

ROUGH DRAFT ASCII

1
2 Deposition of Alan Reinemann
3 Clifford E. Stoner appearing for witness; wants a copy of
4 transcript
5 (Documents were marked for identification as Exhibit Nos.
6 161-174.)
7 (Witness sworn.)

* * * * *

EXAMINATION

BY MS. AZAR:

11 Q. Mr. Reinemann, my name is Lauren Azar; I'm the attorney for
12 Jim Hausman and I'll be conducting the deposition today. Have
13 you ever been deposed before?

14 A. No.

15 Q. Let me give you some deposition rules on how best to go
16 forward with this. The court reporter can only write down
17 audible answers so don't shake your head or nod it; actually give
18 yea or nay's. If we can try not to talk over each other, that
19 also helps her. If you don't understand any question that I ask,
20 stop me and ask me for clarification. I want to make sure that
21 you understand all the questions. And, if at any time during
22 this deposition you need to change, correct or modify an answer
23 you've given during a deposition, again, stop me and go ahead and
24 make that correction. I want to make sure that you're very
25 comfortable with all the answers that you give today. Do you

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Q. Do you specialize in residential, commercial, industrial?

A. Residential and commercials.

Q. And is it local?

A. Yes.

Q. And do you do both listings and sales?

A. Basically, my wife's company; I'm just the vice-president.

Q. Okay. Does she do both listings and sales?

A. Correct.

Q. And the resorts you own, where is that resort located?

A. Round Lake.

Q. Where in Round Lake?

A. Where on Round Lake?

Q. Hm-hm.

A. On the southeast side of Round Lake.

(Discussion off the record.)

BY MS. AZAR:

Q. Mr. Reinemann, I'd like you to take a look at what's been

marked as Exhibit No. 1, and you had just been describing the

resort that you owned. I'd like you to take this pink

highlighter and highlight for me the location of your resort.

And you've highlighted in pink highlighter. I'd like you to take

a pen now and just put your initials and the date right near

there.

THE WITNESS: I don't know what the date is.

2 MR. STONER: 5-25-05.
3 BY MS. AZAR:
4 Q. And do you own any other property around Round Lake?
5 A. Around Round Lake or on Round Lake? What do you mean around
6 Round Lake? I don't understand.
7 Q. Do you own any other property on the map that's been
8 marked --
9 A. No.
10 Q. -- as Exhibit No. 1? Do you own any other property in
11 Sawyer County?
12 A. Yes.
13 Q. Where is that located?
14 A. Town of Round Lake.
15 Q. Where specifically?
16 A. It's a -- I don't know what section it's in. It's over on
17 Twin Lakes Road.
18 Q. Where is Twin Lakes Road in relation --
19 A. North -- northeast of here about two miles. That's Twin
20 Lakes Road there, about another two, three miles from there.
21 THE REPORTER: Excuse me. I'm having a little hard time
22 understanding you. Can you speak a little slower and it might
23 help if you took the gum out of your mouth. Northeast of --
24 THE WITNESS: Round Lake.
25 BY MS. AZAR:

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2 Q. So it's on Twin Lakes Road to the east of --

3 A. Correct.

4 Q. -- Exhibit No. 1. How much property do you own there?

5 A. Ahm, about a hundred fifty acres.

6 Q. And is that located on a Lake?

7 A. No.

8 Q. Now, the resort that you own and you've marked in pink on

9 Exhibit No. 1, how large is that parcel?

10 A. I believe it's 27 acres.

11 Q. And is your residence in that area as well?

12 A. Yes.

13 Q. Your residence is -- residence is on the 27 acres that the

14 resort is on as well?

15 A. Yes.

16 Q. I'd like to hand you what's been marked as Exhibit No. 163,

17 Mr. Reinemann. Would you take a look at that, please?

18 This is the subpoena that was served on you for this deposition,

19 correct?

20 A. I believe so.

21 Q. And it includes a document request specifically asking you

22 to supplement the documents that you had provided last year. Did

23 you bring any documents in response to the subpoena?

24 A. This is the only -- we've had some correspondence since the

25 last time you called. I mean this is all --

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2 Q. Thank you.

3 A. -- letters and E-mails.

4 MS. AZAR: Is this my copy?

5 MR. STONER: Yes.

6 BY MS. AZAR:

7 Q. I'm going to continue; but, before the end of your
8 deposition, I will read through these and may have some questions
9 with regards to that.

10 With regards to the 27 acres you own on Round Lake, do you have
11 any development plans for that parcel?

12 A. You mean future development plans or --

13 Q. Yes.

14 A. I think all my -- most of my building is pretty much done.

15 Q. And how many buildings are currently on that parcel?

16 A. Eleven or twelve.

17 Q. What kind of buildings are they?

18 A. There's, I believe, five garages, ahm, three homes and three
19 multifamily condominiums.

20 Q. And you have no plans to add any additional buildings?

21 A. Ahm, I might. I don't have any plans right now to do
22 anything. I'm pretty much done with what I need to do to operate
23 my resort.

24 Q. And is any of the land -- let me just back up. I'm going to
25 just call this the resort, so that you understand that it's the

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2 27 or so acres that you own on Round Lake. So, when I refer to
3 the resort, that's what I'm referring to. Is any portion of the
4 resort designated within the floodplain?

5 A. I'm not sure.

6 (Documents marked for identification as Exhibit Nos. 164 and
7 165.)

8 BY MS. AZAR:

9 Q. Mr. Reinemann, I'd like you to take a look at what's been
10 marked as Exhibit 164. Would you please identify this document?

11 A. (Unintelligible) survey.

12 THE REPORTER: I'm sorry, what -- survey?

13 THE WITNESS: September 9th, 2003.

14 MS. AZAR: Part of the North survey.

15 BY MS. AZAR:

16 Q. And was this document prepared on your behalf?

17 A. Correct.

18 Q. Is this an accurate copy of the document that was prepared
19 on your behalf?

20 A. Yes.

21 Q. And what was the purpose of this document?

22 A. To have an area removed from the floodplain.

23 Q. And where -- what property did this refer to?

24 A. Ahm, this would be my home, I believe. I don't know. I
25 think this was to my house. I'm not sure. Looks like this is

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2 the outlet of my house and garage here.

3 Q. So was this request to have property removed from the
4 floodplain granted?

5 A. That's why I said I'm not sure. I believe it was, but I

6 don't know if -- what the procedure is for -- if it's been
7 complete, you know, if it's been pulled out or -- but that's what
8 we tried to do and I don't know. That's why I said I don't know.
9 Q. And, just so I understand, how does one make a request to
10 have a -- the floodplain designation removed from property?
11 A. I still don't understand the question.
12 Q. Do you submit this request to the County to the Town to DNR?
13 A. I think just the -- just, we contacted the surveyor. I
14 don't know if we contacted anybody else.
15 Q. So you don't know who actually grants the exemption?
16 A. Right. I'm not sure. Right.
17 Q. So the surveyor is the person who took care of this for you?
18 A. Right. And that's why I said, I don't know if it's been
19 finalized or -- what -- finally, we applied for it. That's why I
20 said I don't know if more work has to be done or what.
21 Q. Are there any other parcels on the resort for which you
22 asked to be removed from the floodplain?
23 A. I'm not sure. I thought there might have been one, but I
24 don't know what point that was -- you know, it's probably when I
25 first started building in '99; and I don't know what we did. I

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2 think we did hire a -- a different surveyor and he did some work
3 for us, Lyle Elliott (phonetic).
4 Q. Okay.
5 A. And whether he filed something with the County or not, I --
6 I might -- I think he might have at the point. I think that was

7 back in '99.

8 Q. Why did you ask for the property designated in Exhibit 164
9 to be removed from the floodplain?

10 A. Right where my house and everything is, if you look at the
11 elevations, you'll see my house is probably nine to twelve feet
12 above the -- what I think is the high water mark there and it
13 shouldn't have been included, but I think at the time they kind
14 of painted everything with a broad brush and probably happened to
15 a lot of properties. I believe that was -- I don't know if they
16 pulled it out. It must have been a problem.

