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IN THE IOWA DISTRICT COURT FOR HANCOCK COUNTY

STATE OF IOWA, ex rel., IOWA )  
DEPARTMENT OF NATURAL )  
RESOURCES (99AG23542), )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
MONROE BRANSTAD, )  
 )  
Defendant. )

LAW NO. CVCV019034

**CONSENT ORDER,  
JUDGMENT AND DECREE**

NOW on this 15th day of November, 2011, the Court is presented with the Plaintiff's Petition at Law seeking civil penalties and injunctive relief pursuant to Iowa Code sections 455B.191(2), 455B.191(5), 459A.501 and 459A.502. The Court having read the Petition and being otherwise advised by the parties FINDS:

1. The Court has jurisdiction of the parties and subject matter of this action and the parties consent to the entry of this Consent Order, Judgment and Decree.
2. The defendant admits that on April 16, 2010, manure discharged from a settled open feedlot effluent basin utilized in connection with defendant's open feedlot operation to a tributary of the Winnebago River, in violation of Iowa Code section 455B.186(1), 567 Iowa Admin. Code 61.3(2)"b," 61.3(2)"d," 64.3(1), 65.101(3), 65.104(9)(e) and (f), 65.112(10)(b); and NPDES Permit No. IA0082465. The defendant states that the acts or omissions giving rise to the violations were not knowingly committed in violation of the law, and expressly states that any violations were unintentional. Defendant further states that he enters into this Consent Order, Judgment and Decree to avoid the expense of proceeding to trial.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. Defendant Monroe Branstad shall pay a civil penalty of Ten Thousand and no/100 Dollars (\$10,000.00) for the violations alleged in the Petition and admitted herein, within ten (10) days of the entry of this Consent Order, Judgment and Decree. The defendant shall also pay interest pursuant to Iowa Code section 535.3(1) on any unpaid balance. Payment of the civil penalty and any interest shall be made payable to the State of Iowa, and forwarded to Assistant Attorney General Timothy Benton at the address below.

2. Defendant Monroe Branstad is permanently enjoined from further violations of Iowa Code section 455B.186(1); 567 Iowa Admin. Code 61.3(2)"b," 61.3(2)"d," 64.3(1), 65.101(3), 65.104(9)(e) and (f), 65.112(10)(b); and NPDES Permit No. IA0082465.

3. The Court retains jurisdiction of this matter to ensure compliance with the terms of this Order.

4. The costs of this action are taxed to the defendant in the amount of \$ 185.00  
(Clerk to enter).

(signed by Judge Rustin Davenport)  
JUDGE, Second Judicial District of Iowa

Approved as to form:


IOWA DEPARTMENT OF NATURAL  
RESOURCES

Chuck Gigg  
ROGER LANDE, Director

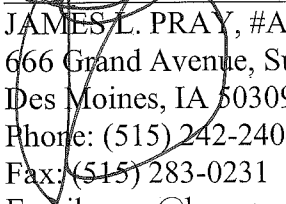
Monroe Branstad  
MONROE BRANSTAD, Defendant

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