

1 ROUGH DRAFT ASCII

2

3 May 23, 2005. 3:50 p.m.

4 Harold Helwig. H-e-l-w-i-g

5 HAROLD HELWIG,

6 having been first duly sworn on oath, was interrogated and

7 testified as follows:

8

\* \* \* \* \*

9

EXAMINATION

10 BY MS. AZAR:

11 Q. Hi, Mr. Helwig, my name is Lauren Azar; and I'm an attorney  
12 for Mr. Hausman and I'm going to be asking you some questions  
13 this afternoon. Before we get onto any questions, I want to give  
14 you some ground rules for how the deposition is going to go  
15 forward. I'll be asking you questions. If at any time you don't  
16 understand a question I've asked, stop me; and I will rephrase  
17 it, restate it. I want to make sure you understand the  
18 questions. It makes it a lot easier for the court reporter if  
19 you and I don't speak over one on top -- over top one of each  
20 other. So if we can talk one at a time, that would be great.  
21 Any answers that you give, please give verbal answers, don't nod  
22 or shake, because again she can't write that down. If at any  
23 time you need to make a correction to any of your answers that  
24 you've made during this deposition, just stop and make the  
25 corrections. I want to make sure you're comfortable with all the



1  
2 identified Mr. Al Reinemann as one of the Sawyer County corporate  
3 designees. Mr. Reinemann is not a Sawyer County designee. He is  
4 appearing on his own behalf. With that correction -- and, I'm  
5 sorry, let me add one other correction. I now understand that in  
6 addition to the witnesses listed, that Mr. Peter Dieckman, D as  
7 in dog, Dieckman?  
8 MR. DREGNE: Dieckman is how it's pronounced.  
9 MS. AZAR: It's D as in dog i-e-k --  
10 ^ Ck: I-e-k.  
11 MS. AZAR: -- m-a-n.  
12 MR. DREGNE: -- i-e-c-k-m-a-n.  
13 MS. AZAR: -- will be appearing as a Sawyer County corporate  
14 designee for?  
15 MR. DREGNE: 1(h), but you'd better double check that with your  
16 list.  
17 MS. AZAR: 1(h), which is the design and construction of existing  
18 culverts under County Highway NN under which Osprey Creek  
19 travels.  
20 BY MS. AZAR:  
21 Q. With those two corrections, Mr. Helwig, I understand you are  
22 being produced for the following purposes:  
23 To answer the questions under paragraphs 1(s) as in Sam and 2;  
24 specifically, 1(s) states, quote, the nature of and reasons for  
25 any action taken by Sawyer County Board of supervisors in 2003,

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2004, 2005, regarding the lake levels on Round Lake, Little Round Lake and Osprey Lake; and Paragraph 2, pursuant to Wisconsin Stat., Section 804.05(2)(e), plaintiff shall take the deposition of representatives from Sawyer County who personally observed damaged to or on the Hausman property at any time between 2002 and today.

Do you understand, Mr. Helwig, that your answers are made on behalf of Sawyer County?

A. Yes.

Q. And do you understand that your answers today will bind Sawyer County?

A. I understand that, yes.

Q. How did you prepare for this deposition?

A. Had a brief session with Mr. Dregne yesterday at 3 o'clock, I believe.

Q. Did you review any documents?

A. Yes.

Q. What documents did you review?

A. The -- the summary judgment in -- and documents that Mr. Dregne prepared for the Board. Also, minutes of closed sessions of the Board that I supervised.

Q. And what minutes of closed sessions did you review?

A. I don't recall the dates.

Q. What were the topics?

2 A. They dealt primarily with either recommendations from the  
3 Sawyer County Land and Water Committee or meetings, physically or  
4 by phone with counsel, legal counsel.

5 MS. AZAR: Mr. Dregne, I'd ask you to produce those documents at  
6 some point, since he used them in preparation for the deposition.  
7 We can talk about that afterwards.

8 BY MS. AZAR:

9 Q. Let's go into some background information. What is your  
10 education, Mr. Helwig?

11 A. I have a bachelors of science in education and a masters in  
12 administration supervision.

13 Q. And your employment history?

14 A. Ah, 26 years as a teacher and administrator for the Hayward  
15 community school system. Also employed as an insurance agent and  
16 securities dealer for Lutheran Brotherhood insurance and  
17 investments.

18 Q. For how long?

19 A. Ten years. And I have been associated with a number of  
20 colleges as a -- as an adjunct.

21 Q. Professor?

22 A. (Indicating).

23 Q. In what areas?

24 A. Primarily, teacher education. Taught one semester at  
25 Mt. Scenario ^ sp College, in economics.

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2 Q. And how long have you been on the County Board?

3 A. This is my ninth year.

4 Q. And you are currently the Chair of the County Board?

5 A. Yes.

6 Q. How long have you been Chair?

7 A. This is my fifth year. I believe it's -- fourth to fifth,  
8 yeah.

9 Q. All right. Mr. Helwig, I'm giving you what has been marked  
10 as Exhibit No. 97. I'd like you to take a look at that if you  
11 could.

12 A. Okay.

13 Q. This is a letter from Mr. Hausman to Shirley Suhsen who was  
14 Chair of the Sawyer County Land and Resources -- I'm sorry --  
15 Sawyer County Land and Water Conservation Committee; and, in this  
16 letter, Mr. Hausman offers to donate \$25,000 to Sawyer County to  
17 assist in resolution of the current problem with the Round Lake  
18 Dam; do you see that?

19 A. Yes.

20 Q. Was this offer brought to the full County Board?

21 A. No. I've never seen it before.

22 Q. Did you have any knowledge that Mr. Hausman had offered  
23 \$25,000 to Sawyer County?

24 A. I believe, at a meeting of the Sawyer County Highway  
25 Department, Mr. Hausman attend or requested to be on the agenda

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2 and I think he indicated that to us at that time.

3 Q. Do you remember what year that was?

4 A. I believe that was -- that was 2000 -- I'm not sure if it  
5 was 2003 or 2004. Might have been near the beginning of 2004.

6 Q. So it was well after this December 4th, 2002 letter was  
7 provided to the County?

8 A. Yes. Well, I -- the letter. I -- I don't know the letter  
9 was presented to the Board.

10 Q. Do you have reason to believe it was not presented to  
11 Shirley Suhsen on December 4th 2002?

12 A. To Shirley Suhsen at the committee level, probably. No, I  
13 have no reason to doubt that.

14 Q. So the full County Board never took action on Mr. Hausman's  
15 offer of \$25,000?

16 A. Not to my knowledge.

17 MS. AZAR: Go off the record.

18 (Discussion off the record.)

19 BY MS. AZAR:

20 Q. Mr. Helwig, I have handed you what's been marked as  
21 Exhibit -- is it 128?

22 A. Correct.

23 Q. That is Mr. Hausman's notice of claim and notice of injury  
24 to Sawyer County. Do you recognize that document?

25 A. I don't recall it.

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2 Q. Did Sawyer County take any action on Mr. Hausman's notice of  
3 claim or notice of injury?

4 A. I don't recall that.

5 MS. AZAR: We need to go off the record for a minute.

6 (Discussion off the record.)

7 BY MS. AZAR:

8 Q. I'll take that back. Mr. Helwig, I'm handing you what's  
9 been marked as Exhibit 98. Would you please review that?