17 Q. From what I can gather, you and Mr. Hausman may have some
18 disagreements over where the lake level should be on Round Lake.
19 Do you know what the make level is today, for instance?

20 A. No.

21 Q. Do you like where the lake level is today?

22 A. No.

23 Q. What would you prefer the lake level be, higher or lower
24 than today?

25 A. A few inches higher than what it is today is what we

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2 normally are used to, for the 24 years I've owned my resort.

3 Q. So, for 24 years, you're used to the water being higher than
4 it is today?

5 A. Correct.

6 Q. And how do you know that?

7 A. By the shoreline, where the water hits the shoreline from my

8 property.

9 Q. Okay.

10 A. It's moved out in front of my dock. In front of my house
11 it's about five to six feet from what it used to be or normally
12 is, I mean.

13 Q. There's five to six feet more shoreline that is exposed
14 today than is normally?

15 A. Correct.

16 Q. And how -- in relation to the water level how much of a drop
17 in water level does that represent?

18 A. I would guess six to eight inches maybe.

19 Q. Okay.

20 A. I have real level property there.

21 Q. And so you're used to having the water level then six to
22 eight inches higher than it is today?

23 A. Correct.

24 Q. And that's what the water level has been pretty consistently
25 over the last twenty-four years?

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2 A. Yes.

3 Q. Besides yourself, who's -- who else is interested in having
4 higher water levels?

5 A. Ahm, only information I would have would be the response
6 that the County got in their survey which indicated most of the
7 people would Lake the lake level left alone which is -- indicates
8 to me that's what it was like for many, many years and that's

9 what they'd like to see it remain. So I would say the majority
10 of the people on the lake probably felt that way.

11 Q. So most people would, in your estimation, would like it six
12 to eight inches higher than it is today?

13 A. I believe that's accurate.

14 Q. And what have residents been doing to increase the lake
15 levels around Round Lake?

16 A. I have no idea.

17 Q. Do you know of anybody placing debris in the Round Lake Dam?

18 A. I don't believe that's an accurate statement.

19 Q. Have you ever witnessed debris in the Round Lake Dam?

20 A. No. I -- I believe the -- the only debris in that dam, I
21 think, was put in by some beavers according to what I was told.

22 Q. So you've never witnessed any debris in the dam?

23 A. Ahm, a number of years ago I think the beavers had built a
24 dam -- with a bunch of debris in there. I don't know, it's
25 probably maybe fifteen years ago --

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2 Q. Okay.

3 A. -- I think they were building a dam there that I seen.

4 Q. Have you ever seen any other debris in the Little Round Lake
5 Dam?

6 A. Ahm, nothing to any major extent like I did fifteen years
7 ago when the beavers tried to block it up, I guess.

8 Q. Any large rocks in the little Round Lake dam that you
9 witnessed?

10 A. Large rocks, no. Nothing bigger than a beaver could move I
11 would guess.

12 Q. And have you heard of anybody placing rocks in the Little
13 Round Lake Dam?

14 A. No.

15 Q. You've not heard of that?

16 A. No, I hadn't heard of anybody that done that.

17 Q. Have you ever told anyone that you know who dumped pit run
18 on the floor of the dam?

19 A. Pit run? No.

20 Q. What is pit run?

21 A. Pit run is real coarse base for building roads.

22 Q. Have you ever seen that in the dam?

23 A. No.

24 Q. Who is interested in having the lake levels lower than they
25 currently are?

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2 A. Besides Mr. Hausman?

3 Q. (Indicating.)

4 A. I'm really not sure.

5 Q. And how low dose Mr. Hausman want the lake levels to go?

6 A. Ahm, from his last statement, he -- a couple weeks ago at
7 the DNR meeting he said he was happy with where the level was at
8 that day.

9 Q. So do you know how low Mr. Hausman wants the lake level to
10 go?

11 A. I really don't know.

12 Q. Does Mr. Hausman like the lake level designations that are
13 in the 1941 Order?

14 A. Apparently, from all of his meetings he's attended.

15 Q. And are you comfortable with the lake levels as specified in
16 the 1941 Order?

17 A. No. I don't think that's a -- I think it was a mistake or
18 a -- kind of an oversight. I don't think the levels have been
19 maintained that way for whatever reason and, like I said, I think
20 for the most part they've been six to eight inches higher than
21 that according to some of the meetings that I've been at, that
22 the DNR apparently has been holding -- keeping records of it.
23 They seem to think it's always been higher.

24 Q. And do most property owners want the lake levels higher than
25 what's specified in the 1941 Order?

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2 A. Well, I can't speak for the property owners.

3 Q. You had indicated earlier you were summarizing what the
4 results of the survey were and you speculated that you thought
5 most property owners wanted the lake higher than it currently is,
6 correct?

7 A. I think that's what that County survey indicated.

8 Q. And so do you think the County survey indicated that most
9 residents want the lake levels higher than that specified in the
10 1941 Order?

11 A. If they wanted it left alone and it's always been that way,

12 I guess that's what I would have to assume.
13 Q. And you're a member of the Round Lake Property Owners
14 Association, right?
15 A. Correct.
16 Q. And you're actually on the Executive Board of the Round Lake
17 Property Owners Association, correct?
18 A. I'm a chairman of the Fish Committee.
19 Q. Therefore, you are on the Executive Board direct?
20 A. Chairman of the fish committee.
21 Q. Is there an Executive Board of the Round Lake Property
22 Owners Association?
23 A. I don't believe there is, not that I understand.
24 Q. So there's a board and then there's the members?
25 A. Correct.

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2 Q. Are you not on the Board?
3 A. I'm on the Board of Directors.
4 Q. Do you know what the water level was -- what the water
5 elevation was on the date of the meeting of the DNR?
6 A. I think it was 5.30 or something like that, or 5.25. I
7 guess that's what Mr. Whittlock said he seen.
8 Q. And you indicated Mr. Hausman stated that he wanted the
9 water level -- that was a fine water level at that point?
10 A. I think that's a statement he made at that meeting.
11 Q. Now, you're on the Board of the Round Lake Property Owners
12 Association. What is the position of the Round Lake Property

13 Owners Association as to whether or not the lake level should be
14 maintained at the order specified, the 1941 Order?
15 A. Was it the board of directors or the membership? I don't
16 understand the question.
17 Q. Well, why don't we go through both? What does the
18 membership think?
19 A. Well, I think the last time that question came up, they --
20 they basically were waiting to hear what happened from the
21 county's perspective and were in kind of a wait-and-see position.
22 Q. And when was that?
23 A. I believe that was last fall.
24 Q. And then what is the Board's position concerning whether or
25 not the lake levels should be maintained at the State-designated

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2 normal and maximum as specified in the 1941 Order?
3 A. I think it's pretty much divided.
4 Q. So the Board hasn't taken any formal positions?
5 A. We were kind of told at that same meeting that we shouldn't
6 take a position, by the membership. They voted that the Board of
7 Directors not take a position on the water level.
8 Q. So the members --
9 A. The members voted not to have the directors take a position.
10 Q. So the members in fall of 2004 ordered the Board not to take
11 a position on the water levels?
12 A. Correct, but to keep everybody informed and abreast of
13 what's going on as far as the meetings and --

14 Q. And has the Board taken a position on the water levels?
15 A. We had a teleconference a couple weeks ago, and there were
16 six people present at the time. There was a vote taken, and
17 three voted in favor and three voted against of the six people
18 that were present at the time the vote was taken. So I guess
19 that pretty much divides the --
20 MR. DREGNE: I'm sorry; did you say that was six weeks ago?
21 THE WITNESS: Possibly about that long.
22 BY MS. AZAR:
23 Q. And what -- what specifically were folks voting on?
24 A. There was a lengthy conversation and most of the people felt
25 that we shouldn't be taking a position because the membership

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2 didn't want us to, but our president kept insisting that he would
3 like to do it anyway. And we said: Well, we're not supposed to.
4 And he kept insisting, and then the vote went 50/50.
5 Q. So, besides that vote, has the Board of The Round Lake
6 Property Owners Association taken any position on whether the
7 lake levels on Round Lake should be maintained in accordance with
8 the 1941 Order?
9 A. I think I just answered that.
10 Q. So that is the only vote that's ever been taken by the
11 Board?
12 A. That I know of, yeah.
13 Q. And the Board then -- therefore, has never taken a position
14 in relation to whether or not the water levels should be

15 maintained as specified in the 1941 Order, correct?

