

# GENERAL AFFIDAVIT

State of Michigan  
County of Kent

I, John Rockfort of 6837, 1/4 acre, Berro's Center [Address] do hereby swear  
under oath that:

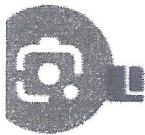
1. Last well water
2. No plan
3. When will we get water

Under penalty of perjury, I hereby declare and affirm that the above stated facts, to the best of my knowledge, are true and correct.

DATED this Aug day of 20, 20 25

John Rockfort  
Signature

John Rockfort  
Printed Name



## AFFIDAVIT

I, John Rossport

(FULL NAMES AND NATIONAL REGISTRATION NUMBER)

residing at 6839 Lunnest Ave. Byron Center

do hereby solemnly and sincerely swear/declare the following

wife sick

long diarrhea. Having buckets H20

NO water

I make the above statement conscientiously believing the same to be true

Signed before me at

Kent

Signed

John Rossport

this 20 day of August 2025

DATE

MONTH

YEAR

Signed

Eden Pikaart  
(COMMISSIONER OF OATHS)

Eden Pikaart, Notary Public  
State of Michigan, County of Kent  
My Commission Expires 3/22/2027

Acting in the County of Kent



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## GENERAL AFFIDAVIT

The within named person (Affiant), John Rocafort, who is a resident of Kent County, State of Michigan, personally came and appeared before me, the undersigned Notary Public, and makes this his/her statement, testimony and General Affidavit under oath or affirmation, in good faith, and under penalty of perjury, of sincere belief and personal knowledge that the following matters, facts, and things set forth are true and correct, to the best of his/her knowledge:

Dated this 20 day of Aug 20, 2025.

John Rocafort  
Signature of Affiant

State of Michigan

County of Kent

Subscribed and sworn to, or affirmed, before me on this 20 day of August, 2025, by Affiant John Rocafort.

Eden Pikaart

Signature of Notary Public

03/22/2027

My Commission Expires:

Eden Pikaart, Notary Public  
State of Michigan, County of Kent  
My Commission Expires 3/22/2027

Acting in the County of Kent



# GENERAL AFFIDAVIT

State of Michigan  
County of Kent

I, Jessica Nay, of 6837 Nanrest Ave SW [Address] do hereby swear Byron Center  
under oath that: MI  
2035

- Aug 8. water started to lose pressure
- By Aug 16, 2025 we had no water—sand in the toilets
- No water No plan?

Under penalty of perjury, I hereby declare and affirm that the above stated facts, to the best of my knowledge, are true and correct.

DATED this 11 day of 20, 2025

Jessica Nay  
Signature  
Jessica Nay  
Printed Name



## AFFIDAVIT

Jessica Nay

(FULL NAMES AND NATIONAL REGISTRATION NUMBER)

residing at 6837 Nanrest Ave SW

do hereby solemnly and sincerely swear/declare the following

Friday August 15, 2025 our well went dry. It  
sucked sand into our system.

We flush toilets with water hauled up  
of long driveway. Water in buckets is  
boiled to wash dishes.

There is no plan.

It is expensive to dig a well. And will we  
have the SAME clean water if we do.

The County and Township took our water.  
Now what?

We are at a hotel with our 80 year old neighbors  
I make the above statement conscientiously believing the same to be true

Signed Jenica Nay

Signed before me at Kent County this Aug day of 2025, 20  
DATE Aug MONTH 2025 YEAR

Signed Eden R.  
(COMMISSIONER OF OATHS)

Eden Pikaart, Notary Public  
State of Michigan, County of Kent  
Commission Expires 3/22/2027

Notary in the County of Kent



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## GENERAL AFFIDAVIT

The within named person (Affiant), Jessica Nay, who is a resident of Kent County, State of Michigan, personally came and appeared before me, the undersigned Notary Public, and makes this his/her statement, testimony and General Affidavit under oath or affirmation, in good faith, and under penalty of perjury, of sincere belief and personal knowledge that the following matters, facts, and things set forth are true and correct, to the best of his/her knowledge:

Dated this 20 day of August, 20 25

Jessica Nay

Signature of Affiant

State of Michigan

County of Kent

Subscribed and sworn to, or affirmed, before me on this 20 day of August,  
2015 by Affiant Jessica Nay

Edna B.

Signature of Notary Public

03/22/2027

My Commission Expires:



# Appendix A

STATE OF MICHIGAN  
IN THE 17<sup>th</sup> CIRCUIT COURT FOR THE COUNTY OF KENT

DONNA BRANDENBURG,  
Plaintiff, Pro Se

v.

