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US DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
ADMIRALLY AND MARITINE CIVIL DIVISION

CASE NUMBER 4:08-CV-210

Glenn I. Hockney, Hyde County Citizen
& Hyde County Citizens

PLAINTIFF'S

Vs.

NC PCS PHOSPHATE CORPORATION
Steven A. Becker, C.E.O. & Plant Manager
NC PCS PHOSPHATE CORPORATION
AND
Thomas "Tom" Ryan, President
NC PCS PHOSPHATE CORPORATION

DEFENDANT'S

COMPLAINT
FOR TAKING OF
PUBLIC TRUST WATERS
LANDS & NATURAL RESORCES
OF HYDE COUNTY CITIZENS
WITHOUT COMPENSATION
AND DAMAGES CAUSED

NAMES AND ADDRESS

PLAINTIFF, Glenn I. Hockney, resides, citizen of Middletown, Lake Landing
Township, Hyde County, North Carolina, United States of America. Mailing
address: 109 White Plains Road, Middletown / Engelhard, North Carolina 27824-
9381, U.S.A.

DEFENDANT'S, NC PCS Phosphate, Corporation, Steven A. Becker, Plant
Manager and THOMAS "Tom" Ryan, President of this CORPORATION, located in
Aurora, Beaufort County, North Carolina, United States of America, Plant
Location 1 Texas Gulf Road, or PCS Lands Office, 24960 NC 33 Highway, East,
Aurora, North Carolina 27806, U.S.A.

1 **PAGE II OF U.S. DISTRICT COURT COMPLAIN.**

2 **JURISDICTION OF THIS COURT**

3 PLAINTIFFS, are Citizens of Hyde County, and Glenn I. Hockney, another
4 Citizen of Hyde County, North Carolina are in the Jurisdiction of this United
5 States District Court for Eastern North Carolina.

6 DEFENDANTS, NC PCS Phosphate Corporation, Steven A. Becker, Plant
7 Manager and Thomas "Tom" Ryan, President, are operating this Corporation
8 business in Beaufort County, and North Carolina, are in Jurisdiction of this Court.

9 **THE ACTS COMPLAINED OF IN THIS SUIT CONCERNS**

10 Hyde County Citizens have suffer millions of dollars damages from the
11 TAKING of Castle Hanes Aquifer underneath Hyde County, includes all the fresh
12 water reserves and converting it to a saline status, and dewatering the peat soils
13 that support the upper crust, farm soils, causing fish kills on their shore lines of
14 Hyde County, causing health problems with the drinking waters, since 70 to 80
15 per-cent of our bodies are water is a very serious matter. This suit is asking for
16 (\$500,000,000.00) five hundred million dollars.

17 Environment people have seen the degradation on the Hockney's lands
18 during the past ten years, and the values have been reduce by Hyde County Tax
19 Office due to over pumping of the Castle Hanes Aquifer.

20 We have asked the State of North Carolina to restore our fresh water
21 aquifer in Hyde County; this has far on death ears. NC PCS Phosphate
22 Corporation is allowed to pump 78 million gallons per-day by North Carolina
23 Permits. Gross Miscarriage of Justice and protection of Public Trust Rights.

24 **PAGE III OF U.S. DISTRICT COURT COMPLAINT**

1 North Carolina MUST protect our Public Trust Waters, Castle Hanes
2 Aquifer, and failed to protect Hyde County Citizens, only recourse to protecting is
3 to get the involvement of the Federal Government who are the true owners of
4 these Waters. Excessive damages has been by taking fresh water aquifer and
5 degrading the water saline status which has travel from our ocean shore lines to
6 Beaufort County, forty miles and continue on to NC PCS Phosphate Mine, due to
7 North Carolina to make large sums of money, with Hyde County Citizens waters
8 being TAKEN without compensation degrading of our Public Trust waters.

9 The people who have least area of this Castle Hanes Aquifer under their
10 land are the ones who are getting the biggest benefits Beaufort County, receiving
11 (\$3,700,000.00) three point seven million dollars in 2008 plus other benefits. That
12 is the main reason Beaufort County people pay less taxes.

13 All Beaufort County Reports on Hydrogeology and Effect of pumping from
14 the Castle Hanes Aquifer System stopped at HYDE County lines, by the North
15 Carolina Ground Water Division in 1971.

16 NO CONCERNS for Hyde County. In Beaufort County, NC PCS Phosphate
17 Corporation using Hyde County Public Trust Water, destroy their waters, land and
18 natural resources, by allowing over pumping

19 The State of North Carolina failed as they our required to protect by
20 Coastal Management Act to protect Hyde County Waters. State of North Carolina
21 is the other party who has benefit from this TAKING of Hyde County, Castle
22 Hanes Aquifer Waters.

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Other benefits are the Tax Rates of Hyde County verses Beaufort County almost fifty per-cent greater

This Corporation must stop pumping Castle Hanes Aquifer Waters and restore it to fresh water of the 1960's, plus pay damages to all Hyde County citizens for excessive pumping.

Hyde County Water System, and Hyde County Tax Office and Taxpayers rates to be equal to Beaufort County,

Others expenses Hyde County Dikes improvement, similar to Hockney's degrading of their properties, and pay any others legal costs including Court Costs.

Hyde County Citizens asked full restoration of the Castle Hanes Aquifer, with aquifer returned to fresh water only with No Exceptions, or five hundred million dollars for damages.

North Carolina duty to preserve this Trust Property has obligation maintenance, repair improvement and upkeep of real property, including payment of taxes and other fees. This Court can compel enforcement Public Trust Doctrine and issued a STOPPED PUMING ORDER^{4it} to protect Hyde County Citizens.

PLAINTIFFS, Hyde County Citizens asked that all damages be place in a trust account of East Carolina Bank, with Trustees appointed by Citizens of Hyde County and located in Middletown / Engelhard, North Carolina.

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North Carolina Office of Coastal Resource Management and Environment and Natural Resources took improper action either procedurally or substantively, or that its action resulted in an unconstitutional "taking" of private property in Hyde County Citizens, of North Carolina.

Hyde County Citizens has the right to a clean and healthful environment as defined by law relating to environmental quality, including control of pollution and conservation, protection and enhancement of natural resources.


North Carolina State programs and permitting must be in Federal consistency with the Public Trust Doctrine will be resolved by Federal Courts. Hyde County Citizen asked United States District Court to resolved the matter of pollution of Public Trust Waters in Hyde County and access damages against NC PCS Phosphate Corporation for using Hyde County Fresh Waters for their operations, an Order to recharging the Castle Hanes Aquifer is needed todad.

PLAINTIFF'S SEEK THE FOLLOWING RELIEF

WHEREFORE, your Plaintiff's pray for relief of the Court as follows::

1. For FIVE HUNDRED MILLION DOLLARS (\$500,000,000.00 damages caused by over pumping of the Castle Hanes Aquifer, in Hyde County, North Carolina.
2. Grant Order "STOPPED ALL PUMPING IN THE CASTLE HANES AQUIFER BY NC PCS PHOSPHATE CORPORATION", AND RECHARGE THE AQUIFER.
3. Appoint a United States Attorney to process and proceed with this Jury Trail as requested by Hyde County Citizens.

December 29th, 2008


 Glenn I. Hockney, Plaintiff
 109 White Plains Road
 Middletown / Engelhard, NC 27824-9381
 252-542-0700