16 A. From what I can remember, yeah.

17 Q. And what is your role in the Round Lake Property Owners
18 Association?

19 A. Chairman of the Fish Committee.

20 Q. And what does that involve?

21 A. Well, we work with US Fish and Wildlife Service, the DNR and
22 LCO tribe to have fish planted in the lake and we put artificial
23 habitat that we had a permit from the DNR. We put together
24 a youth employment and habitat program jointly with the LCO tribe
25 and we built fish cribs and I think we put about 350 of them in

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2 the lake through the past six or seven years.

3 Q. Describe for me what a fish crib is.

4 A. It's basically a wooden -- There's about five different
5 types. The type we put in was -- it's called a hybrid modular
6 fish crib which is basically a pallet, wood pallet with spacers,
7 PVC spacers between it, and it's a sandwich of three of them and
8 it's filled with tree limbs and brush and then it's weighted down
9 with cement block and put in certain locations around the lake.

10 Q. And you've been placing those in Round Lake?

11 A. They've been putting in, in Round Lake for generations, but
12 this is the type that I've been involved in.

13 Q. And, as far as the Round Lake Property Owners Association,
14 do they put them mostly in Little Round Lake?

15 A. Puts them in Little Round Lake, too.

16 Q. What about Osprey Lake?
17 A. No.
18 Q. Osprey Creek?
19 A. No.
20 MS. AZAR: Let's go ahead and mark this one.
21 (Document marked for identification as Exhibit No. 166.)
22 MS. AZAR:
23 Q. Mr. Reinemann, I'd like you to take a look at what's been
24 marked as Exhibit 165. Could you describe for me what that is?
25 A. Our condominium plot.

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2 Q. And is that the -- those are the condominium buildings that
3 have been built at your resort?
4 A. Correct.
5 MR. DREGNE: Excuse me. Is there another copy of that?
6 MS. AZAR: That's the only one.
7 MR. DREGNE: Okay. Stand over here.
8 BY MS. AZAR:
9 Q. And have all the buildings that are presented on that plat
10 been built?
11 A. Well, with exception to this garage here No. 5 and 13 and
12 this addition, unit No. 13, which would be attached to No. 5
13 if -- if we do do that.
14 Q. So those have not yet been built?
15 A. No.
16 Q. And do you plan to build those?

17 A. I'm not really sure. We have no plans at this time. But
18 we had to have this mapped out at the time we had it accepted by
19 the County. So this would be our long-range plan and those two
20 haven't been put on there yet. If we do, you know, it may be an
21 owner after me; but I don't know what we're doing right now.
22 Q. And do you recall whether or not any of the property
23 contained in this plat is designated in your floodplain?
24 A. I really don't know. There's a swamp behind me which is
25 obviously low land; and I really don't know what that map showed,

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2 what's been taken out.
3 Q. Do you own the swamp behind you?
4 A. I own a couple acres of swamp which would be probably in
5 this area right in here. This, in fact, I think -- I think this
6 cap is right in the middle of a swamp back here.
7 Q. And so right now you're pointing to the brass cap in the
8 northwest corner of Section 31, correct?
9 A. Yeah, I think that's a -- a section line right there.
10 That's a township line, too, between the Town of Round Lake and
11 Town of Hayward.
12 Q. Okay. Thank you. No further questions on that exhibit.
13 I'd like you to take a look at what's been marked as Exhibit 166.
14 A. Do you want me to read the whole thing?
15 Q. Well, I'm going to ask you some questions about it. I'll be
16 more than happy to point out the text that I'm interested in.
17 First of all, could you identify what it is?

18 A. It's a membership meeting, 2002, August 24th.
19 Q. And attached to that are the minutes from the June 1st, 2002
20 general membership meeting of the Round Lake Property Owners
21 Association, correct?
22 A. Right.
23 Q. And did you produce this document?
24 A. Did I?
25 Q. Yes.

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2 A. No, I don't believe I produced it, no.
3 Q. Let me make the representation to you that you did last
4 year. I'd like to call your attention to?
5 MR. DREGNE: Just so the record's -- no. Never mind. Go ahead.
6 BY MS. AZAR:
7 Q. The middle of what's been marked as AR 040. Do you see that
8 page? In the middle of that page, there's a sentence that
9 begins:
10 The water level is to be maintained between 5.25 and 5.5
11 according to Wisconsin Statutes per to John Spangberg,
12 S-p-a-n-g-b-e-r-g, of the DNR in Spooner. Paren, Jim Hausman
13 stated the high water level should be under 5.0 based on
14 resolutions from the State in the early forties which were
15 recently surveyed, end paren, period. Presently, the water level
16 is at 5.85 and silt has filled the inlet and outlet stream.
17 There appears to be more water running into Round Lake than out
18 of Round Lake. Several County Board meetings are planning to

19 resolve the high water issue, period.
20 Do you have any recollection of a discussion at the Round Lake
21 Property Owners Association about this?
22 A. What discussion went on during this meeting?
23 Q. Hm-hm.
24 A. Not really. A couple years ago.
25 Q. If you go to the prior page, at the very bottom, the last

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2 sentence says: High water levels in the lake cause high silt
3 build up, which is not good for plant life. Do you see that?
4 A. Where?
5 Q. At the very bottom, last sentence. Do you see that
6 sentence?
7 A. Right.
8 Q. Have you personally witnessed any silt build-up in
9 Round Lake?
10 A. Me, personally?
11 Q. Hm-hm.
12 A. No. This was written by Jerry Keech, by the way, not me.
13 Q. And so you haven't personally witnessed any silt build-up.
14 Has the Round Lake Property Owners Association discussed any silt
15 build-up issues on Round Lake?
16 A. We've had Dan Tyrolt, who's a conservation engineer I
17 believe for LCO.
18 Q. Hm-hm.
19 A. And, from what he has told us, there is very little silt

20 build-up in the lake; and he's been studying it and doing water
21 tests for us for a number of years and he doesn't seem to agree
22 with that.

23 Q. And so he his studying the silt build-up?

24 A. Well, he's studying the lake in general for the quality of
25 the lake and everything else; and that's the only expert I've

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2 heard from, and he doesn't seem to think there's any silt
3 problems with Round Lake.

4 Q. Has the LCO conducted a sediment study, do you know?

5 A. I think they're working on one. I don't know if they --
6 it's finished.

7 Q. Is that what you're referring to right now?

8 A. Well, they've done -- I think they've done some borings and
9 I don't know if they're finished with it. But I guess that's
10 something that he was indicating that he didn't think the problem
11 was as extensive as we've been hearing about.

12 Q. And so you got that from Mr. Tyrolt?

13 A. Correct.

14 Q. And have the results of the sediment sampling come back?

15 A. Not that I know of.

16 Q. When did you talk to Mr. Tyrolt about that?

17 A. I believe he was at one of our meetings when he made that
18 statement, one of our property owner meetings; and I think he
19 kind of emphasized the same thing at the meeting we had with the
20 DNR a couple weeks ago that he didn't agree with that there was a

21 major sediment problem or silt problem.
22 Q. Looking at Exhibit 166, those are the minutes of the June
23 1st, 2002 Round Lake Property Owners Association meeting,
24 correct?
25 MR. DREGNE: I'm sorry; did you say that's Exhibit 166?

