

IN THE IOWA DISTRICT COURT FOR LINN COUNTY

---

STATE OF IOWA, ex rel., BRENNA )  
BIRD, ATTORNEY GENERAL OF IOWA )  
(99AG23112), )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
DOUG KLIMA )  
d/b/a KLIMA DRAINAGE )  
 )  
Defendant. )

CASE NO. EQCV105471

**CONSENT ORDER,  
JUDGMENT AND DECREE**

---

The Court is presented with the Plaintiff's Petition in Equity seeking civil penalties and injunctive relief pursuant to Iowa Code sections 480.6 and 480.7. The Court having read the Petition in Equity 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 entry of this Consent Order, Judgment and Decree.
2. Defendant Doug Klima, d/b/a Klima Drainage, having reviewed the Petition in Equity, admits each and every allegation contained in the Petition in Equity.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

3. Defendant Doug Klima, d/b/a Klima Drainage, is assessed a civil penalty of Seventeen Thousand-Five Hundred and no/100 Dollars (\$17,500.00) for the violations admitted herein. The civil penalty shall be paid as follows:
  - a. The Defendant shall pay Five Thousand and no/100 dollars (\$5,000.00) immediately upon entry of this Consent Decree;
  - b. The Defendant shall pay Five Thousand and no/100 dollars (\$5,000.00) by August 31, 2024;

- c. The Defendant shall pay Five Thousand and no/100 dollars (\$5,000.00) by October 31, 2024
- d. Defendant shall pay the remaining Two Thousand-Five Hundred and no/100 dollars (\$2,500.00) by December 31, 2024.

The Defendant shall also pay interest pursuant to Iowa Code section 535.3(1) on any amounts not paid when due. Payment of the civil penalty and any interest shall be made payable to the “State of Iowa” and sent to Plaintiff’s attorney, Jacob Larson, Attorney General’s Office, Environmental Law Division, Hoover Building 2nd Floor, 1305 E. Walnut St., Des Moines, Iowa 50319.

4. Defendant Doug Klima, d/b/a Klima Drainage, and its employees are permanently enjoined from commencing any non-emergency excavation in the State of Iowa, without first contacting the statewide notification center at its toll-free number (1-800-292-8989 or 811), at least 48 hours prior to the planned excavation, excluding weekends and legal holidays, as required by Iowa Code sections 480.1A and 480.4(1)(a), and providing the information required by Iowa Code sections 480.4(1)(b)(1)-(8) and 480.4(1)(c)(1)-(8), and the defendants are further enjoined from commencing any excavation except under the schedule and pursuant to the terms of each such notification.

5. Defendant Doug Klima, d/b/a Klima Drainage, and its employees are permanently enjoined from commencing any non-emergency excavation in the State of Iowa, within 25 feet of a natural gas transmission pipeline without having a representative of the pipeline operator present, unless otherwise agreed to by the operator and excavator, as required by Iowa Code section 480.4(3)(a)(3).

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

7. The costs of this action are taxed to Defendant.

Clerk to notify.



State of Iowa Courts

**Case Number**  
EQCV105471  
**Type:**

**Case Title**  
STATE OF IOWA VS KLIMA DRAINAGE  
Other Decree

So Ordered

---

Valerie L. Clay District Court Judge,  
Sixth Judicial District of Iowa

Electronically signed on 2024-08-14 14:57:31