10 A. Okay.

11 Q. Looking at the second page, specifically, agenda item -- I  
12 believe it's No. 5, it's the third paragraph on the second page.  
13 It starts off with Round Lake Property Owners Association; do you  
14 see that?

15 A. Yes.

16 Q. And, during the -- this was a full County Board meeting,  
17 correct?

18 A. Yes, it was.

19 Q. And these are the meetings (sic) from the full County Board  
20 meeting of September 8th, 2003, correct?

21 A. Yes, they are.

22 Q. And, at that meeting, a representative from the Round Lake  
23 Property Owners Association attended the full County Board  
24 meeting and asked why the Land and Water Conservation Committee  
25 had decided to, quote, do nothing, end quote, in relation to the

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2 Little Round Lake dam and water level issue; do you see that?

3 A. Yes.

4 Q. What response was given to the Round Lake Property Owners  
5 Association on behalf of the County?



6 A. Ahm, my -- my recollection to that, is that we -- we  
7 indicated that we were investigating and reviewing the situation,  
8 but -- but there wasn't any action that we were going to be  
9 taking at that meeting.

10 Q. And did you indicate when you would be taking action?

11 A. Honestly, I don't recall if he said anything like that. I  
12 doubt it. I think that would be in here. And I don't recall  
13 that we would have done that at all.

14 Q. And when is the first time that the full County Board  
15 rendered any decision concerning what would be done concerning  
16 the Round -- the water levels on Round Lake?

17 A. Ah, I don't recall the date; but it would be whenever  
18 Mr. Dregne proposed -- gave us, you know, whatever he suggested  
19 that we do.

20 Q. So the first time, in other words, that Sawyer County  
21 decided to take any action concerning the water levels on  
22 Round Lake is when their attorney provided counsel about what to  
23 do?

24 A. Well, we had already done some things to -- we had talked to  
25 the DNR, tried to get help from them.

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2 Q. When did you talk to the DNR?

3 A. I -- I don't recall -- I don't recall the date. And I  
4 specifically would not have done. I'm talking about the  
5 committee. We operate in a committee process, so the committee  
6 would have done these things. They also recommended employing

7 an -- an engineering firm, Carthel.

8 Q. And what was talked about employing the engineering firm?

9 A. To determine the -- the water levels and what was happening  
10 at least at the present time on the two lakes.

11 Q. And did that happen?

12 A. Yes.

13 Q. And what was decided? I'm sorry. What -- let me restate  
14 that. What did Mr. Carthel conclude was mapping on the lakes?

15 A. They -- they put a report together, and I can't recall the  
16 content of what he found out relative to what I now understand is  
17 hydraulics and thinks like that. Just hydraulics studies and  
18 stuff.

19 Q. I had --

20 A. We also --

21 Q. I'd like to follow up, if I could, with that. So, with  
22 regards to Mr. Carthel's report, do you understand whether or not  
23 Sawyer County has the ability to control the water levels on  
24 Round Lake?

25 A. No, I don't, personally.

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2 Q. Would it surprise you to find out that Sawyer County is  
3 unable to control the high water levels on Round Lake?

4 A. I'm not sure what surprises I would get. I'm thinking, you  
5 know, back to the different orders and they've been so  
6 inconsistent and even DNR's admitted that. So it's like who's  
7 who and what's what.

8 Q. So, okay, well, let's talk about the orders then. What  
9 orders right now exist concerning the water levels on Round Lake?  
10 A. Well, I'm not an expert on it and my recollection is not the  
11 greatest; but I understand there's one back in 1941 and that  
12 seems to be the one that everybody talks about; and whether  
13 that's being complied with, I don't know that either. But there  
14 have been other orders, issues, whatever they're termed,  
15 directives over the years that seem to conflict with that, at  
16 least in terms of what Sawyer County is supposed to do.  
17 Q. And what are those other orders that conflict with the 1941  
18 Order?  
19 A. Well, they -- they don't give any direction as to what to  
20 do.  
21 Q. I'm sorry, but what are the other orders that conflict with  
22 the 1941 Order?  
23 A. I don't recall the specific orders.  
24 Q. Let's try not to talk over one another?  
25 A. Excuse me.

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2 Q. That's okay. So I understand your testimony, you indicated  
3 that the 1941 Order is the one that most people talk about and  
4 that there are some other orders that conflict with that  
5 1941 Order, but you don't remember what they are?  
6 A. Well, it's a matter of -- as I understand it, we have not  
7 been given direction on how to comply with the orders and  
8 directives.

9 Q. And who should be giving you that direction?  
10 A. DNR.  
11 Q. So the Department of Natural --  
12 A. That's my opinion. Excuse me.  
13 Q. The Wisconsin Department of Natural Resources should be  
14 advising Sawyer County as to how they should be complying with  
15 the 1941 Order?  
16 A. If they give the orders, they should give the direction.  
17 Q. I'm handing you what's been marked as Exhibit 31, if you  
18 could take a look at that.  
19 A. Okay, I guess I kind of briefed it.  
20 Q. I'm sorry?  
21 A. I briefed it.  
22 Q. Have you seen this letter before?  
23 A. No.  
24 Q. I'd actually like you to read this in detail. We can take a  
25 moment.

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2 (Recess.)  
3 BY MS. AZAR:  
4 Q. I'm going to hand you another one, too, Exhibit 59.  
5 A. Okay.  
6 Q. Mr. Helwig, you have now reviewed what has been marked as  
7 both Exhibits 59 and 39. Both of these are letters from the  
8 Wisconsin Department of Natural Resources to Sawyer County. You  
9 had just testified that -- that it was DNR's responsibility to

10 inform Sawyer County as to what it's obligations were, correct?

11 A. Correct.

12 Q. And would you please summarize for me what DNR was  
13 instructing the County to do in these letters?

14 A. Ah, to improve their monitoring system and to get rid of  
15 the obstructions and they were -- they were giving some direction  
16 here.

17 Q. They were?

18 A. Hm-hm.

19 Q. What else? What other sorts of direction? Did they advise  
20 Sawyer County that they needed to keep the water levels on  
21 Round Lake below 77.25?

22 MR. DREGNE: I would object. The documents speak for themselves.  
23 You can answer subject to the objection.

24 THE WITNESS: I don't recall that in the September 5 letter, but  
25 maybe I missed it somewhere. The Tiger Cat Dam was referenced as

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2 a number, but I don't recall seeing -- maybe you can refresh me,  
3 but I don't see it. Still don't see it.

4 BY MS. AZAR:

5 Q. Before I get into the details and I will find that for you  
6 in a moment. Is it your understanding -- What is your  
7 understanding with regards to whether or not Sawyer County  
8 currently operates the Little Round Lake dam -- strike that.  
9 Does Sawyer County currently operate the Little Round Lake dam in  
10 order to prevent the water levels from exceeding 77.25?

