

Are Oregonians uneducated or very dumb,, help me learn ,,way pay the privilege of are waterways Basic Law:

Laws applicable to water depend on the character of the body of water. Some bodies of water may be subject only to the local state law or even sole private control. Each state has variations on the law and if Federal law does not preempt, be sure to check the local law.

Natural bodies of water are classified as either navigable or non-navigable. *State v. Korrer*, 127 Minn. 60 (Minn. 1914). Navigable waters embrace all bodies of water public in their nature. According to common law, all waters are divided into either public waters or private waters. *Baker v. Normanoch Asso.*, 25 N.J. 407 (N.J. 1957). In the former, the proprietorship is in the local or federal government and in the latter the proprietorship is in the individual proprietor.

The title of the sovereign is in trust for the benefit of the public. This means that the state must not utilize the water rights for purposes other than the benefit of the public as a whole.

The right of the public to navigate the water is supreme and it includes the right of boating. *Witke v. State Conservation Com.*, 244 Iowa 261 (Iowa 1953). Boating for pleasure is considered navigation with full rights to use equal to boating for profit. That must be emphasized: navigability for pleasure is as sacred in the eye of the law as navigability for other purposes. *State v. Korrer*, 127 Minn. 60 (Minn. 1914). This is one of the few areas of law in the United States in which use for enjoyment is put on an equal plain as use for profit.

The term navigable applies to all the streams that are in fact navigable. In such case, the title of a riparian owner is limited to the bank of the stream. *State ex rel. Meek v. Hays*, 246 Kan. 99 (Kan. 1990).

What is Navigable?

The specific criteria to be used in determining whether particular bodies of water are deemed navigable for purposes of vesting the state with title to the beds are that bodies of water are navigable and title to the beds under the water are vested in the state if[vi]:

the bodies of water were used, or were susceptible of being used, as a matter of fact, as highways for commerce;

such use for commerce was possible under the natural conditions of the body of water;

commerce was or could have been conducted in the customary modes of trade or travel on water; and all of these conditions were satisfied at the time of statehood.

State ex rel. Meek v. Hays, 246 Kan. 99 (Kan. 1990).

Rights to Use the Water.

It is perhaps ironic that the law that determines the public right to the water depends on commercial possibilities but that pleasure use is then treated as equivalent in rights to use.

A state may not restrict or charge for the use of the waters of navigable streams or lakes and an attempt on its part to do so is a deprivation of the citizen of his property. *Williams v. McSwain*, 248 N.C. 13 (N.C. 1958)

All persons have a right to use the navigable waters of a state so long as they do not interfere with other citizens' use. However, the right to use navigable waters is subject to regulation by a state under its police power. *Witke v. State Conservation Com.*, 244 Iowa 261 (Iowa 1953).

But note that the general public has no rights to the recreational use of a private lake, such rights being exclusive in the owner of the bed. *Baker v. Normanoch Asso.*, 25 N.J. 407 (N.J. 1957)

A natural, nonnavigable inland lake is the subject of private ownership and since the bed of such lake is private property, the public has no right to boat upon its waters. An injunction may be allowed to restrain the unlawful use of such a lake. Similarly, the rule which is applicable to lakes is likewise

applicable to ponds artificially created by the damming of a stream.

In the case of a non-navigable lake or pond where the land under the water is owned by others, no riparian rights attach to the property bordering on the water and an attempt to exercise any such rights by invading the water is as much a trespass as an unauthorized entry made upon the dry land of another. *Loughran v. Matylewicz*, 367 Pa. 593 (Pa. 1951).

In cases where various parts of the soil under a private lake are owned by different persons and where it does not appear that ownership was based on riparian rights, each owner has exclusive rights to the use of the surface of the water over his or her land or at least the owner of a larger portion can exclude from it the owner of a small portion. *Wickouski v. Swift*, 203 Va. 467 (Va. 1962).

The general public cannot acquire boating rights in a private lake by prescription. *Camp Clearwater, Inc. v. Plock*, 52 N.J. Super. 583 (Ch.Div. 1958). The only way upon which the public may be said to have rights in a lake is by dedication. *Baker v. Normanoch Asso.*, 25 N.J. 407 (N.J. 1957). Further, the casual use of a lake during a few months each year for boating cannot develop into a title to such privileges by prescription. *Loughran v. Matylewicz*, 367 Pa. 593 (Pa. 1951).

Note however that adverse possession and prescription may create private rights to the body of water depending on state law. The general law applicable to land adverse possession and prescription would apply since this right to the body of water is treated as the right to the land under the water.

Further, recent law in the California courts would seem to be extending the right of the public to gain access to ocean front over the strident protest of a high tech billionaire who sought to close off a path that went from his ocean front property to the admittedly public beach below. The case was going up on appeal when the owner settled with the state, granting rights of access to the beach. It should be noted that California has especially stringent public rights to access to tidal areas and that the beach access had been utilized for many decades.

