

NOTE: This is not the original document signed by the Judge Nancy L. Whittenburg. The original document is available through the Kossuth County Clerk of Court.

IN THE IOWA DISTRICT COURT FOR KOSSUTH COUNTY

STATE OF IOWA, ex rel., IOWA)	CIVIL NO. CVCV026002
DEPARTMENT OF NATURAL)	
RESOURCES (99AG23542),)	
)	
Plaintiff,)	
)	
vs.)	
)	
GENERAL DEVELOPMENT, L.C., and)	CONSENT ORDER, JUDGMENT
KOLLASCH LAND and LIVESTOCK,)	AND DECREE
INC., of WHITTEMORE, IOWA,)	
)	
Defendants.)	

NOW on this 23rd day of November, 2011, the Court is presented with plaintiff's Petition at Law seeking civil penalties and injunctive relief pursuant to Iowa Code section 455B.191. The Court having reviewed the petition and being otherwise advised by the parties FINDS:

1. The Court has jurisdiction of the parties and the subject matter of this action and the parties consent to the entry of this Consent Order, Judgment and Decree.

2. The defendants admit solely for purposes of settlement of this action only, that they did not timely submit manure management plans with the Iowa Phosphorous Index (P-Index) for the Whittemore South, Cylinder 4, Cylinder 5, Whittemore North, Kollasch Hawkeye Woods, Kollasch Land O' Lakes, Algona Nursery and Kollasch Home site facilities referenced in the Petition at Law, as required by former DNR Rule 567 Iowa Admin. Code 65.17(1). Defendants affirmatively state, and plaintiff agrees, that at the time the manure management plans with the P-Index were due, those facilities had manure management plans in place which had been approved

by the DNR. Defendants further state that as of the entry of this Consent Order, Judgment and Decree, defendants have submitted, and the DNR has approved, manure management plans with the P-Index for the facilities described in the Petition at Law.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. Defendants shall pay a civil penalty of Forty Thousand and no/100 Dollars (\$40,000.00) 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 defendants 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. Defendants are permanently enjoined from further violations of Iowa Code section 459.312(10)(2)(a) and 567 Iowa Admin. Code 65.16(3)(b).

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 defendants in the amount of \$ 185.00

(Clerk to enter).

Signed by Judge Nancy L. Whittenburg

NANCY L. WHITTENBURG, Judge
Third Judicial District of Iowa

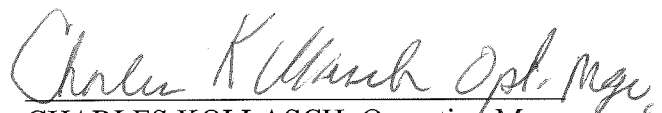
Approved as to form:

IOWA DEPARTMENT OF
NATURAL RESOURCES



ROGER LANDE, Director

GENERAL DEVELOPMENT, L.C.



CHARLES KOLLASCH, Operating Mgr.

THOMAS J. MILLER
Attorney General of Iowa

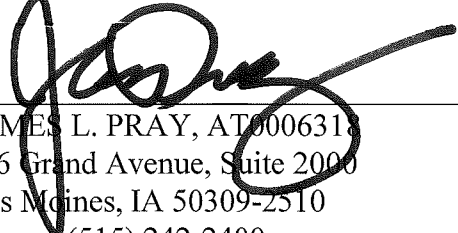
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