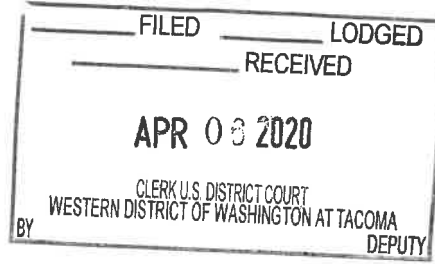


Pro Se 10 2016



UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

**CV 20 5333**

BHS

Thomas G. Landreth, Pro-Se

CASE NO. [to be filled in by Clerk's Office]

COMPLAINT FOR CONVERSION OF  
PROPERTY

Plaintiff(s),

QUIET TITLE

v.

(28 U.S.C. § 1331; Federal Question)

United States

(28 U.S.C. 2409/2409(a)(f))

Quinault Indian Tribe

25 U.S.C. @ 175

Any other person/persons that may have an  
interest in my property.

Jury Trial:  Yes  No

Defendant(s).

Conversion, as a purely civil wrong, is distinguishable from both theft and unjust enrichment. Theft is obviously an act inconsistent with another's rights, and theft will also be conversion. But not all conversions are thefts because conversion requires no element of dishonesty.

**I. THE PARTIES TO THIS COMPLAINT**

A. Plaintiff(s)

*Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.*

Name	<u>Thomas G. Landreth</u>
Street Address	<u>425 Chenault Avenue</u>
City and County	<u>Hoquiam, Grays Harbor</u>
State and Zip Code	<u>Washington 98550</u>

TAC 016 113 | summons not issued incomplete

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1 Telephone Number 360-533-5578 360-581-6266

2 B. Defendant(s)

3 *Provide the information below for each defendant named in the complaint, whether the*  
 4 *defendant is an individual, a government agency, an organization, or a corporation. For an*  
 5 *individual defendant, include the person's job or title (if known). Attach additional pages if*  
 6 *needed.*

7 Defendant No. 1

8 Name United States

9 Job or Title (if known) United States Attorney

10 Street Address 1201 Pacific Avenue, Suite 700

11 City and County Tacoma Pierce

12 State and Zip Code Washington

13 Telephone Number 253-428-3800

14 Defendant No. 2

15 Name Quinault Indian Tribe

16 Job or Title (if known)

17 Street Address 1214 Aalis Dr,

18 City and County Taholah Grays Harbor

19 State and Zip Code Washington 98587

20 Telephone Number 360-276-8211

21 Defendant No. 3

22 Name Any one who may have an interest in my property in  
 23 Township 23 North, Range 10 West, Section 13, Lot 19

24 Job or Title (if known)

Street Address

City and County Lake Quinault Grays Harbor

State and Zip Code Washington 98550

Telephone Number

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24

Defendant No. 4

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

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\_\_\_\_\_

**II. BASIS FOR JURISDICTION**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

Federal question                       Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Doctrine of accretion, Constitution amendment XIV, sec 1., amendment V, amendment XIV, 1856 Treaty of Olympia, 1787 Northwest Ordinance, Congressional Act May 18, 1796, Equal Footing Doctrine, Public Trust Doctrine, Equal Protection of the Law, 25 U.S.C. @ 1302,

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1 25 U.S.C. @ 241/242, Presidential Proclamations/Executive Orders, 25 U.S.C. @ 194, 25 U.S.C.  
2 @ 175, 33 U.S.C. @ 403, U.S.C. 25 @ 229, 18 U.S.C. @ 3559,(Exhibit 28-38)

3 Public land laws, disregard for Bureau of Land Management Historical Index of land  
4 ownership.

5 Act of June 4, 1897, Title 16 @ 474. National Forests. Establishment.

6  
7 B. If the Basis for Jurisdiction Is Diversity of Citizenship

8 1. The Plaintiff(s)

9 a. If the plaintiff is an individual.

10 The plaintiff (*name*) **THOMAS G. LANDRETH**, is a citizen of the State of (*name*)  
11 WASHINGTON.

12 b. If the plaintiff is a corporation.

13 The plaintiff, (*name*) Click here to enter plaintiff's name., is incorporated under the laws  
14 of the State of (*name*) Click here to enter state, is incorporated under the laws of the State of  
15 (*name*) Click here to enter state, and has its principal place of business in the State of (*name*)  
16 Click here to enter state.

17 (*If more than one plaintiff is named in the complaint, attach an additional page providing*  
18 *the same information for each additional plaintiff.*)

19 2. The Defendant(s)

20 a. If the defendant is an individual.

21 The defendant, (*name*) **UNITED STATES / Quinault Indian Tribe**, is a citizen of the  
22 State of (*name*) Click here to enter state. Or is a citizen of (*foreign nation*) Click here to enter  
23 country..

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b. If the defendant is a corporation.

The defendant, (name) Click here to enter defendant's name., is incorporated under the laws of the State of (name) Click here to enter state, and has its principal place of business in the State of (name) Click here to enter state.

Or is incorporated under the laws of (foreign nation) Click here to enter country., and has its principal place of business in (name) Click here to enter location..

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

III. THE AMOUNT IN CONTROVERSY

The amount in controversy-the amount the plaintiff claims the defendant owes or the amount at stake-is more than \$75,000, not counting interest and costs of court, because (explain):

DETERMINED BY THE COURT Request 250,000.00

IV. STATEMENT OF CLAIM

A. Describe the property that you own that is the subject of this complaint, including its value.

Privately owned Recreational Property located in Washington State on the North Shore of Lake Quinault in TOWNSHIP 23 N. RANGE 10, WEST, SECTION 13, LOT 19. My privately owned property is located within the Olympic National Park and abuts navigable Lake Quinault. The lot is 75 feet wide and about 300 feet of upland. During the summer months the lake level drops and accretes about 40 feet of usable recreational shore land below the ordinary high water mark. In the winter months the lake rises and covers about 40 feet of upland, making the recreational property unusable in the winter months. (Exhibit 1 )

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1           The land in Question is the shore land between the ordinary high water and the  
2 ordinary low water at the actual low water in the summer months as well as the ingress and  
3 egress of navigable Lake Quinault.