2 0 5 5 7.

Case No. \_\_\_\_\_ CK

CHRISTINA MIMS  
(P-68216)

HON. \_\_\_\_\_

BYRON TOWNSHIP, an unincorporated  
municipality in Kent County,

Defendant.

COMPLAINT FOR EMERGENCY INJUNCTIVE RELIEF  
NOW COMES PLAINTIFF DONNA BRANDENBURG

8/8/2025

Donna Brandenburg a resident, affected upstream property owner, and upland  
wetland custodian in Byron Township, Plaintiff Pro Se MCR 2.201(A) and MCR 2.117, and  
files this Complaint for Emergency Injunctive Relief against Defendant, Byron Township,  
and states as follows:

COMPLAINT FOR EMERGENCY INJUNCTIVE RELIEF NOW COMES Plaintiff, Donna  
Brandenburg, Pro Se, and files this Complaint for Emergency Injunctive Relief against

Defendant, Byron Township, pursuant to MCL 324.30316 of the Natural Resources and Environmental Protection Act (NREPA), Part 303, Wetlands Protection, and states as follows:

## INTRODUCTION

1. This is an action for emergency injunctive relief to address Defendant's illegal and ongoing draining of 264 million gallons or more of surface water and groundwater, down to a depth of 40 feet, from regulated wetlands in Byron Township, Kent County, Michigan, at a rate of conservatively 1 million gallons per hour (24 million gallons per day), beginning on or about July 28, 2025, and persisting as of August 8, 2025, without a permit or proper mitigation, in violation of MCL 324.30304 and MCL 324.32723.
2. Defendant's actions exceed the scope of its permit application, as evidenced by Exhibit A: 1260 WETLAND IMPACT SKETCH\_20250414, which shows no authorization for water pumping or construction below 25 feet; Exhibit B: BYRON TWP AGENT AUTHORIZATION, which demonstrates Defendant's failure to conduct oversight or review permit limitations; Exhibit C: PERMIT PLANS.PDF, Page 14, and Exhibit D: HQ8-KPWF-SDHQ4\_V3.PDF, Page 8, which authorize pumping only for damming and rerouting the Knight's Intercounty Drain; Exhibit E: WELL SURVEY WATER TABLE DROPPED, which confirms the water table dropped below Plaintiff's well depth at time of Defendant's actions; Exhibit F: IMAGES TAKEN OF 40' & 18' PUMPED WELLS (1 of 8 through 8 of 8), which visually document the unauthorized pumping equipment capable of extracting groundwater to 40 feet at a rate of 2000 gallons per minute each; Exhibit G: NATIONAL WETLANDS INVENTORY, which confirms the affected area's regulated wetland status; Exhibit H: PART 3 FINAL WETLANDS INVENTORY PER

MICHIGAN EGLE WETLANDS MAP VIEWER, which further confirms regulated status; and Exhibit I: PROPERTY OUTLINE, which establishes Plaintiff's standing as an adjacent property owner in the upstream wetlands.

3. Plaintiff seeks a court order to enjoin further unauthorized draining, compel restoration of the impacted wetlands and aquifer, impose civil penalties, and ensure compliance with large quantity water withdrawal regulations.

#### **PARTIES**

4. Plaintiff, Donna Brandenburg, is a resident of Byron Township, Kent County, Michigan, with standing as an adjacent property owner in the upstream wetlands, as shown in Exhibit I, whose well has been rendered inoperable due to the lowered water table caused by Defendant's unauthorized and ongoing draining of surface water and groundwater, as documented in Exhibit E.

5. Defendant, Byron Township, is an unincorporated civil township organized under the laws of the State of Michigan, with its principal office at 8085 Byron Center Ave SW, Byron Center, MI 49315.

#### **JURISDICTION AND VENUE**

6. This Court has jurisdiction pursuant to MCL 600.601 and MCL 324.30316, as this is a civil action seeking equitable relief for violations of state law.

7. Venue is proper in the 17th Circuit Court for Kent County pursuant to MCL 600.1629 and MCL 324.30316(1), as Defendant is located in Kent County, and the actions giving rise to this complaint occurred in Byron Township, Kent County, Michigan.

