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Return Address:

Skamania County Auditor

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SKAMANIA COUNTY
JAN 15 4 43 PM '08
J. HODGSON
CLERK

Document Title(s) or transactions contained herein:

Summons No. 03-2-00372-2

GRANTOR(S) (Last name, first name, middle initial)

Washington Conservation Commission

Klickitat County

Skamania County

Knowles, Clyde

☒ Additional names on page 1 of document.

GRANTEE(S) (Last name, first name, middle initial)

Underwood Conservation District

☐ Additional names on page of document.

LEGAL DESCRIPTION (Abbreviated: i.e., Lot, Block, Plat or Section, Township, Range, Quarter/Quarter)

☐ Complete legal on page of document.

REFERENCE NUMBER(S) of Documents assigned or released:

No. 03-2-00372-2

☐ Additional numbers on page of document.

ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER

☐ Property Tax Parcel ID is not yet assigned

☐ Additional parcel numbers on page of document.

The Auditor/Recorder will rely on the information provided on the form. The Staff will not read the document to verify the accuracy or completeness of the indexing information.

I hereby certify that this is a
true and correct photographic
copy of the original document.

Signed

[Signature]

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KLIKITAT COUNTY

UNDERWOOD CONSERVATION DISTRICT,
a political subdivision of the State of
Washington,

Plaintiff(s),

Vs.

WASHINGTON CONSERVATION
COMMISSION, a political subdivision of the
State of Washington, KLIKITAT COUNTY, a
political subdivision of the State of Washington,
SKAMANIA COUNTY, a political subdivision
of the State of Washington, CLYDE
KNOWLES, and DAN GUNDERSEN,

Defendant(s).

NO. 03-2,00372-2

SUMMONS

RECEIVED

JAN 15 2004

SKAMANIA COUNTY
AUDITOR

TO SKAMANIA COUNTY, DEFENDANT: A lawsuit has been started
against you in the above-entitled Court by the above-named Plaintiff. Plaintiff's claim is
stated in the amended written petition, a copy of which is served upon you with this
summons.

In order to defend against this lawsuit, you must respond to the amended petition
by stating your defense in writing and by serving a copy upon the person signing this

Summons
Page 1

WOODRICH & ARCHER LLP
ATTORNEYS AT LAW
40 Cascade Avenue, Suite 110 * P.O. Box 510
Stevenson, Washington 98648
Telephone: (509) 427-5665
Fax: (509) 427-7618

1 summons within twenty (20) days after the service of this summons, excluding the day of
2 service, if served within the State of Washington, or within sixty (60) days after the service
3 of this summons, excluding the day of service, if served outside the State of Washington,
4 or a default judgment may be entered against you without notice. A default judgment is
5 one where Plaintiff is entitled to what he asks for because you have not responded. If you
6 serve a notice of appearance on the undersigned person, you are entitled to notice before a
7 default judgment may be entered.

8 You may demand that the Plaintiff file this lawsuit with the Court. If you do so,
9 the demand must be in writing and must be served upon the person signing this summons.
10 Within fourteen (14) days after you serve the demand, the Plaintiff must file this lawsuit
11 with the Court, or the service on you of this summons and petition will be void.

12 If you wish to seek the advice of an attorney in this matter, you should do so
13 promptly so that your written response, if any, may be served on time.

14 This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the
15 State of Washington.

16 DATED January 14, 2004.

17 WOODRICH & ARCHER LLP

18 

19 Kenneth B. Woodrich of
20 Attorneys for Plaintiffs
21 WSB #19654

22 **FILE YOUR ORIGINAL ANSWER:**

23 Clerk of the Superior Court
24 Klickitat County Courthouse
25 205 S. Columbus, Room 204
26 Goldendale, WA 98620

SERVE A COPY OF YOUR ANSWER:

Kenneth B. Woodrich
WOODRICH & ARCHER LLP
110 SE Cascade Avenue
P.O. Box 510
Stevenson WA 98648
(509) 427-5665

I hereby certify that this is a
true and correct photographic
copy of the original document.
Signed [Signature]

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KLIKITAT

UNDERWOOD CONSERVATION DISTRICT, a
political subdivision of the State of Washington

Plaintiff(s)

No. 03-2-00372-2

WASHINGTON CONSERVATION COMMISSION, a
political subdivision of the State of Washington,
KLIKITAT COUNTY, a political subdivision of the
State of Washington, SKAMANIA COUNTY, a political
subdivision of the State of Washington, CLYDE
KNOWLES, and DAN GUNDERSEN,
Defendants.

AMENDED PETITION FOR
DECLARATORY AND INJUNCTIVE
RELIEF

The Underwood Conservation District alleges as follows:

PARTIES

1. The Underwood Conservation District is a locally administered Conservation District operating within Klickitat County and Skamania County of the State of Washington under RCW Ch. 89.08.