4  
5           THE QUINAULT INDIAN TRIBE/NATION CLAIMED OWNERSHIP OF THE  
6 SHORE LAND ON APRIL 15, 2013. (Exhibit 13 )

7  
8           My privately owned land is assessed by Grays Harbor County at about \$93,000.00  
9 dollars.

10           Over the past six years or so other properties on the north shore of the lake have sold to  
11 the Olympic National Park and private parties ranging in prices from 1.45 million dollars to a  
12 low of 225,000.00 dollars.

13  
14 B.       How and when did you come to own the property?

15           (Exhibit 1 )

16           Our parents gifted the land to their daughter and myself in the mid 1970's. Our parents  
17 purchased lot 20 in 1943 and our lot 19 in 1954. Our parents purchased the land from Mr. and  
18 Mrs. Turner, who purchased the land in 1953 from Mr. and Mrs. Perrine who purchased the land  
19 from the Higley family in 1940, who purchased the land from the United States under the 1862  
20 Homestead Act in 1906. At the time of purchase from the United States by the Higley family the  
21 entire north shore of navigable Lake Quinault was within the boundary of the Olympic Forest  
22 Reserve.

23           The Homestead Land Patent states "To have and to hold the said tract of land, with the  
24 appurtenances thereof, unto the said Orte L. Higley and his heirs and assigns heretofore subject

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1 to any vested and accrued water rights for mining, agricultural, manufacturing, or other  
2 purposes and rights to ditches and reservoirs used in connection with such water rights”

---

3  
4 C. How and when did the defendant(s) obtain possession of the property? Describe with  
5 particularity the actions the defendant(s) took to convert the property.

6 (Exhibit 14)

7 The Quinault Indian Tribe claimed in April 2013 and continues to claim in 2020  
8 ownership of the lake bed and lake water and shore land up to the ordinary high water mark  
9 surrounding the entire Lake Quinault shore. (Exhibit 13)

---

10  
11 On April 15, 2013 the Quinault Indian Tribe announced the closure of Lake Quinault  
12 (LQ) to all non-Quinault Tribal members for any and all recreational purposes. The closure  
13 banned entry into the water, swimming, bathing, boating, fishing, use of or repair of docks, etc.

14  
15 Reasons given for the closure was due to seeping septic systems from the private land on  
16 the north shore of LQ, however, the Quinault Indian Tribal Members would be allowed to use  
17 the lake as normal for all recreational activities, because they knew where the hot pollution spots  
18 were and could avoid them. Other initial reasons for the closure included speeding, illegal taking  
19 of fish, small return of fish, and eventually added invasive species.

20  
21 On April 16, 2013 the Quinault Indian Tribe sent a letter to the Washington State  
22 department of Ecology informing her of the closure and the closure would be enforced with  
23 Quinault Indian Police using Quinault tribal Law. Officers did display weapons and posed a  
24 threat of harm if directives of the Quinault Indian Tribe were not followed. (18 U.S.C. @ 3559)

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1           The Quinault Indian Tribe demanded all docks and intrusions into the lake must be  
2 removed by December 31, 2013 or we would face an unknown penalty with possible  
3 confiscation of property. (Exhibit 13)

4  
5           My legally obtained tangible and intangible real property civil rights that comes with  
6 ownership of land abutting navigable Lake Quinault have been taken and destroyed by the  
7 Quinault Indian Tribe. (Title 25 @ 229) (Exhibit 31, 32 )

8  
9           I did object to the claim of ownership to the Quinault Indian Tribe, Bureau of Indian  
10 Affairs and the Indian Agent in charge. (per Article 8 of the Treaty of Olympia) Agent in charge  
11 did not respond to my complaint.

12  
13           Riparian Rights as defined in the Bureau of Land Management Glossary states that I  
14 have ownership of the shore with the rights of egress and ingress, accretions, etc.

15           (Exhibit 20)

16           How does the United States acquire riparian rights?

17           *As new lands were acquired by the United States, either by purchase or treaty, title to the*  
18 *highways and beds of navigable, or tidal, water bodies became vested in the United States unless*  
19 *they had been validly conveyed into private ownership by the former sovereign.*

20  
21           When the United States acquired the Oregon Territory in 1846 by treaty, title to the  
22 highways and the beds of navigable water bodies became vested in the United States unless they  
23 had been validly conveyed into private ownership by the former sovereign. CONVENTION OF  
24 1818 WAS EXTENDED INDEFINITELY IN 1827. (Exhibit 27 last two pages)



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1  
2 The former sovereign, England, did not give ownership of the beds of navigable water to  
3 the Indian Tribes, instead, England ensured that all navigable water would remain open and free  
4 to all people forever as is stated in the Constitution of the United States, the Northwest  
5 Ordinance and the 1818 Joint Occupancy Treaty with England.

6  
7 When the United States Congress established the Oregon Territory as a self governing  
8 viable Territory of the United States it adopted the laws that govern the new territory which  
9 included the adoption of the Constitution of the United States which includes the 1787 Northwest  
10 Ordinance and the declaration that all navigable rivers will remain open and free to all people  
11 forever. (1848 Congressional Act establishing the Oregon Territory)(Exhibit 9)

12  
13 When the United States Congress enacted the 1850 Land Donation Act to encourage the  
14 settlers to migrate and settle into the newly adopted Territory of Oregon it included the right to  
15 use the navigable waters as highways, food, commerce and other beneficial purposes.

16  
17 In order to legally acquire land by the settlers, the land needed to be surveyed to  
18 determine legally admissible land boundaries. (Title 25 @ 176, survey of reservations)

19  
20 When a settlers land claim did not meet the legal survey boundary by the government  
21 surveyors, adjustments of boundary lines were made to be legally admissible. This same standard  
22 would apply to Indian Reservations.

23  
24 The same public land survey standards was and continues to be used to day in 2020.

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1           (Exhibit 20)

2           When the United States Congress met and established the Washington Territory in 1853  
3 it included the laws of the Oregon Territory to be the laws used in the new Washington Territory,  
4 which included the free and open navigable waters to all people forever. (Congressional Act  
5 establishing the Washington Territory) (Exhibit 9)

6  
7           When Governor Isaac Stevens was appointed Governor of the Washington Territory in  
8 1853 and the Commissioner of Indian Affairs he was tasked with establishing Treaties with all  
9 the Indian Tribes in the Territory. The Governor was limited to what he could commit the  
10 Federal Government to do in all the treaties.