Conclusion:

A client once put it well. As he watched pleasure boats drift down a river that crossed his land, he commented that when one buys a navigable river front, one buys a front on a public highway and that was all. And note that the navigation issue derives from commercial history but now applies equally to pleasure craft.

If you want to “own” the water, then make sure it is not navigable and the bottom is fully on your land. Then make sure no rights have been granted by prescription, adverse possession or the prior owner. Then...you own the lake. <https://www.stimmel-law.com/en/articles/legal-rights-inland-waters-and-applicable-law-lakes-bays-and-rivers>

On Friday, August 2, 2019, 8:16:20 PM PDT, ed johnston <edjohnston2003@yahoo.com> wrote:

How to Prove a Contract Was Signed Under Duress - UpCounsel
<https://www.upcounsel.com/how-to-prove-a-contract-was-signed-under-duress>

If you need to find out how to prove a contract was signed under duress you should ... In such a case, the court can order a remedy such as payment of damages or ... What is Duress? ... that one party puts on another party may be considered duress; a physical ... Contracts can only be legally signed under a party's free will.

On Friday, August 2, 2019, 2:36:35 AM PDT, ed johnston <edjohnston2003@yahoo.com> wrote:

FORMS: 4.21 Request for Certificate of non-citizen National ...

https://famguardian.org/TaxFreedom/Forms/Emancipation/ReqForCertOfNonCitizenNationalStatus.htm?fbclid=IwAR2kGoqZL_r6Ylq2UzdEaXaag_neCuDPxjAfAbboeZlOc4TSjPEAzEDCwO0

I am herein the person in compliance with the provisions of 8 USC 1452(b)(1) and (2), and I hereby apply for a Certificate of Non-Citizen National Status from the Secretary of State pursuant to 8 USC 1452(b)(1) and (2).

On Friday, August 2, 2019, 12:00:26 AM PDT, ed johnston <edjohnston2003@yahoo.com> wrote:

----- Forwarded Message -----

From: OGIS <OGIS+noreply@nara.gov>

To: ed johnston <edjohnston2003@yahoo.com>

Sent: Wednesday, February 6, 2019, 5:33:51 PM PST

Subject: Re: Fw:humantrafficking By the city county and state foreign and domestic terrorist threats us by death if one dose not comply in paying propriety unlawful Property ID Thief 42usc 408 42 U.S.C. 408 - Penalties www.gpo.gov/...2010...sec408&packageld=USCODE-2010-title42 42 U.S.C. 408 - Penalties Publication Title: United States Code, 2006 Edition, Supplement 4, Title 42 - THE PUBLIC HEALTH AND WELFARE Social Security Act §208 by the city county and state

Thank you for contacting the Office of Government Information Services. This is an auto reply message.

If you requested our assistance with resolving a Freedom of Information Act (FOIA) dispute and have not done so already, please send us a brief description of your dispute and copies of your FOIA request, the agency's response to your request, your appeal letter (if you filed an appeal), and the agency's response to your appeal (if received a response).

Send these documents to OGIS by email, fax, or mail. Our contact information is below in the signature block.

Due to an increased demand for our services, there may be a delay in our response. We apologize for any inconvenience and look forward to assisting you.

Sincerely,

The OGIS Staff

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OFFICE OF GOVERNMENT INFORMATION SERVICES

National Archives and Records Administration

8601 Adelphi Road (OGIS)

College Park, MD 20740-6001

Email: ogis@nara.gov

Phone: 202-741-5770

Fax: 202-741-5769

Website: <https://www.archives.gov/ogis>



ed johnston Tue, Aug 6, 1:51 AM (1 day ago)

to me

"A state may alienate a public trust resource to a private party through a patent only if:

(1) to do so promotes public trust uses and conservation, and (2) the alienation is accomplished without a substantial impairment to the public interest in the lands and waters remaining. All transfers of public trust resources to private individuals are encumbered with an implied public trust easement, allowing the state to protect the public's retained interests.

Consequently, the court held that tidelands conveyed to private parties in accordance with state law are subject to the public's right to use the tidelands for navigation, fishing, and commerce. While patent holders are free to make use of their property in ways that do not interfere with public easements, they are prohibited from excluding the public from the property" CWC FISHERIES, INC. v. BUNKER, 755 P. 2d. 1115 (1988).

"As new lands were acquired by the United States, either by purchase or treaty, title to the highways and the beds of all navigable or tidal lakes, or rivers became vested in the United States, unless they had been validly conveyed into private ownership by the former sovereign." McKnight v. Brodell, 212 F.Supp 45.

If a state converts a liberty into a privilege the citizen can engage in the right with impunity. Shuttlesworth v. City of Birmingham, 373 US 262. I can ignore the license and engage in the right with impunity, that means you can't punish me for it.

"In determining whether or not a motor boat was included in the expression household effects, Matter of Winburn's Will, supra [139 Misc. 5, 247 N.Y.S. 592] stated the test to be ``whether the articles are or are not used in or by the household, or for the benefit or comfort of the family". In re Bloomingdale's Estate, 142 N.Y.S.2d 781, 785 (1955).

