

However, though the Court will grant Defendants' Motions and modify the injunction, the Court notes that it retains jurisdiction over the preliminary injunction. Accordingly, should the circumstances change once again, or should Defendants overstep the relief granted here, the Court will entertain any future motions by the DNR or the JPA which seek to reinstate the preliminary injunction in its entirety or to enjoin specific aspects of the project.

### ORDER

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Diversion Authority's Motion to Modify or Dissolve the Preliminary Injunction [Docket No. 615] is **GRANTED**.

2. The Corps' Motion to Alter/Amend/Correct [Docket No. 623] is **GRANTED**.

3. The Court modifies the September 7, 2017 preliminary injunction [Docket No. 530] to allow Defendants to:

a. Manufacture components and begin construction of the Diversion Inlet Structure;

b. Manufacture components and begin construction of the Wild Rice River Structure;

c. Commence the Public Private Partnership process for the Diversion Channel and Associated Infrastructure element of the Plan B Project in

North Dakota.

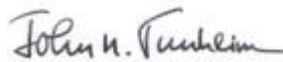
d. Begin construction of the Western Tieback; and

e. Undertake the requested non-construction design and mitigation work in

North Dakota and Minnesota.

4. If any party or other person believes that the Permit or any condition thereof is not being complied with, notice of such alleged non-compliance shall be made to the DNR, or the DNR may assert a circumstance of non-compliance on its own initiative. If the DNR determines that some action or inaction does not comply with the Permit, it shall notify the Diversion Authority and provide a reasonable opportunity to bring the Project into compliance. If the alleged non-compliance is not remedied to the DNR's satisfaction, the DNR may apply to this Court for such relief as may be reasonable and necessary under the circumstances.

DATED: April 8, 2019  
at Minneapolis, Minnesota.

  
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JOHN R. TUNHEIM  
Chief Judge  
United States District Court