11  
12           The Governor was not authorized to treat away any authority of the Federal Government.  
13 Jurisdiction and ownership of navigable waters is with the United States to be held in trust for  
14 any future state that may be added to the Republic. Judge Boldt and Judge Martinez both stated  
15 in court cases, the Governor was not authorized to treat away any authority of the Government.

16           (Exhibit 9)

17           When Governor Stevens signed the 1856 Treaty of Olympia with the Quinault, Quileute,  
18 Hoh and Queets Indian Tribes the treaty promised them a tract or tracts of land for their use and  
19 occupation. The four signatory Indian Tribes were not citizens of the United States, Great  
20 Britain, Spain or any other foreign nation that once claimed ownership of the northwest coast of  
21 America, prior to the 1846 Oregon Territory Treaty.

22  
23           The Federal Government allowed the Indian Tribes to sell, cede the land area the separate  
24 Tribes used for survival, in return for the sale of the territory sold to the United States, they were

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1 promised the President of the United States would select a tract or tracts of land, to be surveyed,  
2 for their use and occupation. Ownership of land or water was not included in the 1856 Treaty of  
3 Olympia. (Exhibit 10)

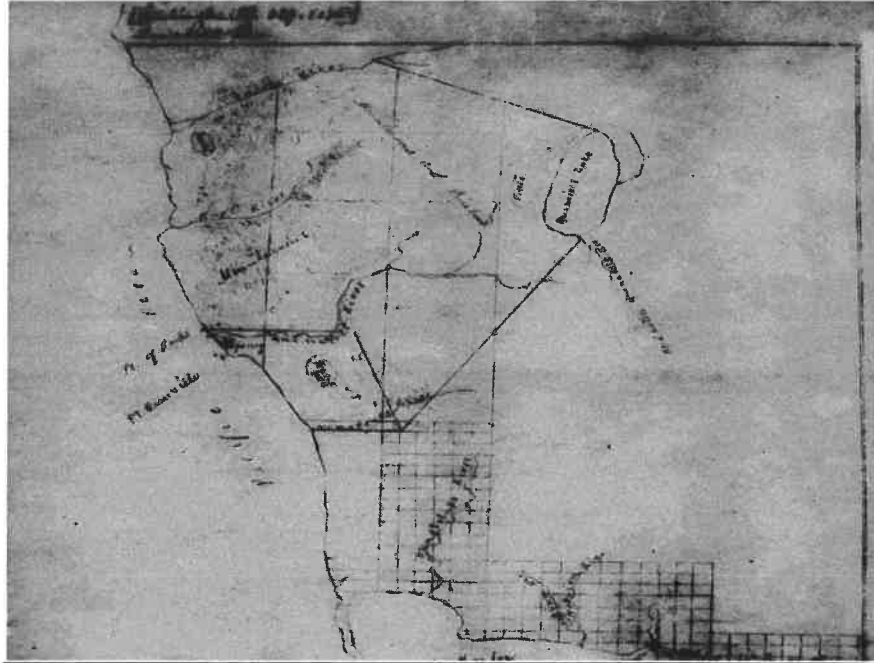
4  
5 The first Quinault Indian Reservation was established in 1862 at the mouth of the  
6 Quinault River where the river enters the Pacific Ocean and consisted of about 42,000 acres of  
7 land with the river running through it. The four signatory Indian Tribes to the Treaty of Olympia  
8 received exclusive use of the reservation. (Exhibit 10)

9  
10 The 1866 Mining Act enacted by the Congress of the United States severed all navigable  
11 water from being considered land. (Exhibit 28)

12  
13 The 1873 Presidential Proclamation enlarging the Quinault Indian Reservation from  
14 42,000 acres of land to around 200,000 acres of land was in accordance with the 1856 Treaty of  
15 Olympia, which did not include ownership of water, with the purpose of re-locating all the fish  
16 eating Indian Tribes on the southwest coast of the Washington Territory to the enlarged  
17 reservation. At the time the Executive Order was issued all the land was un-surveyed and the  
18 actual position/location of Lake Quinault was unknown and not legally admissible and did not  
19 have defined land boundaries. (Exhibit 10)

20  
21 When the Executive Order was issued it was thought Lake Quinault was on a north south  
22 axis. The Executive Order states northerly around the east shore, which would be consistent with  
23 the assumed location of the lake on a north south axis.

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1875 map from University of Washington

However, when the government surveyors finally were issued special instructions in 1891 to survey the out boundaries and meander surveys of the enlarged Quinault Indian reservation Washington Territory had become Washington State in 1889. (Exhibit 2, 3, 4, 5)

The Equal Footing Doctrine vested the beds and waters of all navigable waterways to the new State of Washington. Article XVII of the Washington State Constitution asserts its ownership of all navigable water within the state. (Exhibit 34)

Original meander surveys are not run as boundary surveys.

The first attempt at surveying the Quinault Indian Reservation in 1891 ended when the government surveyor reached the most southerly end of Lake Quinault for two reasons, the lake

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1 did not lie on a north south axis, and the Deputy Surveyor injured his fingers and was unable to  
2 operate the survey equipment. Contract was cancelled.