"No State government entity has the power to allow or deny passage on the highways, byways, nor waterways... transporting his vehicles and personal property for either recreation or business, but by being subject only to local regulation i.e., safety, caution, traffic lights, speed limits, etc. Travel is not a privilege requiring licensing, vehicle registration, or forced insurances." *Chicago Coach Co. v. City of Chicago*, 337 Ill. 200, 169 N.E. 22.

No state may convert a secure liberty into a privilege and then issue a license and a fee for it. *Murdoch V. Pennsylvania* 319 U.S. 106. No state shall convert a liberty into a privilege, license it, and attach a fee to it. "A state may not impose a charge for the enjoyment of a right granted by Federal constitution. At 113, (1943). *Murdock v. Pennsylvania* 319 US 105.

"Ownership of these submerged lands was resolved by Congress passing the Submerged Lands Act," 43 U.S.C.A. 1301, which confirmed state title to the beds of all tidal and navigable bodies of water. While this act conveyed title to lands below tidal and navigable waters to the states, non-navigable stream beds are treated like dry lands and are part of the adjoining estates. Waters subject to the ebb and flow of the tides, even though non-navigable, also passed to the states while the ownership and public use of these tidal lands is based on state laws. But they still don't own the fish... *UNITED FISHERMEN OF ALASKA v. FAIRNESS IN SALMON HARVEST, INC.*, Opinion of the State Supreme Court of Alaska No. 4394 (1996).

The New York legislature had granted a monopoly to Robert Livingston and Robert Fulton to operate steamboats in New York waterways. Part of these rights were later assigned to Aaron Ogden. A former partner of Ogden, Thomas Gibbons, entered the steamboat trade in violation of the monopoly, and a lawsuit began. When the appeal came before Chief Justice John Marshall, his opinion, based on an interpretation of the Commerce Clause of the Constitution, cast aside all similar monopoly laws and extended to Congress the regulation of all navigation on inland waterways that had to do with interstate commerce. This ruling permanently freed American commerce--not only steamboats but railroads and other communication-transportation forms--from hampering state laws that might hinder economic expansion and growth. *Gibbons vs. Ogden* (1824).

"The state could choose to divest themselves of title to the streambed, but the water remains subject to the "Commerce Clause" of the Constitution which by holds an easement, or servitude, benefiting the federal government for the purpose of regulating commerce on navigable bodies of water" *Borax Consolidated, Ltd. v. City of Los Angeles*, 29 U.S. 10, 56 S. Ct. 23, 80 L.Ed 9 (1935.).

Under riparian law, water is a wandering thing like the air, sunlight, or wildlife. It is not "owned" by the government or private individual, but is rather part of the land over which it falls from the sky or travels along the surface.

"When the Revolution took place, the people of each State became themselves sovereign; and in that character hold the absolute right to all their navigable waters, and the soils under them, for their own common use, subject only to the rights since surrendered by the Constitution to the general government." p. 410. *Shively v. Bowlby*, 152 US 1 (1894). Supreme Court of United States.

On Sunday, August 4, 2019, 12:14:51 AM PDT, ed johnston <edjohnston2003@yahoo.com> wrote:

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<https://www.upcounsel.com/how-to-prove-a-contract-was-signed-under-duress>

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FORMS: 4.21 Request for Certificate of non-citizen National ...

https://famguardian.org/TaxFreedom/Forms/Emancipation/ReqForCertOfNonCitizenNationalStatus.htm?fbclid=IwAR2kGoqZL_r6Ylq2UzdEaXaag_neCuDPxjAfAbboeZlOc4TSjPEAzEDCwO0

I am herein the person in compliance with the provisions of 8 USC 1452(b)(1) and (2), and I hereby apply for a Certificate of Non-Citizen National Status from the Secretary of State pursuant to 8 USC 1452(b)(1) and (2).

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----- Forwarded Message -----

From: OGIS <OGIS+noreply@nara.gov>

To: ed johnston <edjohnston2003@yahoo.com>

Sent: Wednesday, February 6, 2019, 5:33:51 PM PST

Subject: Re: Fw:humantrafficking By the city county and state foreign and domestic terrorist threats us by death if one dose not comply in paying propriety unlawful Property ID Thief 42usc 408 42 U.S.C. 408 - Penalties
www.gpo.gov/...2010...sec408&packagel=USCODE-2010-title42 42 U.S.C. 408 - Penalties Publication Title: United States Code, 2006 Edition, Supplement 4, Title 42 - THE PUBLIC HEALTH AND WELFARE Social Security Act §208 by the city county and state

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Send these documents to OGIS by email, fax, or mail. Our contact information is below in the signature block.

Due to an increased demand for our services, there may be a delay in our response. We apologize for any inconvenience and look forward to assisting you.

Sincerely,

The OGIS Staff

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OFFICE OF GOVERNMENT INFORMATION SERVICES

National Archives and Records Administration

8601 Adelphi Road (OGIS)

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