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**SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR GRANT COUNTY**

WADE KING and TERESA KING, husband and
wife, d/b/a KING RANCH,

Plaintiffs,

v.

STATE OF WASHINGTON, THE
WASHINGTON STATE DEPARTMENT OF
ECOLOGY, and POLLUTION CONTROL
HEARINGS BOARD,

Defendants.

No. **26-2-00263-13**

**VERIFIED COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

I. INTRODUCTION

The Petitioners/Plaintiffs WADE KING and TERESA KING, husband and wife,
d/b/a KING RANCH (collectively referred to below as the "Plaintiffs," the "Kings," or
"King Ranch") respectfully submit this Complaint against the STATE OF WASHINGTON,
including the WASHINGTON STATE DEPARTMENT OF ECOLOGY ("Ecology"), and

VERIFIED COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF- 1

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1 the POLLUTION CONTROL HEARINGS BOARD ("PCHB") (collectively, "the State"),
2 which is an action for declaratory relief under the Uniform Declaratory Judgments Act,
3 Chapter 7.24 RCW, and an action for temporary, preliminary, and permanent injunctive relief
4 under CR 65 and Chapter 7.40 RCW.

5 With regard to declaratory relief, the Kings seek a declaration resolving a pure question
6 of constitutional law: whether the Kings are entitled to a jury trial under Article 1, Section 21
7 of the Washington State Constitution and/or under the Seventh and Fourteenth Amendments
8 to the United States Constitution, on one or more of the claims currently pending before the
9 PCHB in PCHB No. 23-007c.

10 With respect to injunctive relief, the Kings request temporary, preliminary, and
11 permanent injunctive relief, by way of an immediate stay of all PCHB proceedings so that the
12 Kings' rights to a jury trial under the Washington State and/or United States Constitutions
13 are not irreparably violated.

14 The Kings face a \$267,540.00 civil penalty and mandatory restoration orders that, if
15 the alleged wetlands are, in fact, regulated wetlands, and if, in fact, the Kings caused any harm
16 to them, will impose costs exceeding \$1,000,000.00.¹ These demands seek "legal" relief in the
17 historical sense recognized at common law in 1889 (when Washington State's Constitution
18

19 ¹ The Kings do not concede the stockwater ponds (read: alleged violation sites) at issue in PCHB No. 23-007c
20 are regulated wetlands, or that the Kings violated Chapter 90.48 RCW or Chapter 173-201A WAC, or that the
21 Kings have caused any pollution, harm, and/or damage. The Kings further aver that Ecology lacks statutory
22 authority to pursue an enforcement action under Chapter 90.48.422(3), which prohibits Ecology from pursuing
enforcement actions under the Water Pollution Control Act ("[Ecology] may not abrogate, supersede, impair, or
condition the ability of a water right holder to fully divert or withdraw water under a ... statutory exemption, or
claim granted or recognized under chapter ... 90.44 RCW [stockwater exemption] through the authority granted
to [Ecology] in this chapter."). Accordingly, the Kings reserve all rights.

1 was adopted) and under federal precedent interpreting the Seventh Amendment to the
2 Constitution of the United States of America; therefore, the Kings have constitutional rights
3 to a jury trial. Because the PCHB's statutory and regulatory framework provides no
4 mechanism for a jury trial, the Kings are being denied their state and/or federal constitutional
5 rights to have a jury decide liability and/or the amount of a penalty, if any.

6 Declaratory relief is necessary and proper because the PCHB is without jurisdiction to
7 decide this threshold constitutional issue, and the administrative appeal that is pending cannot
8 proceed without violating the Kings' constitutional rights to a jury trial, and the Kings face
9 imminent and irreparable harm if forced to proceed with a full hearing on the merits before
10 an administrative tribunal that cannot empanel a jury. The PCHB has no mechanism for
11 holding a jury trial, and without an immediate stay, the Kings will be forced to allow the State
12 entry onto and into their privately owned property, which would otherwise constitute an
13 unconstitutional warrantless search, and to litigate in a forum that cannot provide the jury trial
14 guaranteed to the Kings under the Washington State and United States Constitutions. These
15 constitutional violations constitute irreparable harm as a matter of law.

16 II. PARTIES

17 1. The allegations above and below are incorporated by reference and realleged
18 here.

19 2. Plaintiffs Wade and Teresa King d/b/a King Ranch are natural persons
20 residing in Grant County, Washington, and operate King Ranch, a generational cattle ranch
21 on arid lands in Grant and Douglas counties, Washington, which the King family has owned
22 and operated since the 1950s.