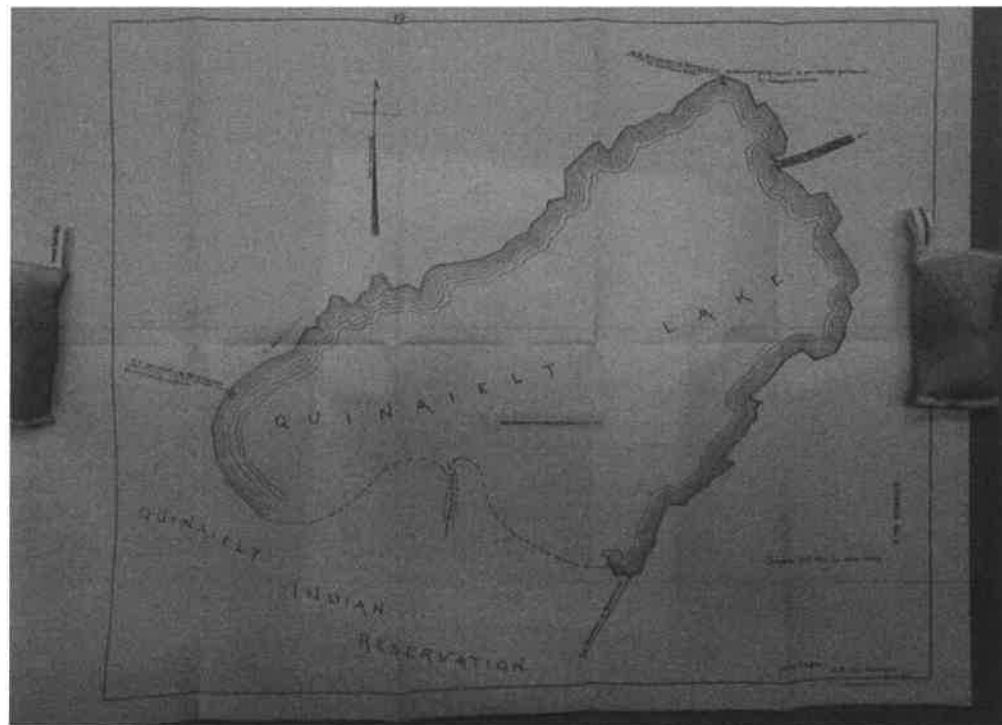
3  
4 Deputy Surveyors were required to strictly follow the General Land Office Survey  
5 Manual dated 1890. Since the lake did not have a north south axis, clarification was needed on  
6 how to proceed.

7  
8 The 1890 General Land Office Survey Manual requires all navigable water to be meander  
9 surveyed at the ordinary low water at the actual low water mark of the water body.

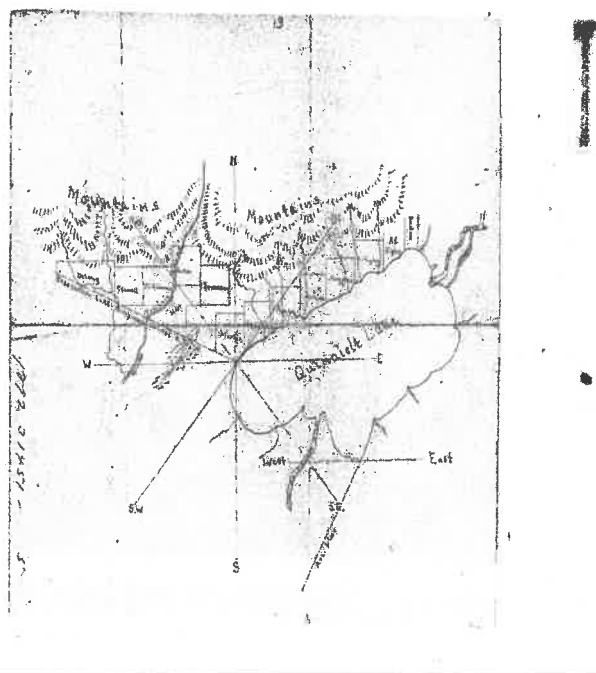
10  
11 The local Indian Agent recommended to the Surveyor General the best option to establish  
12 the northwest point of the lake and the boundary of the Quinault Indian reservation was to use  
13 the northern most point directly north of the most southerly end of Lake Quinault, which was  
14 identified as point "B" on the accompanying map. The recommendation would include about ½  
15 the lake shore to be included within the boundary of the Quinault Indian Reservation.

16 (Exhibit 2, 3, 4, 5.) (Last page of section 12 is the authorization of approval of the  
17 recommendation by the Indian Agent and Surveyor General by the Secretary of the Interior,  
18 letter dated March 7, 1892) (Two letters in Exhibit 12 from Norton Taylor and Jacob Noel  
19 provides Lake Quinault is surrounded by 300 to 400 feet high mountains to the north and east  
20 of the lake and makes the land unsuitable for agriculture, which is and was the purpose of the  
21 Indian reservation)

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13 A local sketch map of the settlers with land claims along the north shore of the lake was  
14 also supplied to the Surveyor General.



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1 Lake Quinault actually lies on a northeast/southwest axis and includes a west shore, south  
2 shore, east shore and north shore.

3  
4 The Surveyor General submitted the recommendation of the local Indian Agent to the  
5 Secretary of the Interior for a determination as to the location of the Quinault Indian Reservation  
6 on the north shore of Lake Quinault. (Last pge Exhibit 12, most important section)

7  
8 The Secretary of the Interior concurred with the recommendation and directed the  
9 Surveyor General to proceed with the recommended location as point "B" being the closing  
10 corner of the Quinault Indian Reservation.

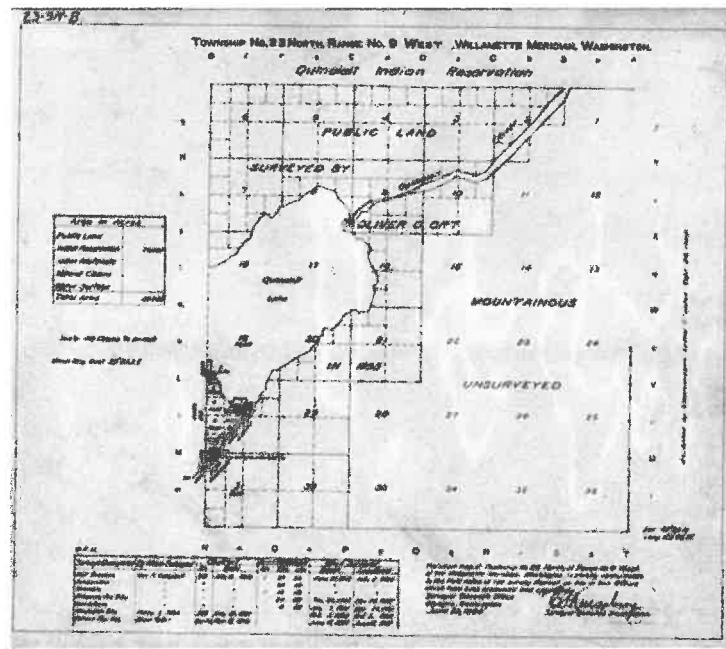
11  
12 The purpose of the Indian Treaties was to teach the Indian Tribes to become farmers with  
13 land that was appropriate for farming. All the land area directly north of the lake is high and  
14 steep mountains and not favorable to farming. Extra money would be given to create farm land  
15 in Article 5 of the Treaty of Olympia. (Exhibit 10)

16  
17 On September 5, 1892 Deputy Surveyor Henry L. Fitch established the closing meander  
18 corner of the Quinault Indian Reservation at point "B" at the ordinary low water mark at the  
19 actual low water.