11 A. I -- I don't know.

12 Q. Do you know if Sawyer County currently attempts to operate  
13 the dam to achieve a certain water level?

14 A. No, I don't know that.

15 Q. And, if I -- do the water levels, 77.0 and 77.25 sound  
16 familiar at all?

17 A. Yes. They've been addressed in documents.

18 Q. And what is your understanding that those are?

19 A. That the water levels -- this is according to DNR  
20 directives, I believe, can fluctuate between 77.0 and 77.5.

21 Q. 77.5 or 77.25?

22 A. 25, sorry, 77.25.

23 Q. Now, I'd like to turn your attention back to Exhibit 31. I  
24 had asked you if the DNR advised Sawyer County should be  
25 maintaining the water levels between 77 and 77.25 and you

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2 indicated that you didn't see it immediately. I'd like to point  
3 your attention to the last sentence on the first page, going on  
4 to the second -- I'm sorry -- the first sentence on the second  
5 page. It says, quote: Water levels must be maintained within the  
6 authorized range required by the water level orders issued for  
7 both water bodies, period. That's in bold face. Continued, it  
8 says, quote: I have attached a list of the authorized levels for  
9 the Tiger Cat Flowage and Round and Little Round Lake. If you  
10 jumped to the end, it indicates the maximum water level is 77.25  
11 for Round Lake; correct?

12 A. That's correct.

13 Q. Now, you indicated that you had hoped the DNR would give you  
14 some directive with regards to how you should be acting with  
15 regard to water levels on Round Lake.

16 A. Yes.

17 Q. Is this a straight directive from the DNR?

18 A. It appears to be.

19 Q. Is Sawyer County complying with that directive?

20 A. That I don't know.

21 Q. Do you know if the water levels exceed 77.25?

22 A. No, I don't.

23 Q. Do you know of Sawyer County's currently in compliance with  
24 the 1941 Order?

25 A. No, I don't know that.

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2 Q. Have you ever reviewed the 1941 Order?

3 A. I'm not sure if I have or not to tell you the truth.

4 Q. I'm going to hand you what's been marked as Exhibit No. 50  
5 and I'll make the representation to you that this is the 1941  
6 Order and I'm going to point you right to the end, which is  
7 Page 10, which is the order itself.

8 A. May I look at the rest of it to refresh myself?

9 MS. AZAR: Oh, please, take as much time as you want, Mr. Helwig.

10 MR. DREGNE: I'd like to interpose and objection to this question  
11 and a number of the previous questions as being beyond the scope  
12 of what you asked the witness to testify to in 1(s) and in 1 -- I

13 guess 1(s) and 2.

14 MS. AZAR: I would be more than happy to stipulate that my  
15 questions pertain to Sawyer County's understanding in 2003, 2004  
16 and 2005; clearly, within the scope of that directive.

17 MR. DREGNE: No, the -- the -- the directive is the nature of and  
18 reasons for action taken by the Sawyer County Board of  
19 Supervisors --

20 MS. AZAR: That is correct.

21 MR. DREGNE: -- in 2003 and 2004, and so you're not asking the  
22 witness about actions taken by the Sawyer County Board of  
23 Supervisors in 2003 or 2004.

24 MS. AZAR: I would be more than happy to reframe them so that  
25 they are in relation to that. I think all of these are germane

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2 to Sawyer County's actions in 2003, 2004 and 2005.

3 MR. DREGNE: My objection remains the same.

4 THE WITNESS: What do you want me to do?

5 MS. AZAR: I'm sorry.

6 BY MS. AZAR:

7 Q. Have you had a chance to read it now?

8 A. I wasn't really reading it.

9 MR. DREGNE: By the way, you've got my objection on the record?

10 THE REPORTER: (Indicating yes.)

11 THE WITNESS: Okay.

12 BY MS. AZAR:

13 Q. Mr. Helwig, Sawyer County's been taking a number of actions



14 an indeed is a defendant in a lawsuit concerning the water levels  
15 on Round Lake, correct?  
16 A. That's correct.  
17 Q. And that lawsuit was filed in -- remind me. Do you  
18 remember?  
19 MR. DREGNE: '03.  
20 BY MS. AZAR:  
21 Q. -- September of 2003, correct?  
22 A. Correct.  
23 Q. And some of the grounds of that lawsuit pertain to the  
24 1941 Order relating to the water levels on Round Lake, correct?  
25 A. I understand that, yes.

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2 Q. And have you ever read the order, the 1941 Order?  
3 A. No.  
4 Q. I'd like to point you to Page 10 of that order and I'm  
5 asking you to read the order just to yourself and the reason I'm  
6 raising this Mr. Helwig is a moment ago you testified that Sawyer  
7 County needed directives from the Wisconsin department of natural  
8 resources as far as what it should be doing in relation to the  
9 Round Lake water levels; and, in the 1941 Order and I'm starting  
10 right here on Page 10, right after the order section, it  
11 specifies what sort of structure should be built. Order Point  
12 No. 2 states that Sawyer county shall construct an outlet channel  
13 from Little Round Lake to Squaw Lake of the capacity to discharge  
14 150 CFS with a dam and control gates whereby the water level on

15 Round and Little Round Lakes may be controlled; do you see that?  
16 A. Yes.  
17 Q. Is Sawyer County currently in compliance with that order  
18 point?  
19 A. I don't know.  
20 Q. Is that order point vague at all?  
21 A. Is it what?  
22 Q. Vague?  
23 MR. DREGNE: Objection, the question is well beyond the scope of  
24 the topic on which this witness has been designated to testify  
25 and the document speaks for itself.

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2 MS. AZAR: Go ahead and answer.  
3 THE WITNESS: Seems to be rather specific. Not vague at all.  
4 BY MS. AZAR:  
5 Q. Order Point No. 3 states that Sawyer County shall maintain  
6 Round Lake and Little Round Lake at the normal elevation of 77.00  
7 feet at all times when a sufficient water supply exists and,  
8 during freshets and heavy runoff, to prevent the water level  
9 levels from rising above elevation 77.25 feet; do you see that?  
10 A. Yes.  
11 Q. Is Sawyer County currently in compliance with that order  
12 point?  
13 A. That --  
14 MR. DREGNE: Object. Same objection.  
15 MS. AZAR: I'm sorry, sir?

16 THE WITNESS: I don't know.

17 MS. AZAR: You don't know.

18 BY MS. AZAR:

19 Q. Is there anything vague about that order point?

20 MR. DREGNE: Same objection.

21 MS. AZAR: Your answer, sir?

22 THE WITNESS: No.

23 BY MS. AZAR:

24 Q. Has Sawyer County taken any actions in that three years with  
25 regards to its compliance of these Order Points No. 2 and 3 from

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2 Exhibit No. 50?

3 A. Well, we -- we've asked for assistance from the DNR to  
4 clarify some of these orders, to give us direction again as to  
5 how we might handle the water level situation today. This is a  
6 long, long time ago. But I understand the order. We've surveyed  
7 people on the lake to get their feelings about it. We've as I  
8 said before, hired the engineering firm to give us advice and  
9 guidance. We've certainly have attorneys representing the County  
10 in this particular action to also find out where we are. And  
11 we've petitioned the DNR to bring all parties together, the lake  
12 owners, the Lac Courte Oreilles Reservation, the County, DNR and  
13 in -- and other interested people to come to some understanding  
14 of where we're at here.

15 Q. And let's talk about your petition to the WDNR. You  
16 petitioned the WDNR to give you guidance as well as evaluate the

17 lake levels on Round Lake, correct?

