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JAMES HAUSMAN v. SAWYER COUNTY
DEPOSITION OF PETE DIECKMAN
TAKEN MAY 25, 2005

P R O C E E D I N G S

(Documents marked for identification as Exhibit Nos. 171 and 172.)

PETE DIECKMAN,

having been first duly sworn on oath, was interrogated and testified as follows:

* * * * *

DIRECT EXAMINATION

BY MS. AZAR:

Q. Hi, Mr. Dieckman, I'm Lauren Azar; I'm representing Mr. Hausman in this litigation and I'll be conducting the deposition today.

A. Okay.

Q. Before we get going, I just want to give you some ground rules for depositions. Always answer audibly; don't shake your head or nod your head because it helps the court reporter. If we cannot talk over each other, that also helps her because it's hard when you're trying to write down two people talking simultaneously.

Also, sometimes I'm a little less than artful with my questions.

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2 A. Yes.

3 Q. And how did you prepare for this deposition?

4 A. I -- I was at the meeting with Matt yesterday, and he -- he
5 gave me a packet of papers of our old E-mail, and I read it.

6 Q. And, when you're talking about our old E-mail, are you
7 referring to the document that's been marked as Exhibit No. 172?

8 A. Yes.

9 Q. All right. And did you review any other documents in
10 preparation for this deposition?

11 A. There was some other paperwork with the handouts.

12 Q. And what sorts of stuff?

13 A. That's for you.

14 MR. DREGNE: Oh, these are the field notes --

15 THE WITNESS: Yes.

16 MR. DREGNE: -- on the borings yesterday?

17 MS. AZAR: Can I see that? Thank you.

18 THE WITNESS: Some Highway committee notes, permit application, I
19 believe.

20 MR. DREGNE: My recollection is that there were a couple of
21 things tacked on there that weren't really germane when my
22 assistant put it together, but I don't know that -- well, you'll
23 have to answer questions about what you did and didn't look at.

24 MS. AZAR: I'm just going to have these marked as an
25 exhibit, if that's okay, indicating that these are the documents

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2 that you reviewed in preparation for your deposition.

3 (Document marked for identification as Exhibit No. 173.)

4 BY MS. AZAR:

5 Q. You are not currently an employee of Sawyer County, correct?

6 A. Correct.

7 Q. And you met with Mr. Dregne yesterday in preparation for
8 this deposition?

9 A. Yes.

10 Q. What was -- what did you two talk about in relation to this
11 deposition?

12 A. Ah, my design of the culverts and the County's installation
13 of the culverts.

14 Q. Let's just jump right into that. So what was your design of
15 the culverts?

16 A. I -- I designed the culverts, starting with seeing what was
17 there and there were three existing small pipes. I talked to
18 some old timers at the highway department to see if there was any
19 previous water problems there, water backing up, and I don't
20 recall any problems in the past.

21 With that type of installation, I like to install at least two
22 pipes which allows the crew to install one pipe dry by keeping
23 the water out of that installation, installing one pipe, and then
24 routing the stream into the new pipe and being able to excavate
25 the old -- the other old pipes and install pipe No. 2. And

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2 that's -- that was done here.

3 And, as for the -- the elevations, I would typically shoot the

4 inlets and discharges of all the pipes and then I'd go back to

5 the office and I would pick the lowest elevation and use that

6 and, as Exhibit 172 says, I typically -- well, I -- I always use

7 the lowest elevation and I, typically, would lower it six inches

8 and I do not recall if I actually did that on this installation.

9 But that would be a normal thing to do on a lot of installations,

10 but I'm not sure what happened here.

11 Q. And --

12 A. So, I would -- I would -- I would then put together some

13 paperwork for the culvert installation crew using a temporary, in

14 this instance; and most instances I used a temporary benchmark

15 which is the centerline of the existing road over the pipe and I

16 would give the crew the cut, the difference between the elevation

17 of the temporary benchmark to the inlet elevation of both pipes

18 and, also, a cut, the difference between benchmark elevation of

19 the centerline of the road and the discharge; and they would use

20 that information to install the pipes.

