

IN THE IOWA DISTRICT COURT FOR BUCHANAN COUNTY

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STATE OF IOWA ex rel. IOWA	)	
DEPARTMENT OF NATURAL	)	NO. _____
RESOURCES,	)	
	)	
Plaintiff,	)	
	)	<b>CONSENT DECREE</b>
vs.	)	
	)	
JAMES R. FRYE and SUE A. FRYE,	)	
	)	
Defendants.	)	
	)	

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The Court is presented with Plaintiff's Petition in Equity seeking civil penalties and injunctive relief pursuant to Iowa Code sections 455B.191(2), 455B.191(5) and 459.603. The Court has reviewed the Petition and being otherwise advised by the parties which stipulate to entry of this Consent Decree, hereby orders, adjudges and decrees as follows:

1. The Court has jurisdiction over the parties and the subject matter of this action pursuant to Iowa Code sections 455B.146, 455B.191(2) and (5), and 459.603.

2. Defendants James R. Frye and Sue A. Frey admit, for purposes of settlement of this action only and for no other purpose, the violations alleged in paragraphs 51-53, 55-59 in Plaintiff's Petition. Without admission of any other alleged violations or waiver of any defense, legal or equitable which Defendants may have in any future administrative or judicial proceeding, except a proceeding to enforce this Consent Decree, Defendants stipulate to entry of this Consent Decree.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

3. Defendants James R. Frye and Sue A. Frey are assessed a civil penalty pursuant to Iowa Code sections 455B.146, 455B.191(2) and 459.603 of Fifteen Thousand and no/100

Dollars (\$15,000.00) for the violations alleged in the Petition. Defendants shall pay the penalty within ten (10) days of entry of this Consent Decree. Defendants shall also pay interest pursuant to Iowa Code section 535.3(1) on any unpaid balance. Payments of the civil penalty and interest shall be made payable to “State of Iowa” and submitted to Plaintiff’s attorney, David S. Steward.

4. Defendants are permanently enjoined from further violations of Iowa Code sections 455B.186(1), 459.311(1) and 459.311(3); 567 Iowa Admin. Code 61.3(2)“c”-“d”, 62.1(1), 65.2(3), 65.2(7), 65.3(6), 65.2(9), and 65.19(1) and the applicable manure management plan.

5. Willful failure to comply with the terms of this Order may subject Defendants to punishment for contempt of court as well as other penalties and sanctions provided by law. The Court, therefore, retains jurisdiction over this matter to ensure compliance with the terms of this Order.

6. The costs of this action are taxed to Defendant in the amount of \$185.00.

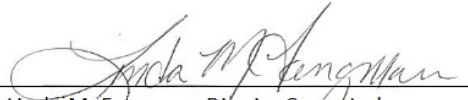


State of Iowa Courts

**Type:** OTHER ORDER

**Case Number**      **Case Title**  
EQCV009001      STATE EX REL. IDNR V. FRYE

So Ordered

  
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Linda M. Fangman, District Court Judge,  
First Judicial District of Iowa