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2 MS. AZAR: Let's see. Yes. That is correct, right?
3 THE WITNESS: I think there's a lot of mistakes in this. From
4 what I can remember, I think when Mr. Keech transposed this
5 information from the meeting I think there was a lot of problems
6 and I remember discussing a lot of these errors with him.
7 BY MS. AZAR:
8 Q. So you don't think this is an accurate --
9 A. Of what happened at the meeting? No, I remember there was a
10 lot of stuff that he kind of put in here that wasn't really
11 accurate.
12 Q. In general, are the minutes --
13 A. I really don't have --
14 Q. -- if you can --
15 A. -- don't have time read the whole thing and go through it
16 right now. But, from what I remember, he was pretty upset that
17 we were kind of giving a -- kind off a clean bill of health with
18 the lake because they were trying to get donations; and, if the
19 lake is all better, it's hard to get people's sympathy to donate
20 to the lake problems, which I think was the thing in the
21 nutshell; and that's why I was pretty well upset with it.

22 Q. And is he still the secretary of the Round Lake Property
23 Owners Association?
24 A. No, he's moved to out of state.
25 Q. And who is the new secretary?

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1 ROUGH DRAFT ASCII
2 A. ^ Ck hm-hm.
3 Q. Who would actually prepare the minutes at this point?
4 A. I don't know if Dave Anderson does it or I don't know which
5 one of them does it. I don't, so.
6 Q. Let's presume that Mr. Anderson is the one that prepares the
7 minutes. Does Mr. Anderson generally prepare accurate minutes of
8 the meetings?
9 A. Much better, yes, much better; but I think some of these
10 back then were pretty -- not very representative of what happened
11 at the meetings. I remember correcting a whole page and sending
12 it back and saying, you know, this is not right. And he got
13 upset; and it wasn't long, he resigned.
14 Q. And that was Mr. Keech?
15 A. Correct.
16 Q. And so the accuracy issues had to do with Mr. Keech's
17 minutes, correct?
18 A. And I think this is probably one of them. If I could go
19 through it and spend time, I could probably find a lot of stuff
20 that was probably not correct.
21 Q. Well, let's put that aside; we might have you do that before
22 the end of the day; but, as you indicated, Mr. Anderson then took

23 over the position and his minutes are generally accurate?
24 A. It was either Tim or Bob Strakota ^ sp, whosever writing
25 the minutes now, I'm not sure.

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1 ROUGH DRAFT ASCII

2 Q. And they're pretty accurate minutes at this point?

3 A. I think they're much better, but you're still going to get
4 slants depending on somebody's personal agenda, I think.

5 MS. AZAR: Mark this, please.

6 (Document marked for identification as Exhibit No. 167.)

7 BY MS. AZAR:

8 Q. I'd like you to take a look at what's been marked as Exhibit
9 167. Would you please identify that?

10 A. Membership meeting, June 7th, 2003.

11 Q. And attached to that are the minutes from the -- presumably,
12 the prior meeting of August 24th, 2002, correct?

13 A. Correct.

14 Q. And do you know who prepared these minutes from the August
15 24th, 2002 meeting?

16 A. No, I don't.

17 Q. I'd like to call your attention to Page 3 of the August
18 24th, 2002 minutes.

19 MR. DREGNE: You mean the page -- numbered page 3 in the upper
20 left-hand corner?

21 MS. AZAR: Correct, and it's Bates stamped AR 024.

22 Q. Number 6 there indicates: Quote, the position of RLPOA was
23 stated to be that there was a valid order in effect requiring

24 Sawyer County to maintain the level of Round Lake at not greater
25 than a specified level and that the County should do what it

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1 ROUGH DRAFT ASCII
2 physically and legally could do to comply with such order,
3 period, end quote.
4 Do you see that?
5 A. Correct.
6 Q. Is that the position of the Round Lake Property Owners
7 Association?
8 A. I don't know if there was ever a vote to that effect. I
9 don't remember one if there was. Like I said, some of these
10 minutes have not been very accurate.
11 Q. So do you think this is not an accurate representation as to
12 what --
13 A. I would like to know where the vote was taken. Do you have
14 a -- a date and a time that a vote was taken to that?
15 Q. Mr. Reinemann, I'm not on the Board; but you are so that's
16 why I'm asking you --
17 A. I said: I don't remember ever being one.
18 Q. Sir, we can't speak over one another. Okay. So let me ask
19 the questions; then you can answer them. All right.
20 I'm not on the Board and I'm not on the Round Lake Property
21 Owners Association. I'm asking you questions about that.
22 So my question of you is: Is it the position of Round Lake
23 Property Owners Association that Sawyer County should maintain
24 the level of Round Lake at not greater than a specified level and

25 that the County should do whatever it physically and legally

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1 ROUGH DRAFT ASCII

2 could do to comply with such order?

3 A. I don't believe there was ever a vote to that effect, in all
4 the years that I've been on the Board of Directors.

5 Q. So, as far as you know, this is not a position of the
6 Round Lake Property Owners Association?

7 A. I don't believe there's been a vote to that effect, in all
8 the years that I've been on the Board of Directors.

9 Q. I'd like you to answer the question. Is it the position of
10 Round Lake Property Owners Association --
11 Let me explain why I keep asking that question. You keep coming
12 back and saying there's not been a vote. In your mind, does that
13 mean that this is not the position of Round Lake Property Owners
14 Association?

15 A. I think that's what I'm trying to tell you, that maybe
16 whoever wrote these minutes would like to have that reflect that.
17 But I don't believe the property owners have ever voted on that.
18 If I'm wrong, I'd like to see where this vote was taken to make
19 that position. Because I've been on there for quite a few years
20 and I don't ever remember anybody voting and I've been to every
21 one of the meetings. So, you know, just because somebody writes
22 in their minutes, like I said, some of these other minutes are
23 all wrong, too, and -- where was the vote taken? I -- you know,
24 I've been at every one ever them. I don't remember ever being a
25 vote taken by the membership to that question right there.

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ROUGH DRAFT ASCII

2 Q. Was there ever a vote taken by the Board that --

3 A. There was one just a couple weeks ago, and I told you what
4 the results were.

5 Q. And before that, no?

6 A. Not that I know of, not that I can remember.

7 Q. I'd like to point out that what these minutes state is that
8 someone at the June 25th, 2000 --

9 MR. DREGNE: Where are you reading now?

10 MS. AZAR: I will explain that in a minute. I'm looking on
11 Page 2 of Exhibit 167. The last sentence before the numbers
12 begin, it says: At a hearing held on June 25th by the County
13 Board, the following points were made. And one of the points is
14 the one we were just discussing, namely, what was allegedly the
15 position of the Round Lake Property Owners Association. Were you
16 at that June 25th meeting?

17 A. I've been at almost all of them. I can't remember which
18 one -- I might have missed one, but I -- I would guess that I was
19 at almost all of them. If --

20 Q. And this is the meeting you're talking about here?

21 THE REPORTER: I'm sorry. And this is the meeting --

22 BY MS. AZAR:

23 Q. Mr. Reinemann, you stated that you attend almost every
24 meeting of the Round Lake Property Owners Association, correct?

25 A. Yes.

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ROUGH DRAFT ASCII

Q. And, at each meeting, the membership reviews and either approves or revises the minutes from the prior meeting, correct?

A. Correct.

MR. STONER: Excuse me for interrupting but the exhibit talks about meeting notes not minutes. And -- and the approval was meeting notes not of minutes. So I think, for clarification purposes, that reference should be made to the meeting notes that are reproduced there in Exhibit 167.

MS. AZAR: Okay.

BY MS. AZAR:

Q. So, Mr. Reinemann, at each meeting, the Round Lake Property Owners Association reviews either the meeting notes or the meeting minutes and either approves them or basically revises them and then presumably approves them, correct?

