beachfront, waterfront, shellfish harvesting, planted-shellfish, oyster lands, geoducks, high tide, low tide, and minus tide, for starters.

Below are examples of several types of tideland parcels in Thurston County just east of Highway 101, on Madrona Beach and west of The Evergreen State College.



Upland property is the dry land not located under any type of water. Where some misunderstanding starts is just because you own the dry land, does not mean you own the waterfront attached to it or vice versa. You can own one without the other.

Figure 2: Upland property.



Tidelands are property under the water surface. They may or may not be attached to the upland property. Tidelands are not always owned by the same person and can be leased.

Figure 3: Tidelands property.



Submerged tideland-shellfish lands are lands under the surface of the water. Watercraft can operate above tidelands depending on the navigable water depth.

Figure 4: Submerged tideland-shellfish.

To start a tidelands property research project, visit or contact the State Archives. If the remainder of the task is too daunting, one can hire a professional to assist.

Below are several articles which can shed light on how tidelands and aquatic land boundaries work in Washington:

- Boundaries of State Owned Aquatic Lands by Department of Natural Resources (nd) https://www.dnr.wa.gov/publications/aqr_aquatic_land_boundaries.pdf?hkhyxx
- Washington Land Title Association – Examiner's Manual WATERFRONT TITLES, In the State of Washington (updated 2008) <https://myticor.com/wp-content/uploads/2011/07/waterfront-titles-wa1.pdf>
- Aquatic Land Boundaries in Washington State by Steven Ivey, PLS (2012). https://www.dnr.wa.gov/publications/eng_plso_aquatic_land_boundaries.pdf?hd2o3
- A. Reid Allison III, The Public Trust Doctrine in Washington, 10 SEATTLE U. L. REV. 633 (1987). <https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1252&context=sulr>