1 Chapter 90.48 RCW and Chapter 173-201A WAC as a result of stockwater pond digging and
2 maintenance on an active generational cattle ranch.

3 11. On the same date, Ecology issued Administrative Order No. 21543 (“the Grant
4 County Order”) requiring restoration of certain alleged wetlands for alleged violations of
5 Chapter 90.48 RCW and Chapter 173-201A WAC as a result of stockwater pond digging and
6 maintenance on an active generational cattle ranch.

7 12. On January 15, 2025, Ecology issued Administrative Order No. 23464 (“the
8 Douglas County Order”) requiring restoration of certain alleged wetlands for alleged
9 violations of Chapter 90.48 RCW and Chapter 173-201A WAC as a result of stockwater pond
10 digging and maintenance on an active generational cattle ranch.

11 13. The Kings appealed all three orders to the PCHB (consolidated under PCHB
12 No. 23-007c). This consolidated appeal is pending.

13 14. On January 9, 2026, the Kings filed a Motion to Dismiss the PCHB proceeding
14 (PCHB No. 23-007c) based on the PCHB’s inability to accommodate the Kings’ right to a
15 jury trial under the state and federal constitutions. The Kings incorporate their Motion to
16 Dismiss herein by this reference.

17 15. Ecology opposed the Motion to Dismiss on February 2, 2026, arguing (*inter*
18 *alia*) that the PCHB lacks jurisdiction to decide constitutional issues such as the right of a party
19 to a jury trial and that no right to a jury trial exists in administrative proceedings.

20 16. The Kings filed a Reply to Ecology’s opposition on February 17, 2026,
21 reiterating that the Kings do have constitutional rights to a jury trial before the PCHB. The
22 Kings incorporate their Reply in Support of their Motion to Dismiss herein by this reference.

1 17. The PCHB has not yet ruled on the Motion, and as of the date of this filing, it
2 is unclear whether the PCHB will rule on the Motion in the course of the proceeding. Prior
3 decisions from the PCHB indicate that it will conclude it lacks the authority to decide this
4 kind of constitutional issue, pass on the question, and proceed to force the Kings to litigate
5 their appeals to conclusion. *See, R/L Associates, Inc. v. Dep't of Ecology*, PCHB No. 90-124 (April
6 26, 1991) (PCHB determined it lacked jurisdiction to resolve the question of whether
7 Ecology's consent order violated the Fourteenth Amendment to the United States
8 Constitution).

9 18. On February 19, 2026, the PCHB held a discovery conference and a hearing on
10 the Kings' request to suspend discovery and further litigation pending a ruling on the Kings'
11 pending Motion to Dismiss. The PCHB denied the Kings' request. The PCHB ordered the
12 Kings to respond to the State's written discovery requests, directed the parties to attempt to
13 reach consensus on logistics concerning the State's entry into and upon, and inspection of,
14 the Kings' private property, and ordered the parties to proceed with discovery and further
15 litigation in the PCHB proceeding. Attached as Appendix A is a true and correct copy of the
16 PCHB's Order entered on February 24, 2026.

17 19. Regardless of how the PCHB rules on the pending Motion to Dismiss, the
18 Board cannot provide the jury trial to which the Kings are constitutionally entitled.

19 20. A declaration from this Court is the only mechanism that can resolve the
20 constitutional impasse and preserve the Kings' inviolate constitutional right to a jury trial.

21 **V. CLAIM FOR TEMPORARY AND PRELIMINARY INJUNCTIVE RELIEF**

22 21. The Kings will suffer immediate and irreparable harm if the PCHB proceeding

1 (PCHB No. 23-007c) is not immediately stayed. Denial of the fundamental and constitutional
2 right to a jury trial is irreparable harm *per se*.

3 22. The Kings face an imminent Hobson's choice: (a) participating in PCHB
4 proceedings without a jury trial (effectively waiving their constitutional rights), (b) refuse to
5 participate and risk default and immediate enforcement of the \$267,540.00 penalty plus
6 millions of dollars in costs associated with the Grant County Order and the Douglas County
7 Order, or (c) allow the State entry into and upon the Kings' private property, which would
8 otherwise constitute an unconstitutional warrantless search, and incur massive legal expenses
9 and expert witness fees and costs litigating in the wrong forum. Any of these outcomes
10 constitutes irreparable injury that cannot be remedied by money damages.

11 23. The Kings are likely to succeed on the merits. The \$267,540.00 penalty is a
12 classic legal remedy (action in debt) that carried a right to a jury trial at common law in 1889,
13 and the magnitude of the costs associated with the Grant County Order and the Douglas
14 County Order transforms what would otherwise be considered equitable relief into punitive
15 and legal relief, which also triggers the Kings' constitutional rights to a jury trial.