20  
21 In November of 1893 the survey of the Quinault Indian Reservation out boundaries were  
22 examined by Special Examiner Ober. Examiner, Ober, did not find any errors in the survey and  
23 was unable to confirm the meander survey around Lake Quinault due to High Water, all survey  
24 points were under 3 to 6 feet of water. All survey work must be verified.

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1  
 2 In 1895/1897 Oliver Ort was issued Contracts to retrace the Quinault Indian Reservation  
 3 boundary and meander the east boundary of the Quinault Indian Reservation on the west shore of  
 4 Lake Quinault.



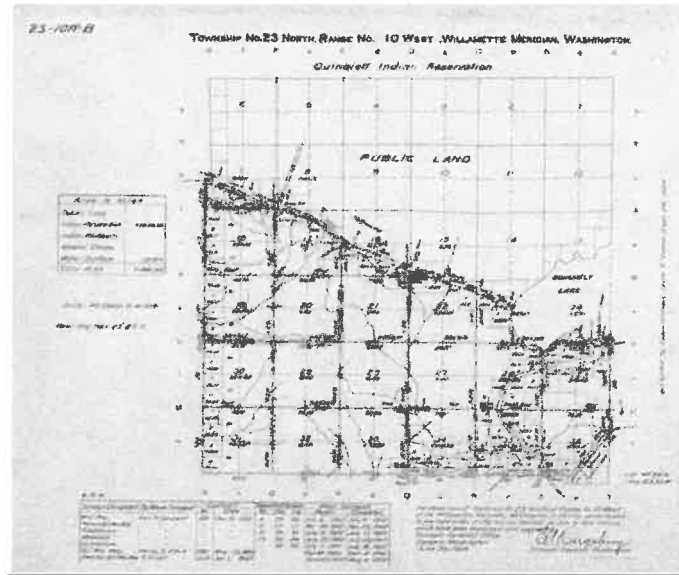
5  
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 15  
 16 In 1897 the President the of the United States issued the first Proclamation which  
 17 established the Olympic Forest Reserve which placed Lake Quinault within the boundary of the  
 18 forest reserve. General Land Office accepted surveys of the area would have been the 1895/1897  
 19 survey by Deputy Surveyor Ort. (Act approved by Congress March 3, 1891) (Exhibit 11)

20  
 21 On December 9, 1901 Deputy Surveyor George Campbell was issued Contract No. 581  
 22 to retrace the Quinault Indian Reservation Boundary and the meander survey of the west shore of  
 23 Lake Quinault, which is the east boundary of the reservation. Survey work completed on July 8,  
 24 1902



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1           The 1902 survey completed by George Campbell was the first complete survey of the  
2 Quinault Indian Reservation and was accepted as such by the Surveyor General in 1904.



11           In 1902 the President of the United States issued a second Proclamation which reduced  
12 the size of the Olympic Forest Reserve but did not remove Lake Quinault from being within the  
13 Olympic Forest Reserve.

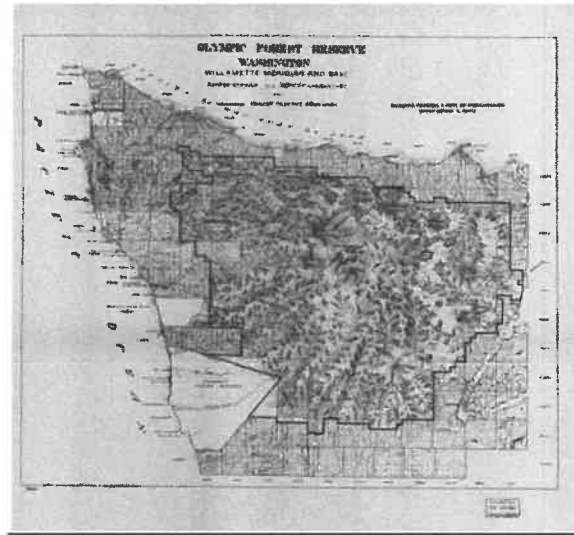
14

15           In 1906 the Higley family purchased government lots on the north shore of Lake Quinault  
16 under the 1862 Homestead Act, which included a huge portion of the north shore of the lake.  
17 Fractional government lots within a federal reserve would give ownership of the shore land to  
18 the upland owner since the land patent gives water rights to all appurtenances to the government  
19 lots. The shore land would be swamp or overflowed, accreted or relicted shore land. (Exhibit 1)  
20

21           The 1893 examination survey by Deputy Surveyor Ober established the original meander  
22 survey completed at the ordinary low water mark was overflowed by 3 to 6 feet of water.  
23

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1           In 1907 the President of the United States issued a third and final Proclamation enlarging  
2 the Olympic Forest Reserve, changed the name to the Olympic National Forest and did not  
3 remove Lake Quinault from within the boundary of the Olympic reserve. (Exhibit 11)



12

13           The President of the United States has the authority to modify, alter or change any  
14 previous Executive Order issued by a previous president. In 1897 the President determined the  
15 placement of Lake Quinault within the Olympic Forest Reserve was a greater public purpose and  
16 did not violate the 1856 Treaty of Olympia or the 1873 Executive Order enlarging the  
17 reservation to accommodate all the fish eating tribes on the coast.