18 A. Correct.

19 Q. And did you request similar advice from DNR in relation to  
20 any other lakes in Sawyer County?

21 A. Not to my knowledge, no.

22 Q. So you only asked --

23 A. Well, Round Lake, Osprey and Tiger Cat Flowage. Excuse me.

24 Q. Okay. There are no other lakes, though, that you asked for  
25 advice on?

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2 A. No.

3 Q. No?

4 A. Excuse me, again, not that I'm aware of because I'm not on  
5 that committee and I don't know what that committee has done.

6 Q. And, specifically, what did you ask -- I'm sorry -- DNR to  
7 provide you assistance with?

8 MR. DREGNE: Would you like to review a copy of the petition.

9 MS. AZAR: Yeah. I can't even find my outline at this very  
10 moment.

11 THE WITNESS: Yeah, there's too many document to --

12 MS. AZAR: We can go off the record while we try and find that  
13 document.

14 (Discussion off the record.)

15 MS. AZAR: Could you read back the last question, please?

16 (The last question was read as follow:

17 "And, specifically, what did you ask -- I'm sorry -- DNR to

18 provide you assistance with?")  
19 MS. AZAR: If you could answer that question.  
20 THE WITNESS: Oh, okay. First paragraph and it says it all as  
21 far as I'm concerned to exercise it's authority, regulate and  
22 control the level and flow of the water. The last paragraph,  
23 similar -- exercise its authority to regulate and control the  
24 water level. And the second page, the last paragraph says  
25 something similar in clar -- in reviewing and clarifying the

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2 County's obligation with respect to management of the system.  
3 There seemed to be some concern about whether in fact Sawyer  
4 County could even do this, could even regulate it; and I think  
5 that's the purpose of the -- of the petition.  
6 BY MS. AZAR:  
7 Q. So that the question is there's a question as to whether or  
8 not Sawyer County can regulate the water levels?  
9 A. We don't know how. We don't seem to know how, and the test  
10 here, the question here is for DNR to exercise their authority  
11 not County's authority, DNR authority, and I think that's where  
12 we're at.  
13 Q. When you're talking about authority, what are you talking  
14 about authority of?  
15 A. Who -- who has the -- the responsibility for determining the  
16 level of that particular -- of that particular lake.  
17 Q. Okay, and we just looked at Exhibit No. 50, which was the  
18 1941 Order, correct?

19 A. True.  
20 Q. And you stated that that order was pretty clear, correct?  
21 A. Yes.  
22 Q. And that order stated that the water level should be between  
23 77 and 77.25, correct?  
24 MR. DREGNE: Objection to the extent the question suggests that  
25 the 1941 Order is the only order, permit or other statement made

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2 by the DNR regarding how the lakes should be managed.  
3 MS. AZAR: Don't coach your witness on the objection.  
4 MR. DREGNE: Subject to the objection, you can answer.  
5 MS. AZAR: Do not coach your witness on answers. If you want to  
6 object, object form and that's it, no coaching.  
7 MR. DREGNE: Well, you don't tell me how to make objections.  
8 MS. AZAR: Oh, yes, I will, sir. Now, let's go the back. Could  
9 you please read the question that I just asked before Matt  
10 answered.  
11 (The last question was read as follows:  
12 "And that order stated that the water level should be between  
13 7.00 and 77.25, correct?")  
14 THE WITNESS: Yes. That -- yes.  
15 BY MS. AZAR:  
16 Q. And so what sort of further guidance do you need from the  
17 Wisconsin Department of Natural Resources?  
18 A. Well, this is a 1941 issue. You're showing me letters back  
19 in '95, I wasn't even on the Board. You're asking me questions

20 that I'm not sure I have conclusions to even given you to. The  
21 conflict seems to be the fact that a lot of things have happened  
22 between 1941 and the present time. And it's a matter -- has --  
23 what has DNR done, at least, as far as I'm concerned. What has  
24 DNR done to follow up on these so-called orders?  
25 Q. And so then let's just focus on 1995, right? You've got

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2 some orders before you, which are Exhibit 31 and 59, correct?  
3 A. Yes.  
4 Q. And those orders state that the County shall maintain the  
5 lake levels between 77 and 77.25, correct?  
6 A. Correct.  
7 Q. And you've been on the Board for nine years, correct?  
8 A. Yes.  
9 Q. Specifically, what year did you join?  
10 A. Sorry, I can't recall.  
11 Q. Well, nine years puts you around 1995, doesn't it?  
12 A. Possibly, somewhere around there, yes.  
13 Q. So what has happened since 1995 to the present that would  
14 warrant some confusion about DNR's directives?  
15 A. The fact that -- that one person has claimed, a -- a loss of  
16 property, a property damage.  
17 Q. Okay, so one person has actually now sued Sawyer County,  
18 stating among other things that Sawyer county's taken his  
19 property, correct?  
20 A. Correct.

21 Q. And isn't in fact in one of these letters or both letters,  
22 didn't the DNR indicate -- in fact, I'll point to you right now  
23 in the Kruger letter it says: Exceeding the authorized maximum  
24 is a takings of private property. Isn't that what that letter  
25 states?

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2 MR. DREGNE: Objection, the letter speaks for itself; and the  
3 question again is well beyond the scope of what this witness has  
4 been designated to testify on. Subject to the objection, you can  
5 answer.

6 THE WITNESS: That's what it says, yes.

7 BY MS. AZAR:

8 Q. Now -- so what has changed since 1995 that prompted Sawyer  
9 County to ask for clarification on June 2nd, 2004 from the WDNR?

10 A. The suit.

11 Q. Okay, so the lawsuit. So the lawsuit is what prompted the  
12 request for clarification?

13 A. To -- to my knowledge.

14 Q. Any other reason why Sawyer County's requested clarification  
15 of it's obligations?

16 A. I -- I just don't know of anything, unless I'm  
17 misunderstanding your question.

18 Q. So the sole reason that Sawyer County has requested  
19 clarification of it's obligations is because it's been sued by  
20 Jim Hausman?

21 A. I don't know that to be -- to be true. I don't know what



22 that committee has --

23 Q. Who would know that?

24 A. The committee -- the committee chair.

25 Q. I'm sorry. I didn't mean to interrupt. The committee is

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2 the --

3 A. Sawyer County Land and Water.

4 Q. So Sawyer County Land and Water Committee is the committee

5 that decided to petition the DNR?

6 A. It was a recommendation to the Board.

7 Q. And did the Board vote -- how did the Board vote in relation

8 to the recommendation?

9 A. In favor of the recommendation.

10 Q. So it was the full County Board then that decided to

11 submitted this petition which has been marked as Exhibit 134,

12 correct?

13 A. Correct.

14 Q. And why did the full County Board decide to do that?

15 A. That's what our legal counsel advised, both the Committee

16 and the Board.

17 Q. So the sole purpose of -- I'm sorry -- the sole reason that

18 Sawyer County submitted this petition that's been marked has

19 Exhibit 134 is because your legal counsel advised you to do so?

20 A. To my knowledge, yes.

21 Q. Does Sawyer County have any interest in controlling the

22 water levels on Round Lake at this time?

23 MR. DREGNE: Objection, the question is beyond the scope of what  
24 this witness has been designated to testified to.  
25 THE WITNESS: The Board would have to make that decision, I

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2 guess.