16 24. The balance of equities overwhelmingly favors the Kings. A brief stay of
17 proceedings before an administrative tribunal when the Kings have ceased from digging and
18 maintaining stockwater ponds and are unable to graze cattle on public land pursuant to a
19 Preliminary Injunction entered by the Grant County Superior Court causes the Defendants
20 no harm or prejudice, while a denial of a stay would inflict permanent constitutional injury on
21 the Kings.

22 25. The public interest strongly favors protecting constitutional rights to a jury trial.

1 26. The Kings respectfully request that the Court issue an ex parte temporary
2 restraining order and a preliminary and permanent injunction, immediately staying the PCHB
3 proceeding (PCHB No. 23-007c) until a court of competent jurisdiction has resolved, by a full
4 and final decision, including any appeals, the issues raised herein.

5 **VI. CLAIM FOR DECLARATORY RELIEF**

6 27. The allegations above and below are incorporated by reference and realleged
7 here.

8 28. There exists an actual, present, and justiciable controversy between the parties
9 regarding the Kings' constitutional right to a jury trial in the PCHB proceeding.

10 **STATE CONSTITUTIONAL CLAIM**

11 29. Article I, Section 21 of the Washington State Constitution provides: "The right
12 of trial by jury shall remain inviolate."

13 30. Washington courts interpret this provision to preserve the jury trial rights that
14 existed under common law at the time of statehood in 1889.

15 31. Civil penalty actions of the type imposed by Ecology were treated as actions in
16 debt at common law and were tried to juries.

17 32. The \$267,540.00 penalty assessed to the Kings under the Penalty Order is
18 precisely such a legal remedy.

19 33. The Grant County Order and the Douglas County Order mandate restoration
20 of alleged wetlands that are allegedly incapable of even being restored.

21 34. The costs to restore the alleged violation sites in Grant and Douglas counties
22 are expected to exceed One Million Dollars.

1 c. The PCHB's current statutory and regulatory framework does not
2 provide a constitutionally adequate forum for a jury trial on one or more issues upon which
3 the Kings have rights to a jury trial under the State and/or Federal Constitutions; and,

4 d. Any further proceedings before the PCHB on issues to which the Kings
5 are entitled to a jury trial would violate the Kings' rights under the State and/or Federal
6 Constitutions.

7 46. Issue a Temporary Restraining Order, without notice, immediately staying all
8 proceedings in PCHB No. 23-007c pending further Order of this Court;

9 47. After notice and hearing, issue a Preliminary Injunction continuing the stay of
10 proceedings in PCHB No. 23-007c until this Court enters final judgment on the declaratory
11 relief requested;

12 48. Issue a Permanent Injunction continuing the stay of proceedings in PCHB No.
13 23-007c until final judgment, including exhaustion of any and all appeals, on the declaratory
14 relief requested;

15 49. Award the Kings their reasonable costs, attorney fees, and other expenses
16 pursuant to RCW 7.24.090, chapter 4.84 RCW, or other law, in equity, or as otherwise may be
17 allowed under Washington State and federal law;

18 50. Leave to amend this Petition/Complaint to join parties, to add claims for
19 damages, compensation, or ancillary relief authorized by another provision of law pursuant to
20 RCW 34.05.574(3) and RCW 34.05.510, to add other claims and/or make other changes as
21 authorized by the above-referenced statutes, the Civil Rules, or other authority; and

22 51. For such other relief as may be equitable and just.

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Respectfully submitted this 27th day of February 2026.

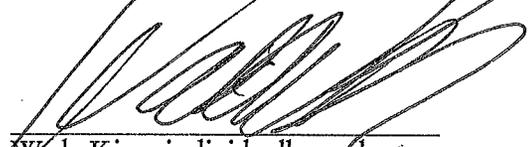
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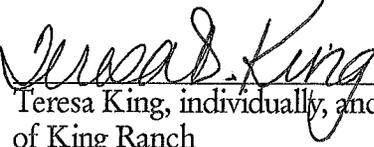
By: 
Kenneth W. Chadwick, WSBA #33509
Attorney for Plaintiffs, Kings

VERIFICATION

We, Wade and Teresa King, declare under penalty of perjury under the laws of the State of Washington that we have read the foregoing Verified Complaint and that the facts set forth therein are true and correct to the best of our knowledge and belief.

Dated this 27th day of February 2026, in Ephrata, Washington.


Wade King, individually, and on behalf of King Ranch


Teresa King, individually, and on behalf of King Ranch