18

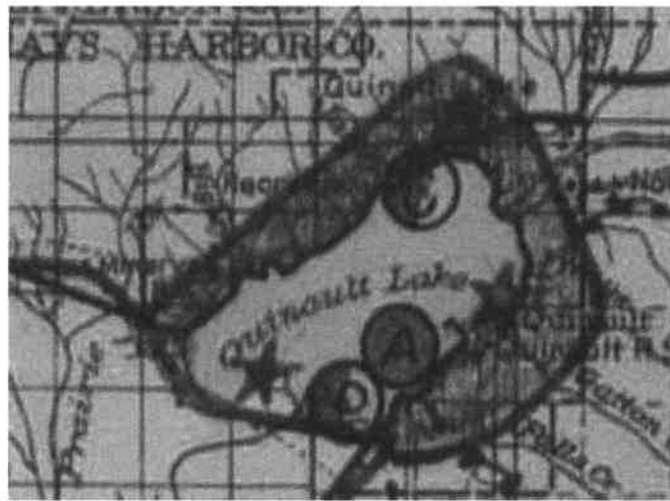
19           Organic Act of 1897 states: "Provided, That to remove any doubt which may exist  
20 pertaining to the authority of the President thereunto, the President of the United States is hereby  
21 authorized and empowered to revoke, modify, or suspend any and all such Executive orders and  
22 proclamations, or any part thereof, from time to time as he shall deem best for the public  
23 interests." (Exhibit 14)

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1           In 1909 the Washington State Legislature met and adopted House Joint Memorial, No. 5.  
2 The memorial donates all the shore land surrounding Lake Quinault to the United States Olympic  
3 National Forest and the Quinault Indian Reservation to be maintained as a resort of pleasure and  
4 pride. Memorial No. 5 is located in the Congressional Senate Records of the United States.

5           (Exhibit 23)

6           In 1924 the Congress of the United States declared the entire land area surrounding Lake  
7 Quinault to be the Lake Quinault Recreational Area, excluding the west shore which is the  
8 Quinault Indian Reservation. At this point in time the Higley family subdivided the government  
9 lots he owned and sold as recreational lots to the public. (Exhibit 18)



19           Lake Quinault was the popular resort area and continues to be a tourist destination today.

20  
21           In 1938 the north shore of Lake Quinault and the Upper Quinault River was transferred to  
22 the Olympic National Park. (Exhibit 6, maps and pictures)  
23

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1 According to the Bureau of Land Management Historical Index of the lands surrounding  
2 Lake Quinault, Fractional Township 23 North, 10 West, Section 13 was included to be in the  
3 land transferred to the Olympic National Park. The Index places the entire section 13 in the park  
4 which includes a portion of navigable Lake Quinault. (Exhibit 2, 3.)

5  
6 In 1940 Mr. and Mrs. Perrine purchased lot 19 in T. 23 N. R. 10. W. from the Higley  
7 family.

8 In 1953 Mr. and Mrs. Perrine sold lot 19 in T. 23. N. R. 10. W. to Mr. and Mrs. Turner.

9 In 1954 Mr. and Mrs. Turner sold lot 19 T. 23 N. R. 10. W. to Mr. and Mrs. McKay.

10 Mr. and Mrs. McKay gifted lot 19 T. 23. N. R. 10. W. to Mr. and Mrs. Landreth.

11 The private land within the Olympic National Park has been in private ownership since  
12 1906 and continues in 2020 and beyond. (Exhibit 1)

13  
14 The Olympic National Park accepted exclusive Jurisdiction of the land within the park in  
15 1940 making it a federal enclave. As a federal enclave the laws that were in place at the time the  
16 reservation was established is the laws that are applicable in that reserve for the private land  
17 owners. (Exhibit 6)

18  
19 In 1917 the Washington State Legislature adopted the first water code for the State of  
20 Washington and declared that all water within the State belongs to the public. (Exhibit 28)

21  
22 The 1787 northwest ordinance adopted as a part of the Constitution of the United States  
23 ended when the Washington Territory was accepted into the Union. The Constitution of the State  
24 of Washington asserts its ownership of all navigable water within the state. Under the Common

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1 Law Doctrine adopted by the State of Washington in 1891 I have the right to ingress and egress  
2 from all navigable water within the State of Washington whether I own private land abutting  
3 Lake Quinault or a visitor to Lake Quinault. (Exhibit 15)

4  
5 Article IV of the Constitution of the United States prohibits the creation of any state  
6 within a state without the approval of Congress of the United States.

7  
8 The Quinault Indian Reservation is not a separate state, but is public land that is reserved  
9 for the use and occupation of the Indian Tribes, their members and owners of allotted lands  
10 within the boundary of the reservation. The 1856 Treaty of Olympia only gave the signatory to  
11 the treaty the right of use and occupation. Ownership or jurisdiction of natural resources were not  
12 given. (Exhibit 10) (water cannot be owned by any one person or persons)

13  
14 To allow the Quinault Indian Tribe ownership and jurisdiction of all water within or  
15 adjacent to a tract or tracts of land for their use and occupation is giving/treating away many  
16 functions of State and Federal Governments. It is creating a state within a state which is  
17 prohibited by the Constitution of the United States.

18  
19 To allow any Indian Tribe to have jurisdiction and ownership of navigable water within  
20 the State of Washington within the Olympic National Forest is taking away the authority of the  
21 Federal and State Governments regarding the most precious need of all living things, and that is  
22 water.

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1           The Quinault Indian Tribe asserted abuse of power when the Tribe closed and banned all  
2 non Quinault Indian People from using that precious needed commodity. (Fiduciary  
3 Responsibility) (Exhibit 14, 5.)  
4

5           Ownership of navigable water to anyone person or persons is creating a monopoly and is  
6 discriminating against all non Quinault Indian people as well as repugnant to the Constitution of  
7 the United States.  
8

9 \_\_\_\_\_  
10 D. *(If the defendant(s) rightfully came into possession of the property):* Describe how and  
11 when you notified the defendant(s) that the property belonged to you. Describe how and  
12 when you demanded that the defendant(s) deliver or return the property, and what  
13 response you received from the defendant(s). Attach a copy of any written  
14 correspondence with the defendant(s), if such copies exist.  
15

16           The Quinault Indian Tribe has taken my civil intangible real property rights that comes  
17 with being a citizen of the United States and a land owner of private property abutting a  
18 navigable waterway of the United States within a federal enclave (Olympic National Park).