3 BY MS. AZAR:

4 Q. Has the Board deliberated on whether or not it's interested  
5 in controlling the water levels on Round Lake?

6 A. We've already petitioned the DNR to help us in that, if it's  
7 necessary.

8 Q. So the Board has asked the DNR to make the decision as to  
9 whether or not it needs to control the water levels on  
10 Round Lake?

11 A. The Board has been asked to convene all parties and discuss  
12 the situation and see how we can best serve the people on that  
13 lake and the public in general, the reservation, all the  
14 interested parties.

15 Q. In -- what -- you indicated that you hired an engineer to  
16 give you advice, correct?

17 A. Correct.

18 Q. And what advice did the engineer give?

19 A. Ah, my recollection of his report was a summary of things  
20 that he found, technicalities relative to the lake levels and  
21 flow of water, all those things that I don't know anything about.

22 MR. DREGNE: Can I ask, are you comfortable? I know the sun has  
23 been shining on you.

24 THE WITNESS: Yeah, I'm very comfortable. I have a bad back so  
25 that heat feels good.

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2 (Discussion off the record.)

3 BY MS. AZAR:

4 Q. Has the Sawyer County engineer given advice with regards to  
5 whether or not Sawyer County has the ability to control the water  
6 levels on Round Lake?

7 A. I'm not sure he has given the Board direction.

8 Q. Has Sawyer County taken any action with regards to the  
9 policies about the operation and maintenance of the Little Round  
10 Lake dam in the last three years?

11 A. Not to my knowledge, no.

12 Q. In the last three years has Sawyer County received  
13 complaints about damage on Little -- on Round Lake or Little  
14 Round Lake dam?

15 MR. DREGNE: Objection to the extent you're referring to Sawyer  
16 County as opposed to Sawyer County Board of Supervisors.

17 THE WITNESS: Ah, I don't believe specifically. There's been  
18 discussions that -- there was a public meeting at the school,  
19 high school, that people addressed the issue but not to the  
20 Board, specifically. I don't recall.

21 MS. AZAR: I'd just like to put on the record that -- think I  
22 have the deposition notice in front of me, but he is binding  
23 Sawyer County not just the Sawyer County Board of Supervisors.

24 MR. DREGNE: The question that he's been asked to -- answer

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2 by the Sawyer County Board of Supervisors, not -- County staff  
3 persons, for example.

4 MS. AZAR: Okay, I stand corrected.

5 BY MS. AZAR:

6 Q. So, as far as you know, Sawyer County Board of Supervisors  
7 has not petitioned the WDNR to clarify orders on any of its other  
8 lake systems?

9 A. To my knowledge, that's correct.

10 Q. What action has the Sawyer County Board of Supervisors taken  
11 in the last three years in relation to the Round Lake water  
12 levels?

13 A. What the committee -- what directions the committee may have  
14 given to our person who regulates the dams, I -- I wouldn't know.

15 Q. The super -- the Board of Supervisors themselves, what  
16 actions have you taken?

17 A. I can't recall anything, specifically.

18 Q. So the Board has not taken any action since 2003 on the  
19 water levels of Round Lake?

20 A. No -- well, what I've already indicated to you. What we've  
21 done in terms of -- of a survey of property owners and -- and  
22 petitioned DNR for help, for guidance, engineering study.

23 Q. So those are -- those are the three things that the Board  
24 itself has done?

25 A. Yes.

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2 Q. And, in relation to the petition to DNR, we've already gone  
3 through this; and -- the Board was asking the DNR for guidance  
4 on whether it had to comply with the 1941 Order or how it could  
5 comply with the 1941 Order. What is the board actually looking  
6 for guidance on?

7 A. They're -- they're looking for guidance on the determination  
8 of who has the authority to regulate and control the level of  
9 that water.

10 Q. Who has the authority to regulate and control. So does  
11 Sawyer County not -- does Sawyer County question whether it has  
12 the ability to regulate and control the water levels?

13 A. I think to some degree, yes.

14 Q. And why is that?

15 A. Because we're not the only entity concerned with that lake.  
16 We have a sovereign nation that's involved and -- and we want to  
17 keep them a part of the involvement. So we're not alone in -- in  
18 this thing, and that's why there's a real concern as to getting  
19 some specifics down as to who's responsible.

20 Q. So Sawyer County doesn't know if they're responsible for  
21 keeping the water levels at 77.0 or 77.25?

22 A. Not completely.

23 Q. And you brought up the sovereign nation; I'm assuming you're  
24 talking about the Lac Courte Oreilles?

25 A. Yes.

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2 Q. And what interest does the Lac Courte Oreilles have in this?

3 A. Because some of the water levels in the waters that we're  
4 talking about do or may influence properties within the seated  
5 part of the territory.

6 Q. And which properties or those?

7 A. I don't know them, specifically, but they're in Osprey Lake  
8 area and how that impacts on Lac Courte Oreilles Lake.

9 Q. And how is the Osprey Lake area impacted by this lawsuit?

10 A. That I can't -- I don't know specifically.

11 Q. Has the Board of Supervisors taken any action on the  
12 culverts at NN?

13 A. Board? No.

14 Q. Was the Board at all involved in submitting the after the  
15 after-the-fact permit application to the Wisconsin Department of  
16 Natural Resources?

17 A. The Board was advised that a petition was being drafted.

18 Q. And who made the decision to draft that petition?

19 A. I think that was legal -- attorneys.

20 Q. I'm handing you what's been marked as Exhibit No. 138. And,  
21 when you -- I'm sorry. Going back to your prior answer, you just  
22 indicated -- you referred to legal counsel, and I'm assuming  
23 you're referring to Mr. Dregne?

24 A. That's true.

25 Q. Or Mr. Wright? Thank you. Exhibit 138 is a letter

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submitted by your attorney, Mr. Dregne, to the Wisconsin Department of Natural Resources on January 18th. And in that letter it's written on behalf of Sawyer County and you are cc'd on the letter as the County Board Chair, correct?

A. That's correct.

Q. The letter states: Quote, unless the Department resolves the issues raised by the petition soon, the County will be forced to incur substantial litigation costs in the lawsuit, end quote.

Do you know what prompted the writing of this letter?

A. No, I -- I'm -- I'm not sure. I don't think -- I don't think so, I don't think I know.

Q. And what is your involvement as County Board Chair -- strike that. Why were you cc'd on this letter?

A. Ah, I -- I don't know.

Q. What is your involvement in the Hausman lawsuit?

MR. DREGNE: Objection, the question is beyond the scope of what this witness has been designated to testify to in your notice of deposition. You may answer subject to the objection.

THE WITNESS: Ah, my involvement is what is -- is to lead the County Board in -- in anything that comes before it and make sure that everything is done in proper form and -- and go from there.

BY MS. AZAR:

Q. So, when you get letters like this, do you take it to the full County Board?

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2 A. No.

3 Q. And does the full County Board make decisions about when  
4 letters like this are written?

5 A. Not -- not likely.

6 Q. How involved is the full County Board in this litigation?

7 A. Ah, their principal involvement has been recommendations  
8 from the Land and Water Committee and acting on them or not  
9 acting, depending on the circumstance and then consulting with  
10 our attorneys.11 Q. And so, as far as who's making the primary decisions with  
12 regards to the litigation, is it the full County Board or  
13 somebody else?