A. Correct.

Q. And, when you see errors in the minutes, when you're in attendance at a meeting --

A. Have you ever been at a meeting?

Q. Sir, please let me finish my question.

A. Okay.

Q. You indicated that you attend most meetings of the Round Lake Property Owners Association, correct?

A. Correct.

Q. And, when you have problems or concerns or you see errors in

1 ROUGH DRAFT ASCII

2 minutes that you consider to be material errors, do you raise

3 those during the discussion of the minutes that are being

4 approved?

5 A. Most of the time, not.

6 Q. Why not?

7 A. Because, usually, somebody from the floor who hadn't had

8 time to read the minutes will make a motion to accept them to get

9 the meeting going. This is only an association. It's not a

10 government. It's not affiliated, legally, with anything. It's

11 just a club. It's not that important. That's why, when the

12 meeting is over, if I find a problem, I go to the chairman and

13 let him know; but most of the time we don't have time to read the

14 minutes and somebody's already made a motion to accept them.

15 Q. And so the minutes --

16 A. It's Saturday morning, and people want to get out of there

17 and get on with the business and half of them don't ever read it.

18 Q. Okay, so --

19 A. And they're assuming that whoever put it there made them

20 right, but they're very seldom right. And it's not that

21 important because it's not a town or a state government. I mean

22 this is a club. And you're hanging your hat on something

23 that's -- you know -- should have been scrutinized more and if it

24 probably held more water would have been, but that's why most of

25 us complain after the meeting and let the people go on with their

1 ROUGH DRAFT ASCII

2 business on a Saturday morning. So that's the way it's been run.

3 Q. So the club's active --

4 A. It's not right, I agree --

5 Q. Sir, sir, when I start talking, I would appreciate that you

6 not interrupt me.

7 MR. STONER: But, Counsel, I think that holds true for both of

8 you. When he is still talking, as he was then, you interrupted

9 him.

10 MS. AZAR: Sir, I waited until I thought he was done. And every

11 time --

12 MR. STONER: But he was still speaking.

13 MS. AZAR: And every time I opened my mouth, when I thought he

14 was done, he would reinterrupt me. So I would be more than happy

15 to sit here and delay until there's a five-minute pause if that's

16 what you would like me to do.

17 MR. STONER: I didn't suggest a five-minute pause at all; I just

18 suggested that you interrupted him at that particular question.

19 BY MS. AZAR:

20 Q. So are the minutes of the club not important?

21 A. Apparently, not.

22 Q. Are the activities of the club important?

23 A. They're not legally binding as far as I see. We don't have

24 any authority. We have no control over what's going on out

25 there. We're just kind of trying to help the lake, do what we

1

2 can. We're all volunteers. We're concerned about our homes.

3 We're concerned about the lake so we volunteer our time.

4 Q. So does that make the activities of the club important or
5 not important?

6 A. Some things are very important.

7 Q. Which things are very important?

8 A. Trying to clean the lake up.

9 Q. Clean the lake up from what?

10 A. We organized a complete survey of all the septic systems on
11 the lake to try to get all the failing systems to quit polluting,
12 which is what we accomplished; and I think that was really
13 important. That really helped the lake in my opinion.

14 Q. What has the club done that's important?

15 A. We have been monitoring and treating the mill foil ^ sp as
16 it shows up, which I think is really important. If you don't,
17 the DNR will not do a thing about it and the lake will just get
18 overrun. Those are two really important things that I think that
19 we've accomplished.

20 Q. What else has the club done that's important?

21 A. We tried to help the -- help the habitat of the lake for its
22 fish population.

23 Q. And how are you helping the fish population?

24 A. By putting a -- help planting fish in the lake and putting
25 habitat out there so that the fish can survive and repopulate.

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ROUGH DRAFT ASCII

2 Q. So are maintaining the spawning beds of the fish also
3 important?

4 A. Correct.

5 Q. And is the Round Lake Property Owners Association assisting
6 within that?

7 A. With what, the spawning areas?

8 Q. Correct.

9 A. I don't know how they could.

10 Q. Doesn't the water level affect the spawning areas?

11 A. Somewhat.

12 Q. And how does it do that?

13 A. Most of the small fish and minnows grow along the shoreline.
14 That's where all the plant life is; that's where all the bugs and
15 insects that feed all the small fish are. The water level, I
16 think, that's why I was concerned as a fish committee. I feel
17 that taking the lake down from what it's been for the last forty,
18 fifty years or however long it's been that way is going to affect
19 all the swamps, all the drainage. The swamps purify the water
20 coming into the lake. To lower the level and have those swamps
21 basically neutralized and not help the lake get purified by going
22 through those filters, I think, is going to devastate the lake.
23 That's why I would like the lake left alone and not drawn down.
24 Q. So is the Round Lake Property Owners Association involved
25 with that?

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2 A. With what?

3 Q. With maintaining the water levels at a certain level?

4 A. We used to be. We're not any more. Somebody from the
5 property owners used to run the boards in the dam. Nobody does
6 that any more.

7 Q. When was that done?

8 A. That somebody from the Association did it?

9 Q. Yes.

10 A. Probably fifteen years ago or longer.

11 (Document marked for identification as Exhibit No. 168.)

12 BY MS. AZAR:

13 Q. You indicated that the Round Lake Property Owners
14 Association used to be involved in the operation of the Little
15 Round Lake Dam. Has the Association ever helped to measure the
16 water levels on Round Lake?

17 A. Not that I know of.

18 Q. I'd like to point your attention to what's been marked as
19 Exhibit 168. These are the May 17th, 2003 minutes from the
20 Round Lake Property Owners Association directors' meeting. And I
21 note that you were in attendance that meeting. Do you see that?

22 A. Correct.

23 Q. Pointing -- I'm jumping to the second page. Under your Fish
24 Committee report, under Subception E, you state: Quote -- or you
25 must have stated during this meeting -- quote, we have approval

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ROUGH DRAFT ASCII

2 from the County and Dan Carthel to publish the Cartel Engineering

3 report on water levels, end quote. What was that about?

4 A. I think that was his engineering report that I think he
5 brought it actually to the meeting.

6 Q. To the meeting that you were in attendance there on May
7 17th?

8 A. I guess so, letter. It says on the next page that Dan
9 Carthel attended the June general meeting.

10 Q. And so the Round Lake Property Owners Association, according
11 to these minutes, had the approval from the County and Dan
12 Carthel to cover Mr. Carthel's report?

13 A. I don't think to publish it, to distribute it.

14 Q. To distribute it?

15 A. I think they were available at the meeting there.

16 Q. Were you involved in the distribution of the Carthel
17 Engineering report?

18 A. I don't remember. I thought somebody from the County
19 brought 'em. I really can't remember how they got there.

20 Q. Were they -- was the Carthel Engineer report mailed out to
21 the members of the Round Lake Property Owners Association?

22 A. I don't think so.

23 Q. I noted, under Subsection F here, as in Frank, it says: The
24 LCO Tribe or governing board is upset about the water level
25 debate and attendant publicity according to Mick Ishem ^ sp

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1 ROUGH DRAFT ASCII

2 Do you see that?

3 A. Hm-hm.

4 MR. STONER: Jack, answer yes or no so that it can be reported.

5 THE WITNESS: Yes.

6 BY MS. AZAR:

7 Q. Specifically, what was the tribal governing board upset
8 about?

9 A. Ahm, I guess about the discussion about doing something as
10 far as lowering the water level and affecting the downstream
11 which goes onto the reservation.

12 Q. And did you have discussions yourself with Mike Isham ^ sp
13 about that?

14 A. Ahm, I might have had, yes. I -- I remember -- remember
15 what -- when this was. Like I said, him and I co-chaired this
16 habitat and youth employment. So I've had a lot of conversations
17 with Mick Ishem ^ sp through the years. I've known him for quite
18 a few years.

