

IN THE IOWA DISTRICT COURT FOR JOHNSON COUNTY

STATE OF IOWA ex rel. IOWA)	
DEPARTMENT OF NATURAL)	NO. _____
RESOURCES,)	
)	
Plaintiff,)	
)	
vs.)	CONSENT DECREE
)	
SABEER, L.L.C. d/b/a SLEEPY HOLLOW)	
CAMPGROUND,)	
)	
Defendant.)	

The Court is presented with Plaintiff's Petition in Equity seeking civil penalties and injunctive relief pursuant to Iowa Code sections 455B.146, 455B.191(2) and 455B.191(5). The Court has reviewed the Petition and being otherwise advised by the parties which consent to entry of this Consent Order, Judgment and 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, and 455B.191(2) and (5).

2. Defendant SABEER, L.L.C. ("SABEER") admits, for purposes of settlement of this action only and for no other purpose, the violations alleged in paragraphs 74-88 in Plaintiff's Petition. Without admission of any other alleged violations or waiver of any defense, legal or equitable which SABEER may have in any future administrative or judicial proceeding, except a proceeding to enforce this Consent Decree, SABEER stipulates to entry of this Consent Decree.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

3. SABEER is assessed a civil penalty pursuant to Iowa Code sections 455B.146 and 455B.191(2) of Twenty Thousand and no/100 Dollars (\$20,000.00) for the violations alleged in

the Petition. SABEER shall pay the penalty within ten (10) days of entry of this Consent Decree. SABEER 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 the State of Iowa and submitted to Plaintiff's attorney, David S. Steward.

4. SABEER is permanently enjoined from further violations of Iowa Code sections 455B.186(1), 455B.223; 567 Iowa Admin. Code 23.2, 41.2(1), 41.2(1)"c"(1)"1", 41.6(1)"c"(1)"6", 41.6(1)"c"(4), 41.8(1), 43.2(2), 62.1(1), 63.6(1), 63.7, 63.8, 64.3(1), 64.7(4)"e", and 64.7(7)"f"; NPDES Permit No. 5200403, Public Water Supply Permit No. 5260601, and Administrative Consent Order No. 2011-WS-03.

5. Willful failure to comply with the terms of this Order may subject SABEER 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: DECREE OR FINAL SUPPORT ORDER

Case Number **Case Title**
EQCV078522 STATE EX REL. IDNR V. SABEER, L.L.C.

So Ordered

A handwritten signature in black ink, appearing to read "Sean McPartland". The signature is written in a cursive, flowing style.

Sean McPartland, District Court Judge,
Sixth Judicial District of Iowa