19           (Exhibit 8, 10 article 8, Exhibits 21, 23, 26, 27, 34, 32, 30, 33, 35, 36, 37, 38, 17, 4, 5, 9, )

20           The Quinault Indian Tribe knew I owned my land because letters from the Quinault  
21 Indian Tribe are addressed to Dear Landowner.  
22

23           Within days of the announced closure of the lake the landowners on the north shore of  
24 Lake Quinault re-activated the North Shore Association to attempt to remedy the closure and

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1 many demands of the tribe. The Quinault Indian Tribe would not meet with the North Shore  
2 Association and met with the business people with businesses in the vicinity. The North Shore  
3 Association was labeled as hot heads and did not agree that the lake is owned by the Quinault  
4 Indian Tribe.

5  
6 Many letters were submitted to the Quinault Indian Tribe regarding the claim of  
7 ownership of the shore land.

8  
9 Ultimately, the first lawsuit was filed in the Western District Court against the Quinault  
10 Indian Tribe and the State of Washington under the Public Trust Doctrine with legal counsel.  
11 This suit was dismissed without prejudice and it was suggested that the case needed to be filed in  
12 Washington State Superior Court, which was done with legal counsel in 2015, this suit was  
13 dismissed with prejudice, but the proceeding did acknowledge that the lake bed of Lake Quinault  
14 is owned by the Federal Government and not the Quinault Indian Tribe and that the lake is  
15 considered to be navigable water at statehood. (Exhibit 4)

16  
17 In 2018 a third lawsuit was file in the Federal Court of Claims under the Tucker Act and  
18 was dismissed due to the lack of subject matter jurisdiction for not hot having a money  
19 mandating statute, without prejudice. The court's opinion acknowledged a taking did occur.

20  
21 The suit was appealed and the lower court was upheld.  
22  
23  
24

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1 I now come before the Western District Federal Court to seek removal of the cloud of  
2 ownership of the 75 by about 40 feet of shore land below the Ordinary High Water Mark,  
3 abutting my lake front property on the north shore of Lake Quinault.

4  
5 In the summer recreational months about 40 feet by 75 feet of shore land accretes as  
6 usable recreational shore land below the ordinary high water mark and is claimed to be owned by  
7 the Quinault Indian Tribe. (Exhibit 1, pictures)

8  
9 In the winter months the lake level rises rapidly when it rains and overflows about 40 feet  
10 by 75 feet of upland and makes the recreational land unusable. My recreational cabin on the lake  
11 shore is approximately 175 feet from the Ordinary Low water level during the summer months  
12 and about 10 feet from the water level in the winter months. Extreme high water has seen the  
13 foundation of my cabin at the waters' edge.

14  
15 Armed Quinault Indian Police Patrols, demands for removal of private property, demands  
16 to request permission to enter or use the lake violates my civil rights, real property rights,  
17 violates many U.S. Codes, Constitution, Bill of Rights, etc.

18  
19 **V. RELIEF**

20 *State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do*  
21 *not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing*  
22 *at the present time. Include the amounts of any actual damages claimed for the acts alleged and*  
23 *the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts,*  
24 *and the reasons you claim you are entitled to actual or punitive money damages.*



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1       The act of closing Lake Quinault to me and my family was malicious, willful,  
2 oppressive, wanton and grossly reckless.

3       The closure of the lake violated the Treaty of Olympia in several ways. Promise and  
4 pledge to be friendly, rejection of Public Trust Doctrine, rejection of fiduciary responsibility,  
5 rejection of Constitutional Rights of self governing Indian Tribes, abuse of power etc.  
6 (Testimony of Fawn Sharp February 22, 2016 and Mr. Delacruz in 1988) (Exhibit 4)

7  
8       Question: Is the 1856 Treaty of Olympia a two way street? It is determined to be supreme  
9 law and yet it is violated by the Quinault Indian Tribe without question by the United States  
10 Government. If the United States Government ignores the supreme law and the Constitution of  
11 the United States, all laws are null and void. Depending upon who the violator is?

12  
13       **The Quinault Indian Tribe's President announced in January of 2020 that the**  
14 **Quinault Indian Tribe owns Lake Quinault and will continue to place safeguards on water**  
15 **access to shoreline and beaches to non-tribal individuals.**

16  
17       My recreational property has been privately owned since 1906 and has been used by  
18 many people over the many decades and the land has not been destroyed. My cabin constructed  
19 in the 1970's met and continues to meet all health standards required by Grays Harbor County.

20       (Exhibit 1 )

21       I have and continue to be a good steward of my private property within the Olympic  
22 National Park.

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1        The announced closure and past actions of the Quinault Indian Tribe display the desire of  
2 the Quinault Indian Tribe to remove all non Indian people from the area to gain total control of  
3 the Lake Quinault Area.

4  
5        To validate the statement I use the 1938 "BILL" introduced to Congress with the request  
6 to purchase all the land surrounding the lake as well as the lake itself for the Quinault Indian  
7 Tribe. The Bill was rejected by Congress.

8        In 1929 the Quinault Indian Tribe closed the lake to fishing.

9        In 1962 the Quinault Indian Tribe closed the lake to fishing.

10  
11        Again, a letter to the land owners on the north shore of Lake Quinault in 1977 from the  
12 Quinault Indian Tribe claiming the entire north shore is within the Quinault Indian Reservation.

13  
14        Again, in 2013, the most drastic measure of closing the lake with armed Quinault Police  
15 Patrols to deny my access and use of my Constitutional Rights as a citizen and landowner.  
16 (nuisance)

17  
18        Armed Quinault Indian Police Patrols during the entire summer months of 2013  
19 displayed harassment, bullying and blatant disregard for civil rights of the non Indian people  
20 with private property on the north shore and the thousands of visitors to the Olympic National  
21 Park in 2013 who were denied access and use of navigable Lake Quinault.

22  
23        The actions by the Quinault Indian Tribe blatantly violates Article 8 of their agreed to  
24 1856 Treaty of Olympia where they pledge and promise to be friendly with all citizens.

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1           (Exhibit 10)

2           It seems to be a steady pattern of abuse of the Treaty of Olympia without challenge from  
3 the citizens being harmed and denied their constitutional rights. A second example of abuse of  
4 treaty is the continued trading with foreign nations which is banned in Article 12, again in  
5 Article 9 to exclude ardent spirits, prevent their people from drinking the same on the  
6 reservation and most recently they are authorized to control all sales of ardent spirits on the  
7 reservation. This makes Article 9 of the 1856 Treaty of Olympia Null and Void.