19 Q. Did you have discussions with Mr. Ishem ^ sp about the
20 resolutions that the LCO passed concerning the dredging of Osprey
21 Creek or the changing of the water levels on Round Lake?

22 A. I think the -- Dan -- Dan Tyrolt was the one that actually
23 showed me the copy of that resolution, not Mick Ishem ^ sp. I
24 think he brought it to or sent it to the County, the first one.
25 I don't remember; I think that's where I seen the first one.

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ROUGH DRAFT ASCII

2 Q. I think I'm going to hand you what's been marked has
3 Exhibit 83, and these are two resolutions that the LCO has
4 passed, one concerning their opposition to any dredging or

5 disturbance of Osprey Creek. That one is dated October 8th,
6 2002. And the second is their position -- stated position that
7 they are in favor of establishing a new revised lawful water
8 level on Round Lake to prevent any lowering of the lake. And
9 that one was dated August 24th, 2000, either 2002 or 2003, I
10 can't tell.

11 Did you have any involvement with the Lac Courte Oreilles either
12 preparing these vote -- or voting on these resolutions?

13 A. No.

14 Q. When did you find out that the Lac Courte Oreilles was
15 deliberating about the dredging on Osprey Creek?

16 A. I think this first -- first resolution I either heard from
17 the County Board or it was at one of the -- might have been at a
18 DNR meeting that we first had. I think that's when I -- he might
19 have read it at the meeting. But I mean that's quite a while
20 ago; I don't really remember. But I think I heard it -- I think
21 we had a meeting with Frank Dallam or something and I think at
22 that point that's when he got up and read the resolution, but I
23 really can't remember exactly when we first heard about it.

24 Q. And, as far as the second resolution, when did you hear
25 about that one?

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1 ROUGH DRAFT ASCII

2 A. I've really never seen this. This is just recently or --

3 Q. Well, I think this is actually dated August 4th, 2003.

4 The reason I state that is it's Resolution 03-45 which usually is
5 indicative of a 2003 resolution.

6 A. I don't think I ever even got a copy of this one.

7 Q. Did you hear about that one?

8 A. I know they had one, and then I -- I don't know if they sent
9 the same one. I really -- like I say, I never seen this one.

10 Q. Did you talk to Mr. Ishem ^ sp about the first one?

11 A. I think I talked to -- I might have. I know I talked to Dan
12 Tyrolt but I don't remember if it was -- ahm. After the meeting
13 or -- I don't know how I heard about it to tell you the truth.

14 Q. What did you talk with Dan about?

15 A. That the -- well, I think I was there for something else we
16 were doing. I've done work with him. So I really don't remember
17 what I was there for. But he -- I think he told me they were
18 either working on it when I first met him. It's been a long time
19 ago; I really can't remember how it --

20 Q. Okay, that's all the questions on that one.

21 A. Like I said, I don't think I've ever seen that second one.

22 Q. Would you like to keep a copy?

23 A. No, that's all right; I don't.

24 Q. Let's go back to Exhibit 168, should be in front of you
25 here. I am now looking at what's been Bates stamped AR 030.

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1 ROUGH DRAFT ASCII

2 It's talking about the news letter at the bottom.

3 And it states, quoted: It was agreed we won't include the
4 Carthel Engineering report on water level and
5 Mr. Whittlock's ^ sp report on government awareness in the news
6 letter and not include the report written by Al Reinemann labeled

7 The Fish Committee Report, the chronicles, the history of
8 water-related meetings and articles, period, end quote; do you
9 see that?
10 A. Correct.
11 Q. What was the dispute about your Fish Committee Report?
12 A. I was asked by Dave Anderson to compile a letter of all the
13 activities that had transpired up to that point and that's where
14 I, who asked me to do it to write that letter and I wanted to
15 publish that as part of my Fish Committee because it discussed
16 governmental affairs, though, if I felt it was infringing on
17 Mr. Whitlock's ^ sp position.
18 MS. AZAR: Okay. We're on 169. Is that what's in front of you?
19 Okay.
20 BY MS. AZAR:
21 Q. Mr. Reinemann, please take a look at what's been marked as
22 169. Is that the Fish Committee report that you were just
23 discussing?
24 A. Correct.
25 Q. And did this end up getting send out to the Round Lake

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1 ROUGH DRAFT ASCII
2 Property Owners Association?
3 A. It was sent out to all the property owners on Round Lake and
4 Little Round Lake.
5 Q. And did do you that as chairman of the Fish Committee?
6 A. No, I did it on my own pocket and didn't use the letterhead
7 of the property owners other than putting on the top that this

8 was my report and it wasn't published.

9 Q. And how did you get the mailing addresses of all those
10 folks?

11 A. Through the County. You can buy the mailing addresses; all
12 the realtors do it.

13 Q. Oh, you can buy it from the County, really?

14 A. I don't know if you have to buy it, but you can get it for
15 every lake you want. All the realtors get them; that's how they
16 send their mailings out to try to get listings.

17 Q. So where -- who did you contact to get it?

18 A. My wife did it. I don't-- You know, because they have them
19 all the time. Because all of the agents send out to different
20 lakes. They do a mailing once a year.

21 Q. And do you know if she paid for the mailing list?

22 A. I don't know if they charge you for it or not to tell you
23 the truth.

24 Q. Okay.

25 (Document marked for identification as Exhibit No. 170.)

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1 ROUGH DRAFT ASCII

2 BY MS. AZAR:

3 Q. Mr. Reinemann, have you had a chance to review what's been
4 marked as Exhibit 170?

5 A. Right.

6 Q. And these are the minutes or notes from the Friday, July
7 18th, 2003, Round Lake Property Owners Association directors'
8 meeting, correct?

9 A. Yes.

10 Q. And, as part of these -- pardon me -- notes, it states:
11 Quote, the message in that letter will be that the Round Lake
12 Property Owners Association's position, consistent with the
13 majority of our members, is that the water level of the lake
14 should be managed to avoid extreme low and high water and that
15 our Association wishes to be involved with the County in a
16 establishing a plan for managing the lake, period, end quote. Do
17 you see that?

18 A. Correct.

19 Q. And is that an accurate representation of the Round Lake
20 Property Owners Association position?

21 A. I believe so.

22 Q. And so the Round Lake Property Owners Association would like
23 the County to be able to control the extreme high water on
24 Round Lake?

25 A. And low water.

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1 ROUGH DRAFT ASCII

2 Q. So they would like the County to be able to control extreme
3 high water on Round Lake, correct?

4 A. And low water, yes.

5 Q. But I need you to tell me if it's correct if they would like
6 the County to be able to control extreme high water on Round
7 Lake.

8 A. That's what it says: Extreme low and high water.

9 Q. So the answer is yes?

10 A. Yes.

11 Q. And is the County currently able to control extreme high
12 water on Round Lake?

13 MR. STONER: I would object to the form of that question. If
14 you're referring to this Exhibit 170, it talks about management
15 not control.

16 MS. AZAR: Then let me rephrase that question.

17 MR. DREGNE: Also, just to interpose an objection that the word
18 extreme is ambiguous. I would object to the form of the question
19 for that reason.

20 MS. AZAR: Just like to point out I'm quoting the document. So
21 you can object to the Round Lake Property Owners Association.

22 BY MS. AZAR:

23 Q. Is it the Round Lake Property Owners Association's position
24 that the County should be able to manage the water levels of
25 Round Lake to, quote, avoid high water -- extreme high water

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1 ROUGH DRAFT ASCII

2 levels, end quote?

3 A. And low water, too, you eliminated that part of it.

4 Q. Here's what I'm going to do, Mr. Reinemann, I'm going to
5 break it up; and I'll start with the low water first and then
6 I'll go to high water. So that way you'll be comfortable with
7 it, okay?

8 Is it the Round Lake Property Owners Association's position that
9 Sawyer County should be able to manage the lake levels on
10 Round Lake to avoid extreme low water levels?