21 Q. And did you use that same procedure for the culverts at NN

22 in 1999?

23 A. Yes.

24 Q. And, to your satisfaction, were the culverts installed at

25 the elevations that you specified?

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2 A. Yes. I did not go back and check the elevations but a very
3 competent crew that I worked with for many years and they've
4 installed many, many pipe.
5 Q. You met -- I'm sorry. Please go ahead.
6 A. You know, there could be errors in the field, small ones,
7 and there would be huge errors of -- you know, human error; but,
8 in most instances, especially, in a creek like this, if you set
9 it way too high, it would have been obvious.
10 Q. And what would you consider way too high?
11 A. Oh, like a foot.
12 Q. And you mentioned that before you set the culverts in 1999,
13 I believe, you stated that you went and spoke to some old timers
14 at the highway department to see if there were any water
15 problems, correct?
16 A. Yes, I'm sorry.
17 Q. With whom did you speak?
18 A. I'm not positive, but the road foreman, Rob Hill ^ sp, is --
19 he's a 30-year veteran of the highway department; and I would
20 have probably asked him if he'd seen any problems at that
21 crossing.
22 Q. And -- you're not sure if you actually talked to
23 Rob Hill ^ sp about this?
24 A. Correct.
25 Q. Are you sure that you did ask old timers of the Highway

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2 Department?

3 A. Yes.

4 Q. It's just you're not sure with whom you spoke?

5 A. Correct.

6 Q. And would you have expected them to tell you if there were
7 complaints of high water on Round Lake?

8 A. No.

9 Q. And why not?

10 A. Because Round Lake doesn't affect their road.

11 Q. All right. So, when you asked the old timers about whether
12 or not there were any water problems surrounding the culverts at
13 NN, they would have been providing an answer that was rather
14 localized in nature?

15 A. Very localized, yes.

16 Q. So they would have been referring to whether or not there
17 were water problems with Osprey Creek, correct?

18 A. Correct.

19 Q. And the answer you got back, presumably, was there was no
20 problem with elevations on Osprey Creek, correct?

21 A. Correct.

22 Q. We've already jumped into it, but then let's just take a
23 look -- First, let's take a look at Exhibit 171. This is an
24 open records request that I submitted to Sawyer County asking for
25 information about the culverts on NN. Have you seen this

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2 document before?

3 A. I believe so. Gary would have gave it to me to handle.

4 Q. To respond to?

5 A. Yes.

6 Q. And, looking at 172, is 172 Sawyer County's response to my
7 open records request of October 4th, 2000?

8 A. I do not think so because it's two years difference in date,
9 unless there's an error in the dates.

10 Q. And let me just tell you there is an error in the dates
11 because I did not represent Mr. Hausman in the year 2000. So I
12 can tell you that the letter that I submitted which is marked as
13 Exhibit 171 should have -- should be dated October 4th, 2002 and
14 I apologize for that.

15 A. Okay.

16 Q. So you need to just make that assumption. I'm telling you
17 that right now; I'll stipulate to that. Given that, is your
18 E-mail of October -- let's see --

19 A. 16th or 9th.

20 Q. The first one was October 9th. Is that a response to our
21 open records request of October 4th, 2002?

22 A. Yes, to the best of my knowledge.

23 Q. And, when you responded in October 2002, the County didn't
24 have any records concerning the installation of the culverts.

25 Have any records since been found concerning installation of the

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2 that the culverts installed in 1999 were installed above where

3 the natural stream bed was?")

4 THE WITNESS: No. I base that -- the installation on the

5 existing culverts.