8  
9           The lack of action by Washington State and the Federal Government is a violation of  
10 their fiduciary responsibilities and contracts taken in their Oaths of Office to all citizens.

11           (Exhibit 5)

12           The taking of fish alongside the signatory of the Indian Tribes of the Treaty of Olympia  
13 seems to be another violation of Article 3.

14  
15           The Treaty of Olympia did not give exclusive fishing rights to the signatory to the Treaty  
16 of Olympia nor the 1873 Executive Order enlarging the reservation. The treaty gives the non  
17 Indian people the right to fish alongside the Indians at all usual and accustomed places. The  
18 Treaty does not mention historical/traditional locations

19  
20           I must represent myself in this court to achieve redress for the crimes committed by the  
21 Quinault Indian Tribe.

22  
23           I would request the court to pay redress in the amount of 250,000.00 dollars out of the  
24 annuities as suggested in Article 8 of the 1856 Treaty of Olympia.

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1  
2 I request the court to consider re-negotiation of the 1856 Treaty of Olympia. The main  
3 reason being the tribes only use the parts of the treaty that give them a gain of power over local  
4 governments.

5  
6 To achieve redress from the malicious acts of the Quinault Indian Tribe I will have to  
7 overcome the issue of sovereign immunity. (Exhibit 22)

8 The United States Department of the Interior should not have allowed the Quinault Indian  
9 Tribe to close a navigable lake within the boundary of the Olympic National Park and the  
10 Olympic National Forest which in turn destroyed the tangible and intangible property and civil  
11 rights of all non Quinault Indian people.

12  
13 It was admitted in Thurston County Superior Court by all parties that Lake Quinault is  
14 and was navigable at state hood and owned by the Federal Government. (State of Washington,  
15 Quinault Indian Tribe/Nation and Plaintiff concurred). (Exhibit 4)

16  
17 Immovable property is property that cannot be moved from one place to another. In much  
18 of the world's civil law systems is the same as "real property", it is land or any permanent  
19 feature or structure above or below the surface.

20  
21 My intangible real property civil rights is immovable, it is with me as a citizen of the  
22 United States. (Exhibit 20, Incorporeal Property)

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1 I allege that under common law the Quinault Indian Tribe cannot assert sovereign  
2 immunity because the suit relates to in rem immovable property. (Upper Skagit Indian Tribe v.  
3 Lundgren, “in rem” Anderson Middleton V. Quinault Indian Tribe) (Exhibit 22)

4  
5 My private property is within a federal enclave with implied reserved water rights as well  
6 as the water rights given under the Homestead land patent issued to the Higley family in 1906.

7  
8 Under common and federal common law I, as a citizen have the right of easement to all  
9 navigable water within the United States without charge or fee forever.

10  
11 To allow the Quinault Indian Tribe to restrict or ban any people from navigable Lake  
12 Quinault is repugnant to the United States Constitution and is wrong on multiple counts.

13  
14 According to Kappler, Volume II compiled in 1913 it is stated: “There appears never to  
15 have been a general law authorizing the President to set aside lands by Executive Order for the  
16 use of Indians. It has simply been a practice and method of administration which has long been  
17 recognized both legislatively and judicially.”

18  
19 “In the case of forest reservations, the Congress has not only empowered the President to  
20 set aside “public land bearing forests,” but has given him the power to revoke, amend, and  
21 restore tracts once set aside for forest purposes to the public domain. (Act of June 4, 1897, 30  
22 Stat. L., 34.)” (1911 McCarren Amendment) (Exhibit 28)

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1           The Verbatim report of proceedings in case No. 15-2-01809-1 it is stated by Quinault  
2 Indian Tribe’s Attorney the following: “It is property that is owned by the United States for the  
3 beneficial use of the Nation, and the first of those, of course the 1873 executive order” (Exhibit  
4 4)

5  
6           Under the Organic Act of 1897 the 1873 executive order was modified or altered for a  
7 greater public purpose as deemed by the President of the United States.

8  
9           The 1911 Weeks Act describes the purpose of the National Forests and there need for  
10 the preservation of timber and water to control the navigability of all navigable rivers/waters  
11 within or adjacent to the National Forest Land. (Exhibit 28)

12  
13           Finally, I would like the court to review United States of America, Appellant, v. State of  
14 Washington, Appellee, 294 F.2d 830 (9<sup>th</sup> Cir. 1961) It states: “At common law the person whose  
15 land is bounded by sea, lake or river owns any additions thereto resulting from imperceptible  
16 accretion.”

17  
18                               **VI. CERTIFICATION AND CLOSING**

19           Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my  
20 knowledge, information, and belief that this complaint: (1) is not being presented for an improper  
21 purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;  
22 (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or  
23 reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so  
24 identified, will likely have evidentiary support after a reasonable opportunity for further

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1 investigation or discovery; and (4) the complaint otherwise complies with the requirements of  
2 Rule 11.

3 I agree to provide the Clerk's Office with any changes to my address where case-related  
4 papers may be served. I understand that my failure to keep a current address on file with the  
5 Clerk's Office may result in the dismissal of my case.

6 Date of signing: 3-31-2020  
7 Signature of Plaintiff Thomas G. Landreth  
8 Printed Name of Plaintiff Thomas G. Landreth

9  
10 Date of signing: \_\_\_\_\_  
11 Signature of Plaintiff \_\_\_\_\_  
12 Printed Name of Plaintiff \_\_\_\_\_

13  
14 Date of signing: \_\_\_\_\_  
15 Signature of Plaintiff \_\_\_\_\_  
16 Printed Name of Plaintiff \_\_\_\_\_

17  
18  
19  
20  
21  
22  
23  
24

**FROM:**



Mr. Thomas Landreth  
425 Chenault Ave.  
Hoquiam, WA 98550-1801

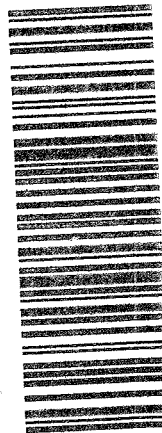


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