11 MR. DREGNE: Same objection.

12 THE WITNESS: Yeah. That's what we agreed to.

13 BY MS. AZAR:

14 Q. Does the County currently have the ability to manage the
15 water levels on Round Lake so as to avoid extreme low water
16 levels?

17 A. I don't think anybody does. I think mother nature controls
18 the high water and the low water based on how much runoff and
19 rainfall we get.

20 Q. So you don't think the County has an ability to manage
21 either extreme low or extreme high water levels on Round Lake?

22 A. I really don't know. I'm not the County. I don't know what
23 their abilities are. I mean, do they have an army of people that
24 can, you know, get this water from someplace to put it in when we
25 need it and where do they put it in mean -- I mean you're -- it's

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1 ROUGH DRAFT ASCII

2 kind of a screwy question if you ask me. You know, who -- who
3 has control?

4 Q. Does anybody have control, Mr. Reinemann?

5 A. I really don't know.

6 Q. Okay. I'd like to give you the document that's been marked
7 as Exhibit 156. There we go. Let me know when you've had a
8 chance to review it.

9 THE WITNESS: Hm-hm.

10 BY MS. AZAR:

11 Q. This is a letter from the Round Lake Property Owners

12 Association to both the WDNR and the Sawyer County Board of
13 Supervisors dated November 1st, 2003, correct?
14 A. Correct.
15 Q. And, based on the conversation we just had, is it your
16 belief -- strike that. Does this exhibit accurately reflect the
17 Round Lake Property Owners Association position in relation to
18 the water levels on Round Lake?
19 A. All except the last sentence of the second last paragraph.
20 Like I said, I don't believe there was ever a vote to that
21 effect. That's Mr. Strakota's ^ sp interpretation. Everything
22 else there is pretty accurate, you know, as far as what we -- we
23 discussed about leaving things up to nature, going up and down;
24 and then he added this one sentence in there that the property
25 owners did not support a change in the historic lake levels and

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1 ROUGH DRAFT ASCII
2 does not believe the matter needs to be reevaluated. I don't
3 know where that came from other than from him personally.
4 Q. So the Round Lake Property Owners Association has never
5 decided whether it supports the change in historic lake levels?
6 A. Correct.
7 Q. And it never took a vote on whether or not the matter needs
8 to be evaluated or reevaluated at this time?
9 A. Right, and I think the rest of it is pretty well written.
10 It's pretty much what we discussed as far as trying to balance
11 between high and low water and letting Mother Nature pretty well
12 do things. But, like I said, before, you know, how you going to

13 control the entire area when we have a lot of high water in
14 Round Lake? We have it in every lake in the whole area. What
15 are you going to do with it? It's not going to run uphill.
16 Everybody's experiencing the same thing at the same time.
17 Q. Are you familiar with any vandalism at the Lake Placid Dam?
18 A. No.
19 Q. Have you had any conversations with Mr. Carthel with regards
20 to the water levels on Round Lake?
21 A. I don't believe I've talked to him for, hm, a year and a
22 half or something like that, that I've actually talked to him. I
23 don't know if he fell off the map or -- I really don't.
24 Q. And, when you had discussions with him a year and a half or
25 so ago, what were discussions about?

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2 A. His -- his report and, ah, his interpretation of, you know,
3 I tried to get him to try to tell us how to -- how the County's
4 supposed to manage the dam and the boards and all that and I
5 still haven't had an answer from him or the DNR or anybody. To
6 me it's really not clear how they're supposed to be handling the
7 boards in and out of the dam. I was hoping I'd get an answer
8 from him, but he's never given me one. I don't think I've ever
9 gotten one from anybody.
10 Q. And, when you saw they should be handling the Boards, is
11 that when to take boards in and take boards out?
12 A. Right.
13 Q. And have you or the County?

14 A. The property owners have voted twice to have the County put
15 boards back in the dam because we're losing so much water.
16 Q. And when was that?
17 A. It should be in those draft minutes of those meetings.
18 Q. So you don't --
19 A. I did read it in one of the minutes. But I can't
20 remember -- but if you look and you've got all of them you'll
21 find it in there.
22 Q. And when you say they voted twice to put the boards back?
23 A. Two different times, yeah. Two different years, I believe.
24 And I think it was even a number of years before then we also --
25 people had complained that they'd liked boards to be put in but

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1 ROUGH DRAFT ASCII
2 nothing happened. The message never got down to Dale Olson
3 because I finally showed him minutes, and he said no one had ever
4 notified him that the property owners wanted boards put back in.
5 And so whoever was supposed to -- and I think it was at the time
6 Jerry Keech was the chairman.
7 Q. So one of the two times that the Property Owners Association
8 asked to have boards put back in, that's what you're saying was
9 never conveyed to the County and, therefore, boards weren't put
10 in?
11 A. Right, I think there was only one time that they put them in
12 that I know of.
13 Q. Have you ever had any conversations with Mr. Frank Dallam
14 with regards to Round Lake?

15 A. I talked to him outside the meeting for about two minutes
16 that we had at the DNR a couple weeks ago.

17 Q. Is that the only conversations you ever had with Mr. Dallam?

18 A. I think that's the only time I ever talked to him. I might
19 have talked to him outside the meeting two, three years ago; but
20 I've never talked to him on the phone or met with him any other
21 time.

22 Q. And who at Sawyer County have you talked to about the
23 Round Lake water level issues?

24 A. Oh, I think Kris Mayberry and talked to Shirley Suhsen when
25 she was the chairman of the conservation committee and I don't

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2 think -- I don't know if she's involved in that any more, but I
3 haven't talked to her, too, for quite some time and I don't
4 think -- I don't know if she's even on that committee any more.
5 They really haven't been holding any meetings on the Round Lake
6 issue as far as I know. They may be have, but I guess that's all
7 closed session now; but, when they were holding, I would talk to
8 them, see what -- especially if I wasn't in town to see if
9 anything had transpired to try to keep abreast of what's
10 happening.

11 Q. And have you been speaking with Kris Mayberry with regards
12 to the Round Lake issues?

13 A. I talked to him, hm, probably af -- I think the last time I
14 talked to him was when the County finally hired a -- an attorney
15 or their insurance company or something. I think the last time I

16 ever talked to him, I guess that's when this whole lawsuit thing
17 started, and he said that the County was going to have an
18 attorney to represent 'em. I think that was the last
19 conversation I think I had with him.

20 Q. And what was the discussions about?

21 A. That they had, the County had hired an attorney.

22 Q. And how often did you talk with Kris Mayberry before that
23 about the water level issues?

24 A. I probably only talked to Kris Mayberry twice in a number of
25 years, I would guess. I see him in the hall and say hello to

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2 him; but, as far as that -- I think I've only talked to him
3 twice.

4 Q. And what's his role in this project?

5 A. I think he's the secretary or clerk for the County Board.

6 Q. And what involvement does he have in the actual Round Lake
7 water issue or litigation?

8 A. I really don't know.

9 Q. When you talked to him what did you talk about besides the
10 County hiring and attorney --

11 A. Kris and I have been friends for twenty years.

12 THE REPORTER: Just a second, please. When you were talking to
13 him -- I lost it; I'm sorry.

14 BY MS. AZAR:

15 Q. You indicated that you were talking with Mr. Mayberry about
16 the lake levels. What were you talking to him about?

17 A. Like I said, it was about the time that the County hired an
18 attorney; and that's -- I asked him if anything had happened on
19 the committee because apparently I had been out of town. I
20 hadn't attended all those conservation meetings and I met him in
21 the hall and I asked him; and he said, no, the County's hired an
22 attorney and they're going to do whatever, research or whatever
23 they have to do. I don't know. It wasn't a very long
24 conversation, but that's basically the last time I talked to him.
25 They had -- and I don't know how long ago they had their attorney

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2 hired. That's -- I don't know a year; I don't know how long it's
3 been.