WASHINGTON CONSERVATION COMMISSION ("Conservation Commission") is a political subdivision of the State of Washington with oversight authority over conservation districts pursuant to

1 RCW 89.08.070. KICKITAT COUNTY and SKAMANIA COUNTY are political subdivisions of the
2 State of Washington having constituents within the Underwood Conservation District. CLYDE
3 KNOWLES is a resident of Klickitat County, Washington and DAN GUNDERSEN is a resident of
4 SKAMANIA COUNTY and were candidates in the election at issue in this case.

5 **JURISDICTION**

6
7 2. This court has jurisdiction over this action pursuant to Wash. Constitution Art. IV, Sections 1 and
8 the court also has jurisdiction under the Uniform Declaratory Judgment Act, RCW 7.24.010.

9 **FACTUAL ALLEGATIONS**

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11 3. On March 18, 2003, the Underwood Conservation District held an election for District Supervisor
12 ("the election").

13 4. The election ballot included one candidate, Clyde Knowles. 150 votes were cast in the election.
14 Mr. Knowles received 98 votes. A write-in candidate, Dan Gundersen, received 52.

15 5. Underwood Conservation District assumed that all land within the boundaries of Skamania County
16 and of Klickitat County west of Klickitat River was within its boundary and instructed the election
17 officials that all registered voters within the assumed boundary were qualified electors in the election.
18

19 6. In the election, 41 individuals living within the town of White Salmon voted.

20 **PETITION FOR DECLARATORY**
21 **AND INJUNCTIVE RELIEF**

22
23 7. After the election, the Underwood Conservation District discovered ambiguities in the official
24 records of its boundary concerning the towns of White Salmon, Bingen, and Stevenson. The records
25

1 were clarified with the official archives of the Washington Secretary of State. The official records
2 indicated that the towns of White Salmon and Bingen as they existed in 1941 and of Stevenson as it
3 existed in 1943 were not within the boundary of the Underwood Conservation District.

4 8. Given the correct boundary of Underwood Conservation District, it was determined that:

5 a) Pursuant to RCW 89.08.020, 41 voters live within the White Salmon boundary of 1941 and were
6 not qualified electors, and

7 b) Pursuant to RCW 42.04.020, Clyde Knowles lives within the White Salmon boundary of 1941
8 and is ineligible to hold office in Underwood Conservation District.

9
10 9. Pursuant to RCW 89.08.190, the Washington Conservation Commission is required to canvass
11 the results of the election and announce the official results thereof.

12 10. In order to canvass the results of the election the Conservation Commission must determine the
13 authenticity of the election returns.

14 11. The election returns were not authentic, because not all votes were cast by qualified electors, as
15 required in RCW 89.08.130; and as defined in RCW 89.08.020, and the candidate was not a qualified
16 elector, as required in RCW 42.04.020.

17 12. The Conservation Commission was unable to announce the official results of the election because
18 the election included voters who were not qualified electors and because the candidate was not a
19 qualified elector.

20 13. The Conservation Commission lacks the statutory authority to declare the election invalid and
21 reschedule a new election. Plaintiff seeks a declaration from this Court that the election was invalid and
22 injunctive relief setting a new election.
23
24

1 14. Prior to requesting that the Court provide Underwood Conservation District injunctive relief,
2 Underwood Conservation District and the cities have redefined its boundary to exclude the towns of
3 White Salmon, and Stevenson and to leave the boundary for the city of Bingen as it existed in 1941.

4 15. The March 18, 2003 Underwood Conservation District election was not valid, since individuals
5 who were not qualified electors under RCW 89.08.020 were allowed to vote, and the candidate for
6 District Supervisor was not a qualified elector as required in RCW 42.04.020.

7 16. Due to ambiguity in its boundary definition, the Underwood Conservation District erred in
8 allowing ineligible voters to vote in the election and in allowing an ineligible candidate to be on the
9 ballot.

10
11 **PRAYER FOR RELIEF**

12 The Underwood Conservation District seeks an order to be entered as follows:

- 13 1. Declaring that the Underwood Conservation District election held on March 18, 2003 is
14 invalid.
15 2. Enjoining the Underwood Conservation District Board of Supervisors to set a new date to
16 conduct a special election for the Supervisor position for a term which will expire in March
17 2006.
18 3. Such other relief as this court may deem just and proper.
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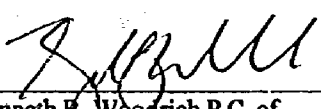
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26 Page 4 - Amended Petition

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1 DATED this 14th day of January, 2004.

2
3 WOODRICH & ARCHER LLP,

4
5 
6 Kenneth B. Woodrich P.C. of
7 Attorneys for Plaintiff
8 PO Box 510
9 110 SE Cascade Avenue
10 Stevenson, WA 98648
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13 WSB #19654
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26 Page 5 - Amended Petition

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