6 BY MS. AZAR:

7 Q. You were responsible for the replacement of the culverts at

8 NN. Had you replaced other culverts in Sawyer County?

9 A. Yes, there was the culvert replacement at NN at Osprey Creek

10 was part of a larger road project and there were maybe a half a

11 dozen pipes that were replaced on that project that summer. And

12 the County, typically, replaces anywhere between 20 and 30

13 culverts a summer.

14 Q. And you were responsible for the replacement of those

15 culverts on behalf of Sawyer County?

16 A. Yes.

17 Q. I'm sorry. I didn't ask you what your employment was with

18 Sawyer County at the time you conducted the activities described

19 in Exhibit 172.

20 A. I was the road supervisor for Sawyer County.

21 Q. And what responsibilities are entailed in that job?

22 A. The design and -- design of the road construction and the

23 road supervisors, the number three man there behind the

24 Commissioner and the patrol superintendent. So I filled in for

25 the patrol superintendent when necessary, but my primary duties

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2 there were with road construction.

3 Q. And, when you were replacing culverts on behalf of Sawyer
4 County, how did you normally determine where the bed of the water
5 bodies were for which you were installing culverts?

6 A. I usually did not worry about the stream bed elevation.
7 I -- I know that the DNR highly -- is highly aware of -- of -- or
8 interested in the flow of the streams through the pipes. So I --
9 I knew enough not to adjust the elevation of the pipes.
10 Especially raise a pipe. That would never happen.

11 Q. When did you finish your employment with Sawyer County?

12 A. In March of '03, April of '03 maybe.

13 Q. And what are you currently doing?

14 A. I'm an engineer with Northern Wisconsin Based Engineers here
15 in Hayward.

16 Q. You said March -- off the record.

17 (Discussion off the record.)

18 BY MS. AZAR:

19 Q. Just giving you what's been marked as Exhibit 82. In this
20 exhibit, Mr. Olson recommended to the members of his committee,
21 the Land and Water Conservation Committee, that the bridge on
22 Carlson Road Dam be inspected by a DOT certified bridge
23 inspector. I don't know if you were employed at the time this
24 memo was authored, but have you ever seen the memo before?

25 A. No, I haven't.

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2 Q. Have you heard -- while you were employed, did you have any
3 information regarding any need for an inspection of this bridge?

4 MR. DREGNE: I just note for the record that this question is
5 beyond the scope of the topic which this witness has been
6 designated to testify. Subject to the objection, you can answer.

7 THE WITNESS: Could you repeat the question?

8 BY MS. AZAR:

9 Q. I think I'm going to actually rephrase the question because
10 it wasn't very artfully stated. While you were employed with
11 Sawyer County, were you aware that anyone recommended that the
12 Carlson Road Dam bridge be inspected?

13 A. No.

14 Q. Do you have any information about the structures that
15 existed at County Highway NN prior to the culverts that were
16 installed in 1999?

17 MR. DREGNE: Again, I believe this question's beyond the scope of
18 the topic on which this witness has been designated to testify.
19 Subject to the objection -- take a look here. Subject to the
20 objection, you can answer.

21 THE WITNESS: I -- no, I was aware of the pipes only because they
22 were part of a construction project that was designated by the
23 Commissioner.

24 MS. AZAR: Anything else?

25 MR. DREGNE: I just have a couple, sorry. I haven't had many

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2 today.

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4 EXAMINATION

5 BY MR. DREGNE:

6 Q. Have you met with the crew that actually did the -- members
7 of the crew that actually installed the existing culverts at
8 County -- existing pipes at County Highway NN?

9 A. Yes, I have.

10 Q. And have you visited the site with members of that crew and
11 discussed the procedures they followed in installing those pipes?

12 A. Yes, I have.

13 Q. And are you satisfied that the crew installed the pipes in
14 accordance with your instructions to the crew?

15 A. Yes, I am.

16 MR. DREGNE: That's it.

17 MS. AZAR: Thank you very much.

18 THE WITNESS: All right.

19 (The deposition concluded at 4:26 p.m.)

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