14 A. I don't -- I guess it's full County Board.

15 Q. So who makes the strategic decisions on behalf of the County  
16 as far as when letters will be sent to the DNR, Mr.  
17 Hausman, things like that?

18 MR. DREGNE: Same objection.

19 THE WITNESS: Well, some -- some of those decisions would be  
20 made -- probably, most of them would be made by the committee  
21 and -- and they would probably direct the clerk to draft them.

22 THE REPORTER: The clerk to draft them?

23 THE WITNESS: Clerk, County Clerk.

24 BY MS. AZAR:

25 Q. So the Land and Water Conservation Committee?



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2 A. Yeah, Land and Water Committee.

3 Q. The Land and Water Committee is the entity for Sawyer County  
4 who's making the primary decisions?

5 A. No, the Board is making the decisions.

6 Q. So the full County Board is making the decisions with regard  
7 to litigation, correct?

8 A. Correct.

9 Q. And you indicated, in the last three years, the Board has  
10 made decisions in three different areas: No. 1, requesting  
11 assistance from the WDNR with regards to clarifying the water  
12 levels and Sawyer County's responsibilities for maintaining those  
13 levels; No. 2, hiring an engineering to give, presumably, the  
14 full County Board advice; No. 3, surveying people around the  
15 lake -- and, I'm sorry, I misspoke; it wasn't just three --  
16 No. 4, obtaining advice from your attorneys.

17 I believe that is it. Are those the four areas of activities  
18 that the full County Board has done in the last year.

19 A. And we petitioned the DNR to have a meeting of all the  
20 concerned -- to gather all of the concerned parties together,  
21 which they have initiated.

22 Q. Okay. Now, Mr. Helwig, I'm just trying to understand what  
23 the full County Board's done, what your understanding as to what,  
24 you know, what the results were of those activities and where  
25 we're going from here. So, in relation to hiring the engineer to

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2 give advice, you have hired the engineer, the engineer has given  
3 advice, but right now you're not at liberty to explain what  
4 advice the engineer has given; is that correct?

5 A. Correct.

6 Q. Who, on behalf of the County Board of Supervisors, would  
7 understand what advice the engineer has given?

8 A. The Land and Water Committee.

9 Q. Who, specifically?

10 A. Dale Olson.

11 Q. As far as Board supervisors, though, people that are  
12 actually making the decision?

13 A. That would be the Chair of the Board -- or Chair of the  
14 committee, rather.

15 Q. Chair of the committee would be?

16 A. At the present time is Shirley Reedman ^ sp.

17 Q. I'd just like to state for the record that Mr. Helwig is  
18 unable to answer some questions on behalf of the actions that  
19 full County Board has taken in the last three years and we may  
20 need to get Ms. Reedman ^ sp here. Okay. So we did the  
21 engineering. Let's just go through the list here. You  
22 petitioned the WDNR for assistance and that is Exhibit 134,  
23 correct?

24 A. Correct.

25 Q. And were you involved at all in the preparation of that

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2 document?

3 A. No.

4 Q. Did you -- who on behalf of the full County Board would have  
5 reviewed that document before it went out?

6 A. Possibly the Clerk.

7 Q. And why would the Clerk have done that?

8 A. The Clerk by action of the County Board, and don't ask me  
9 the date, when we were asked to provide a fixed point of  
10 reference or individual that our attorneys could deal with  
11 directly; and the Board -- I recommended Mr. Kris Mayberry, our  
12 County Clerk and the Board agreed with that recommendation.

13 Q. So, in essence, the Board has delegated certain authorities  
14 to Kris Mayberry in relation to this litigation?

15 A. Yes.

16 Q. And what are the scope of the delegated authorities that  
17 were given to Mr. Mayberry?

18 A. There was no scope, only to receive correspondence from  
19 Mr. Dregne and to work with Mr. Dregne relative to the case.

20 Q. So does Mr. Mayberry have any authority to make any  
21 decisions on behalf of the Board?

22 A. No.

23 Q. So the Board -- the full Board decided to petition the WDNR  
24 as specified in the --

25 A. This was a recommendation to the Board.

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2 Q. From the -- the Land and Water Conservation Committee?

3 A. Yes.

4 Q. Okay. And you guys accepted that, you decided to go forward  
5 and do that and, therefore, it was prepared; and, after it was  
6 prepared, Mr. Mayberry may have reviewed it before sending it  
7 out?

8 A. Correct.

9 Q. Please describe for me what the deliberations were on the  
10 full County Board in relation to Exhibit 134 and the County  
11 Board's decision to petition the WDNR?

12 MR. DREGNE: And just to caution you to avoid divulging --  
13 caution the witness to not disclose privileged communications.

14 THE WITNESS: I guess that's why I'm -- as we would have met, my  
15 recollection is we met specifically for -- for this issue and the  
16 advice of counsel. So -- discussions-wise I doubt if there was  
17 much discussion. It was following a recommendation.

18 BY MS. AZAR:

19 Q. Okay, so the full County Board then decided that it would go  
20 forward and would petition the WDNR. I think we had already  
21 established this, based solely on counsel's advice, correct?

22 A. Recommendations of the Land and Water Committee.

23 Q. Okay. So what did the Land and Water Committee then tell  
24 the full County Board, in relation to whether or not it should  
25 be --

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2 A. That --

3 Q. Let me finish. What did the Land and Water Conservation

4 Committee advise the full County Board in relation to petitioning  
5 the WDNR concerning the water levels?

6 A. That they -- that they recommend we go forward with the  
7 petition.

8 Q. And why did they make such a recommendations?

9 MR. DREGNE: I would object to -- to the extent that the question  
10 is beyond the scope of what this witness has been designated to  
11 testify to. Subject to the objection, you may answer.

12 BY MS. AZAR:

13 Q. And let me then rephrase the question. The full County  
14 Board, between 2003 and today, decided to submit the petition  
15 which has been marked as Exhibit 134. Presumably, the full  
16 County Board made the decision based upon some reasons. I'm  
17 trying to understand what those reasons are.

18 A. I believe it was the fact that we addressed before and there  
19 might having at least an attitude of confusion relative to the  
20 authority and who was involved or who was responsible what.

21 Q. And what was the sour -- what is the source of the  
22 confusion?

23 A. The source of the confusion is just who does have the  
24 authority to regulate the water. Who's supposed to be doing  
25 what, when, where and how? And I know you've gone through some

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2 documents and things like that. But things have changed and  
3 we've got a lot of fingers in the pie now, and it's not just  
4 Sawyer County.

5 Q. Who conveyed to you that there was a confusion?

6 A. I'm not sure that anyone conveyed confusion to me. I think  
7 I was -- it was easy to understand that.

8 Q. Okay. Well, good, if it was easy to understand, then I  
9 honestly don't understand where the confusion is coming from. So  
10 explain to me why -- you've now seen Exhibit No. --

11 A. 50.

12 Q. Thank you. -- Exhibit No. 50. You've seen the DNR  
13 responses to Exhibit No. 50 dated as late as most recent as 1995  
14 through Exhibits No. 31 and 59, and I'm now hearing from you that  
15 you think the confusion and the reason, indeed, you -- I'm  
16 assuming that you voted to submit Exhibit 134 -- is because you  
17 were confused; and I'm trying to understand where that confusion  
18 is coming from.

