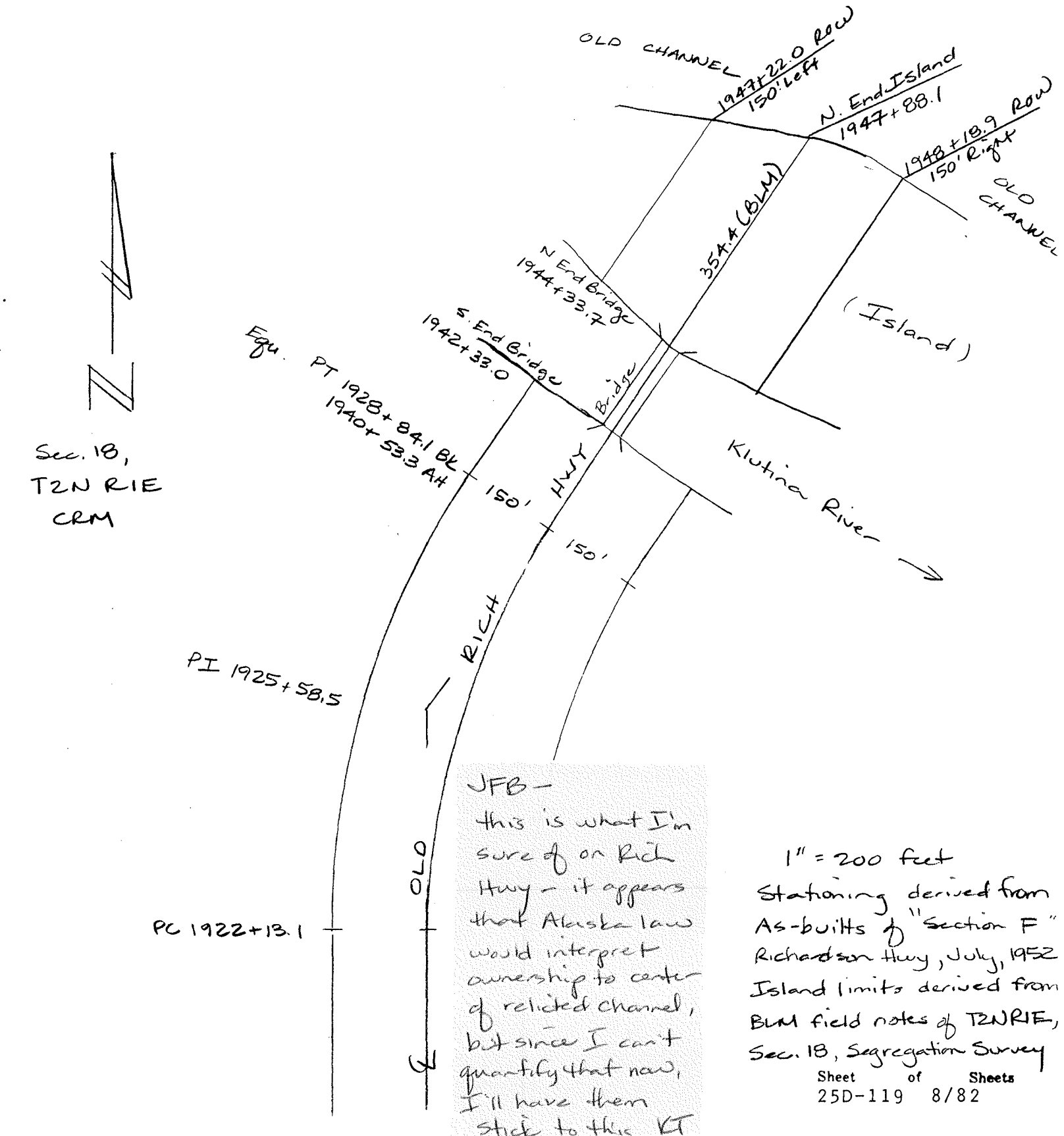
STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND
PUBLIC FACILITIES

Computations

For KLUTINA RIVER BRIDGE

Project No. .....
Bridge No. .....
Calc. by KFTilton Date 5/13/99
Checked by ..... Date .....



tin. Mullen asserts that there was no evidence that Malutin had assigned his claim to Panamaroff. Factually this argument is without merit because the evidence shows that Malutin and Panamaroff entered into an agreement under which Panamaroff agreed to sell Malutin's fish in Panamaroff's name, collect for them and turn over the proceeds to Malutin. Thus, to use the language of Civil Rule 17(a), Panamaroff was "a party with whom or in whose name a contract has been made for the benefit of another" and as such he was authorized to "sue in his own name without joining with him the party for whose benefit the action is brought...." The trial court, therefore, did not err in refusing to reduce Panamaroff's judgment by the amount which Panamaroff must remit to Malutin.

Fred S. HONSINGER, E. Lenore Honsinger, Theodore J. Smith, Sara J. Smith, Petitioners,

v.

STATE of Alaska, and each and every Heir or Devisee, Known and Unknown, Executor and Administrator of the Estate of George Danner, and all other Parties, Legal Entities, Successors and Assigns, Unknown, Claiming any Right, Title, Estate, Lien or Interest in the Real Property or any part thereof Described in the Complaint, Respondents.

No. 5622.

Supreme Court of Alaska.

April 16, 1982.

Owners of homestead lands, who brought quiet title action against State, petitioned for review of judgment entered by the Superior Court, First Judicial District, Thomas B. Stewart, J., that policy considerations warranted exception to common-law rule of accretion where glacioisostatic uplift is involved. The Supreme Court, Connor, J., held that "reliction" properly encompasses emergence of existing soil either through recession of water or through rise of bed and thus glacioisostatic uplift is form of "reliction" and therefore subject to general common-law doctrine of accretion.

Reversed.

1. Navigable Waters ⇐44(1)

In quiet title action in which title can be traced back to federal patent, claim of accretion is controlled by state law, rather than federal law; modifying *State, Dept. of Natural Resources v. Pankratz*, 538 P.2d 984 (1975).

2. Navigable Waters ⇐44(3)

Benefits of "accretion," which refers generally to gradual and imperceptible increase in land area beside a body of water, inure to shoreline owner, while "avulsion," which refers to sudden and perceptible change in shoreline, does not change legal boundary.

3. Navigable Waters ⇐44(3)

Accretion and reliction, although physically different processes, are subject to same rule regarding title, i.e., benefit inures to shoreline owner.

4. Navigable Waters ⇐44(1)

"Reliction" properly encompasses emergence of existing soil either through recession of water or through rise of bed and thus glacioisostatic uplift is form of "reliction" and therefore subject to general common-law doctrine of accretion.

See publication Words and Phrases for other judicial constructions and definitions.

5. Navigable Waters ⇐44(3)

Where there is gradual and imperceptible increase in land beside a body of water by way of accretion or reliction, shoreline owner is beneficiary of title to resurfaced land.

James N. Reeves, Faulkner, Banfield, Doogan & Holmes, Anchorage, for petitioners.

Madeleine R. Levy, Asst. Atty. Gen., Anchorage, for respondents.