## FACTUAL ALLEGATIONS

8. On or about July 28, 2025, Defendant, Byron Township, and/or its contractors initiated the draining of surface water and groundwater, down to a depth of 40 feet, from regulated wetlands located near the Knight's Intercounty Drain in Byron Township, at a rate of approximately 1 million gallons per hour (24 million gallons per day), totaling approximately 264 million gallons or more over at least 11 days (July 28–August 8, 2025) and continuing as of the date of this filing, as visually evidenced by Exhibit F: **IMAGES TAKEN OF 40' & 18' PUMPED WELLS (1 of 8 through 8 of 8)**, showing the pumping equipment capable of extracting groundwater to 40 feet.
9. The affected wetlands are regulated under Part 303 of NREPA, as confirmed by Exhibit G: **NATIONAL WETLANDS INVENTORY** and Exhibit H: **PART 3 FINAL WETLANDS INVENTORY PER MICHIGAN EGLE WETLANDS MAP VIEWER**, because they are connected to the Knight's Intercounty Drain, within 500 feet of an inland water body, or deemed essential by EGLE.
10. Defendant submitted a permit application to EGLE, documented in **Exhibit A: 1260 WETLAND IMPACT SKETCH\_20250414**, which explicitly states that **no water pumping or construction activities were proposed below 25 feet** in the affected wetland area.
11. Defendant authorized an agent or contractor to perform activities in the wetlands, as evidenced by Exhibit B: **BYRON TWP AGENT AUTHORIZATION**, but failed to conduct oversight to ensure compliance with permit limitations and failed to properly review the restrictions set by EGLE, resulting in unauthorized draining activities.

12. The permit plans, documented in Exhibit C: PERMIT PLANS.PDF, Page 14, and Exhibit D: HQ8-KPWF-SDHQ4\_V3.PDF, Page 8, authorize pumping only for the specific purpose of damming and rerouting the Knight's Intercounty Drain, and do not permit the large-scale draining of 264 million gallons or more of surface water and groundwater from regulated wetlands.
13. The draining of 264 million gallons or more of surface water and groundwater, at a rate of 1 million gallons per hour down to a depth of 40 feet, was not authorized by the permit application in Exhibits A, C, and D and constitutes an unpermitted activity in violation of MCL 324.30304, which prohibits draining water from a regulated wetland without a permit, as evidenced by the pumping equipment shown in Exhibit F (1 of 8 through 8 of 8).
14. Defendant's failure to oversee the authorized activity and review permit limitations, as shown in Exhibit B, despite visual evidence of the violation (Exhibit F), demonstrates negligence or willful disregard of its obligations under NREPA, exacerbating the violation.
15. Defendant failed to submit or implement a mitigation plan for the impacted wetlands and aquifer, as required by MCL 324.30312, further violating NREPA.
16. The draining activity constitutes a large quantity water withdrawal under MCL 324.32701 et seq., as it exceeds 2 million gallons per day (1 million gallons per hour = 24 million gallons per day), including groundwater extracted to a depth of 40 feet, requiring a permit from EGLE, which Defendant did not obtain, violating MCL 324.32723.
17. Defendant's actions have caused irreparable harm to Plaintiff, including the lowering of the water table below the depth of Plaintiff's well, rendering it inoperable, as documented in Exhibit

E: WELL SURVEY WATER TABLE DROPPED, conducted by Downing Well Drilling, and further harms including loss of wetland habitat, depletion of the aquifer, and increased flooding risk downstream, affecting Plaintiff's property in the upstream wetlands (Exhibit I), as visually supported by Exhibit F (1 of 8 through 8 of 8) and confirmed by Exhibits G and H.

#### **LEGAL CLAIMS**

##### **COUNT I: VIOLATION OF MCL 324.30304 (UNAUTHORIZED WETLAND DRAINING)**

18. Plaintiff incorporates by reference all preceding paragraphs.
19. MCL 324.30304 prohibits draining surface water or groundwater from a regulated wetland without a permit from EGLE.
20. Defendant's draining of approximately 264 million gallons or more of surface water and groundwater to a depth of 40 feet, exceeding the scope of its permit application (Exhibits A, C, and D), which authorized no pumping below 25 feet and only pumping for damming and rerouting the Knight's Intercounty Drain, and its failure to oversee the activity (Exhibit B) despite visual evidence (Exhibit F), constitutes a direct violation of MCL 324.30304.
21. Plaintiff is entitled to injunctive relief under MCL 324.30316 to enjoin further violations and compel restoration of the affected wetlands and aquifer.

##### **COUNT II: FAILURE TO COMPLY WITH WETLAND MITIGATION REQUIREMENTS (MCL 324.30312)**

22. Plaintiff incorporates by reference all preceding paragraphs.