19 A. Well, we have an individual who is indicating one issue.  
20 We've got a bunch of land owners who are indicating another  
21 issue. We've got an Indian Reservation that has some real  
22 concern either way you go. And we just seem to be -- Sawyer  
23 County seems to be trapped in the middle. And -- we need -- we  
24 need some help.

25 Q. And so, when you say some land owners have indicated another

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2 issue, what are you talking about?

3 A. The -- the survey.

4 Q. And what did the survey say?

5 A. The -- well the majority, as I understand it, has indicated

6 that they would -- as far as the water levels, just leave them  
7 where they are.

8 Q. What does that mean, leave them as they are?

9 A. I don't know what that means.

10 Q. So you don't know if leaving them as they are is what  
11 Mr. Hausman wants?

12 A. Well, based on the documents that you've displayed, I  
13 suspect it's a 77.25 or 77.0.

14 Q. Okay, I want to understand your answer. You suspect what is  
15 77.0?

16 A. The water level.

17 Q. And so you suspect, when the property owners answer that  
18 they wanted to keep the levels as they are, they wanted to keep  
19 them at 77.0?

20 A. I would suspect.

21 Q. That's what you would suspect. Okay. So when you made your  
22 decision to submit this petition and you were assuming that there  
23 was a confusion or dispute. You were presuming that Mr. Hausman  
24 was asking for one thing and that the property owners are asking  
25 for something else; and, based on your testimony right now, you

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2 just stated that you understand that the property owners wanted  
3 the water level to be at 77.0, correct?  
4 A. They wanted it to be left the same. That was not the  
5 survey. We'd have to go to the survey to determine what they  
6 wanted or the choices they were given. Excuse ne.

7 MS. AZAR: Right, I'm just trying -- I'm sorry. I'm trying to  
8 understand your thought processes as you were voting on this. So  
9 you assumed that the folks wanted to keep it as it was which is  
10 77.0, correct?

11 A. I can't say that for sure. I don't what -- if they even  
12 knew what the numbers were at all, the property owners.

13 Q. Okay. Then how did you know -- how did you come to a  
14 conclusion that there was a dispute between what the current  
15 property owners wanted and what Mr. Hausman wanted?

16 A. Well, there seemed to be a difference in what each party  
17 wanted.

18 Q. So what did the majority wanted again?

19 A. To leave things as they were.

20 Q. And what does Mr. Hausman want?

21 A. I'm not sure what he wants.

22 Q. Okay. So how -- honestly, Mr. Helwig, I'm trying to  
23 understand. You seem to think there's a conflict in positions,  
24 and I'm trying to understand where that conflict is and I'm not  
25 hearing one right now. So let's go through and figure out where

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2 the conflict is because something prompted you to send this in.

3 A. I've tried to tell you what -- what the reasons were --

4 Q. So I've heard the LCO; that's one thing. Why don't you tell  
5 me what you think the conflict with the LCO is? What do they  
6 want that Mr. Hausman doesn't want?

7 A. I don't know. I know one thing, that they want to be



8 involved.

9 Q. Okay.

10 A. And have been wanting to be involved in the beginning.  
11 Apparently, they feel they haven't been involved. You know,  
12 our -- our problem as I see it, and I can't speak for the full  
13 board; but we're, you know, we're trying to satisfy everyone the  
14 best we can; and, if there are conflicts out there and obviously  
15 there is. I can't define what Mr. Hausman is after for sure in a  
16 suit and stuff like that. I can't define exactly what the  
17 property owners are after. You've got documentation right here  
18 that tell you. One person wants it one way. One person wants it  
19 the other way. You're kind of giving us a majority vote so to  
20 speak. And we can't do it alone. We can't make these decisions  
21 by ourself. We need help. And we want all parties to be  
22 involved if they can be.

23 Q. So the County took a survey and determined what the majority  
24 of property owners wants, correct?

25 A. Correct.

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2 Q. So you've got a sense what the majority of property owners  
3 wants according to that survey, at least, correct?

4 A. Correct.

5 Q. And they indicated they wanted to keep it at about the same  
6 level?

7 A. Right. Majority.

8 Q. But you don't know what that means, correct?

9 A. Correct.

10 Q. I'm not trying to be cute here. I honestly don't see where  
11 you see there's a conflict and I'm trying to figure out a way to  
12 ask the question because, if you don't know what the survey said  
13 and you don't know what Mr. Hausman wants, how can you think that  
14 there's a conflict between the two and that -- this -- Help me  
15 out.

16 A. Well, the documents indicate that there's been fluctuations  
17 over the years. And some people like high water; some people  
18 like low water. The twain ^ sp shall never meet, so to speak.  
19 That's part of where the confusion comes in as to what the people  
20 want. So I can't say -- knowing that, I can't say that they want  
21 77 or they want 87 or they want 17. You know, I mean it's  
22 just -- there's just no -- no way of knowing what everybody  
23 wants; and when they say the majority says we'd like to leave  
24 everything as it is, I don't know what that means. Because each  
25 one of those people are saying, well, I like it when it's high

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2 and some are saying I like it when it's low so, therefore, I like  
3 it the way it is.

4 MS. AZAR: I need to take a break because I need to figure out  
5 how to ask this question so we're not talking past each other.  
6 So can we take five minutes?

7 (Recess.)

8 BY MS. AZAR:

9 Q. Mr. Helwig, I noticed that you were talking with your

10 counsel when we took a break. What were you discussing?  
11 MR. DREGNE: Objection, calls for privileged information.  
12 MS. AZAR: No, it actually is not privileged, Matt.  
13 MR. DREGNE: It is privileged.  
14 MS. AZAR: No, in fact, your partner took the exact opposite  
15 position in another deposition. Why don't we take a break now  
16 and let's call Mr. Wright. I'm serious. He's going to be  
17 testifying on this. Take a break.  
18 (Recess.)  
19 MS. AZAR: All right, we're ready now; and let's just indicate  
20 for the record that we were unable to resolve the legal issue as  
21 to whether or not the conversations that Mr. Dregne had with his  
22 client while his client was under oath are subject to privilege  
23 or not. What we will do is I've asked Mr. Helwig, after this  
24 deposition is done, is to write down some notes as far as what  
25 his discussion was and then give them to his counsel; and then,

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1 ROUGH DRAFT ASCII  
2 once his counsel and I figure out the legal conclusions, we can  
3 proceed as to whether or not we get those notes and get to talk  
4 to Mr. Helwig about them and whether or not you just get to keep  
5 the notes.  
6 And, with that, just a few more questions, Mr. Helwig. Never  
7 trust an attorney when they say that.  
8 THE WITNESS: Okay.  
9 MS. AZAR: No, really, I don't have that many here, but --  
10 BY MS. AZAR:

11 Q. You had mentioned earlier that you weren't quite sure what  
12 Mr. Hausman was asking for; do you recall that testimony?  
13 A. Yes.  
14 Q. Have you read Mr. Hausman's lawsuit?  
15 A. No.  
16 Q. And, earlier, we had -- I had shown you an exhibit which was  
17 the notice of claim and notice of injury that Mr. Hausman had  
18 submitted to the County?  
19 A. Yes.  
20 Q. Had you reviewed that document?  
21 A. Here, yes.  
22 Q. Prior to here, had you reviewed it?  
23 A. No. No.  
24 MS. AZAR: No, okay; and, for the record, I'd just like to say  
25 that Mr. Helwig was unable to answer any questions with regards

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2 to the County Board's actions on the notice of injury and notice  
3 of claim and that we may have follow-up questions for a corporate  
4 designee on that issue. All right.  
5 BY MS. AZAR:  
6 Q. I'd like to hand you what's been marked as Exhibit 140, ask  
7 you to read it.  
8 A. Okay.  
9 Q. Have you seen this letter before?  
10 A. I think I have.  
11 Q. And, just to clarify, this is a letter from the Round Lake

12 Property Owners Association to the Sawyer County Board of  
13 Supervisors, correct?  
14 A. Hm-hm, that's correct.  
15 Q. And, in this letter, the Property Owners Association is,  
16 quote, well, is making, quote, a formal complaint by the  
17 Association that the DNR and the County appear to have abdicated  
18 responsibility for managing water levels on Round Lake consistent  
19 with the 1941 ^ ck PSC Order, period. We interpret "no action"  
20 by the parties to mean that you want to raise the water levels or  
21 simply do not care, period, end quote; do you see that?  
22 A. Yes.  
23 Q. What response did the Sawyer County Board of Supervisors  
24 take in response to this letter?  
25 A. I don't know if we took any action regarding the letter

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2 other than what we've already addressed.  
3 Q. And so, since the letter is authored in January 18th, 2005,  
4 correct?  
5 A. Correct.  
6 Q. And what has the County Board done since January 18th, 2005,  
7 that could be construed as a response to this letter?  
8 A. The petition to the DNR.  
9 Q. And which petition was that?  
10 A. The petition that we referred to here earlier asking for,  
11 ah, help in the authority in regulating the water level and  
12 clarifying some of these issues that we -- that we raised -- that

13 were raised over the years relative to inconsistencies. And we  
14 did get a response from that. I think you know that from the  
15 DNR, and they more or less said: Yes, there are inconsistencies  
16 and, you know, we've got to do something about it.

17 Q. And the document you were just talking about, though, is  
18 dated June 2nd, 2004, correct?

19 A. Okay. All right. That's correct.

20 Q. And so I'm asking what response the Sawyer County Board of  
21 Supervisors made in relation to this January 18th, 2005 letter.

22 A. Specifically, I don't know.

23 Q. And does the Sawyer County Board of Supervisors -- How does  
24 the Sawyer County Board of Supervisors perceive the Round Lake  
25 Property Owners Association?

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2 MR. DREGNE: Objection, that is beyond the scope of the question  
3 that this witness has been designated to answer questions about.

4 THE WITNESS: I don't know how the Board -- I don't think it's  
5 ever been discussed as to how -- how they perceive the  
6 Association.

7 BY MS. AZAR:

8 Q. I'm trying to understand whether or not the Board would  
9 consider the Round Lake Property Owners Association a accurate  
10 voice of the land owners around Round Lake.

11 MR. DREGNE: Same objection.

12 THE WITNESS: I -- I'm not sure I can answer it one way or the  
13 other. We have had some inconsistencies, however, from the

14 Association.

15 BY MS. AZAR:

16 Q. And what inconsistencies were those?

17 A. And some representatives of the Association have not  
18 necessarily agreed with the vote of the Association.

19 Q. And when you -- when the Sawyer County Board of Supervisors  
20 receives a letter like what's been marked as Exhibit 140, do you  
21 take this as reflective of what the Association itself wants?

22 A. I take it as -- as it being an entity that I've described  
23 before as being one of those interested parties that wants to be  
24 at the table when these things are resolved.

25 Q. Right, I'm trying to get -- Mr. Helwig, you just indicated

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2 that there was some sort of a dispute and sometimes some of the  
3 members of the Association disagree with what the Association  
4 itself -- what position the Association itself takes, correct?

5 Do you remember that testimony?

6 A. Yes.

7 Q. And what I'm trying to understand is: When the County Board  
8 of Supervisors receives a letter like this, you presume that this  
9 is the position of the Association itself?

10 A. I would suspect, yes.

11 Q. And so you would not assume that it's some sort of rogue  
12 member writing a letter?

13 A. No, not -- not in this particular case, not -- no.

14 Q. So what weight as a -- as the Chair of the Board of

15 Supervisors, obviously, you received this sometime in January of  
16 2005. What sort of weight -- how is this interpreted on behalf  
17 of the County Board of Supervisors?

18 MR. DREGNE: Objection, the question is beyond the scope of what  
19 this witness has been designated to testify to.

20 THE WITNESS: I would suspect it would be included in our packet;  
21 and, unless there was some reason for someone being on the  
22 agenda, it would be for our information only.

23 BY MS. AZAR:

24 Q. Did the County Board of Supervisors take any action with  
25 regard to this letter?

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2 A. I don't believe they took any action.

3 (Document marked for identification as Exhibit No. 156.)

4 BY MS. AZAR:

5 Q. Mr. Helwig, I've -- you've just reviewed what's been marked  
6 as Exhibit 156 and this is a letter from the Round Lake Property  
7 Owners Association again to, among others, the Sawyer County  
8 Board of Supervisors. It's dated September 3rd, 2003, correct?

9 A. That's correct.

10 Q. Have you ever seen this document before?

11 A. I don't recall, specifically. Could have been in the  
12 packet, but I don't -- I don't remember it.

13 Q. Do you know if the Sawyer County Board of Supervisors took  
14 any action on this letter?

15 A. No.



16 Q. Mr. Helwig, you've also -- also been designated as a Sawyer  
17 County witness that has personally observed the damage on the  
18 Hausman property sometime between 2002 and today; is that  
19 correct?  
20 A. Ah, I didn't witness the damage. The day I got there, they  
21 were repairing the damage.  
22 Q. Okay.  
23 A. Pilings were being driven and that sort of thing.  
24 Q. Okay, so you were in attendance when the repair job was  
25 occurring?

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2 A. Yes, yes, I --  
3 Q. Do you know who at Sawyer County has actually seen the  
4 damage on Mr. Hausman's property?  
5 A. Boy, I don't know myself, personally, no.  
6 Q. I'd shown you the notice of claim before. Do you know if  
7 anybody from Sawyer County went out to inspect the damage on  
8 Mr. Hausman's property after the notice of claim was served on  
9 it?  
10 A. Boy, I don't know that, no.  
11 BY MS. AZAR:  
12 Q. Have you seen the VHS tape that Mr. Hausman recently sent to  
13 your attorneys showing the recent damage on the properties  
14 adjacent to his house?  
15 A. No.  
16 Q. Have you heard anything about the damage that's happening

17 out there right now?

18 A. Ah, Mr. Dregne advised me of some damage yesterday. Other  
19 than that, no.

20 MS. AZAR: I think -- let's go off the record for a second. I  
21 think that's it. Yeah, I have nothing further. Thank you. I  
22 don't know if you have anything to clean up.

23 MR. DREGNE: No.

24 MS. AZAR: We're good to go. Thank you very much.

25 THE WITNESS: Thank you.

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2 (The deposition concluded at 5:50 p.m.)  
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