4 Q. You stated that you've known Kris Mayberry for twenty years
5 or so?

6 A. Oh, a long time, probably longer than that.

7 Q. And you've talked to him twice about the Round Lake issues?

8 A. From what I can remember, yeah.

9 Q. And what I now know what one of the conversations was about.
10 What was the other conversations about?

11 A. It was long before then. I really don't know because I know
12 he attended the same or conservation committee meetings and I
13 probably talked to him in the hall after the meeting, but what we
14 talked about I really can't recall.

15 Q. And, besides Mr. Dallam at the WDNR, who else at the WDNR
16 have you spoken to about the Round Lake issues?

17 A. I don't think anybody. I can't think of anybody offhand.

18 Oh, I know, I did talk to Mike Cain out of Madison.

19 Q. When did you talk with him?

20 A. Ahm, I talked to him when I was in Iowa on vacation and I
21 left a message and he called me down there. And he was on his
22 vacation and he was in a boat fishing with his little boy and I
23 was down there getting ready for hunting season. So you know
24 what most of the conversation was about, and he was basically --
25 they're going to look into it and they'll let us know as soon as

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2 they come up with any meetings or anything; and I -- you know --
3 mainly talked about hunting and fishing.

4 Q. And so when did you go on vacation in Iowa?

5 A. I go down there quite often. I have a little cabin down
6 there so I was working on that.

7 Q. When were you talking with Mr. Cain? That's what I was
8 trying to get at.

9 A. Oh, hm, year and a half ago, something like that, I would
10 guess. Could be a year ago, I really don't know.

11 Q. Have you talked to him more recently?

12 A. I -- I called him one other time; and he said that he,
13 basically, isn't involved in the issue, that that somebody
14 locally up here is involved in that now. He's -- gave me the DNR
15 guy in Park Falls, said he's kind of in charge of it now.

16 Q. And who is that?

17 A. Ahm, is it on one of these letters here? Ar -- Article or
18 Arlica or something like that.

19 Q. Aartila? A-a --
20 A. Artula ^ (phonetic)?
21 Q. Yeah. And when did you call Mike and he told you to talk to
22 Mr. Aartila?
23 A. Probably, hm, three, four months ago.
24 Q. And why were you calling Mr. Cain at that time?
25 A. To see if he had -- he said they were going to start setting

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2 up some meetings and to find out if they had and he's -- I guess
3 he -- he said there was one meeting scheduled or they were going
4 to have a meeting and -- but, basically, he said he's really not
5 the point plan on it any more and talk to somebody else who knows
6 more about it.
7 Q. And so then you called Mr. Aartila?
8 A. Yeah, I had a hard time getting a hold of him. I did
9 finally talk to him, and that's when he told me there was a
10 meeting scheduled that I don't know if they had it or not, and it
11 got postponed and he told me about this other meeting that we had
12 a couple weeks ago.
13 Q. And how many times have you talked to Mr. Aartila?
14 A. Hm, maybe twice.
15 Q. And were both of them recently?
16 A. Yeah, within -- within the last three months I would guess.
17 One of them was probably within a month maybe.
18 Q. Within a month ago?
19 A. Yeah, somewheres around that time frame, could be. I could

20 be off a little bit.

21 Q. And so you called Mr. Aartila once to find out about the
22 meeting that the DNR was holding?

23 A. They cancelled that meeting. There was going to be a
24 meeting.

25 Q. Okay.

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2 A. And I guess it was just an inter-agency meeting. They were
3 just going to sit down to review whatever they had dug into.

4 Q. And that was the first call you made to Mr. Aartila?

5 A. Yeah.

6 Q. Did you call him for any other reason?

7 A. No. Last time I talked to him, he told me this meeting was
8 coming up here.

9 Q. Okay. So I want to talk about the first call, though. So
10 you called him to find out about the community meeting. He said
11 that was not a community meeting; there was going to be an
12 inner-agency meeting; public was not invited to it. Did you talk
13 to him about anything else at that point in time?

14 A. Ahm, I had talked to him about not being informed because he
15 said he would contact Mr. Strakota ^ sp and he would contact the
16 rest of us; but Mr. Strakota ^ sp has not been informing the rest
17 of us any communications on this water level issue. So I told
18 him that and I said, if you want us to attend that meeting,
19 you're going to have to get a hold of us directly because he has
20 not been notifying us. I found a bunch of letters since then

21 that he had sent like this one here that we didn't have a final
22 look at before he mailed it out and I found a bunch of
23 communication like that and very upsetting that, you know, the
24 board of directors didn't get to see some of those things before
25 they were mailed; and I told him that, if you want the rest of

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2 the Board of Directors to be informed, maybe you'd better contact
3 us; and he was going to try and get a list of our directors and
4 addresses and I told him to get a hold of Dave Anderson, I
5 believe, because he had all the E-mails and all that stuff.

6 Q. Did he do that?

7 A. I don't know.

8 Q. What else did you talk to Mr. Aartila about during that
9 first conversation?

10 A. That's about it. I can't think of what else I would talk to
11 him about.

12 Q. Okay, the second conversation you had with Mr. Aartila, you
13 said that was within probably the last month or so, what did you
14 discuss?

15 A. What I just told you that, if he was going to have a
16 meeting, to try to contact all the directors.

17 Q. Did you ever complain about Mr. Dave Kafura to Mr. Aartila?

18 A. I told him that I -- I didn't think that some of the permits
19 he was issuing were, you know, in the best interests of the lake.

20 Q. And which permits are you talking about?

21 A. Mr. Hausman's permits to put sheet piling ^ sp on the bottom

22 of the lake, I didn't think that was even legal any more.
23 Q. Do you think that's bad for the lake?
24 A. To drive something in the floor of the lake, I don't think
25 it's very natural.

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2 Q. Is it bad for the lake?
3 A. Putting steel down in the lake? I don't know. I didn't
4 think it was legal any more.
5 Q. So you don't know whether it's good or bad?
6 A. I just -- well.
7 Q. We need to not talk over one another. So you're not sure if
8 it's legal any more?
9 A. Right.
10 Q. Are you alleging that it's bad for the lake as well?
11 A. Most of the time they recommend rock riprap and some
12 natural, you know, materials. I never heard of putting --
13 driving steel in a -- in a lake bed. I don't know where that
14 came from.
15 Q. Any other permits that Mr. Kafura has issued that you're
16 concerned about?
17 A. That I'm concerned about? Not really.
18 Q. And do you have any other concerns about Mr. Kafura that you
19 articulated to Mr. Aartila?
20 A. What do you mean by -- I don't understand your question.
21 Q. Did you have any other conversations with Mr. Aartila about
22 Mr. Kafura besides him issuing permits that you didn't agree

23 with?

24 A. Well, I just heard rumors that he had attended a -- a
25 barbecue, a steak and lobster fry that Mr. Hausman put on at the

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1 ROUGH DRAFT ASCII

2 same time that he's applying for these permits. I didn't think
3 that was real correct as far as the DNR policy. Is that what
4 you're referring to?

5 Q. I'm trying to understand what you talked to Mr. Aartila
6 about.

7 A. I just asked him if that was a DNR policy. I thought that
8 was kind of a conflict of interest there.

9 Q. And DNR policy about DNR personnel --

10 A. Associating with people they're issuing permits with and
11 going out and entertaining with them.

12 Q. And did you talk with Mr. Aartila about any other concerns
13 about Mr. Kafura?

14 A. That was about the only one I could think of. What other
15 one, I don't know. I don't remember if there was any. That's
16 mainly what I was concerned about, I guess.

17 Q. So it was the permit that he issued to Mr. Hausman and then
18 the steak and lobster barbecue?

19 A. Hm-hm.

20 Q. And where did you hear about the steak and lobster barbecue?

21 A. From the people at the country club, Lakeview Country Club.

22 Q. Who?

23 A. I don't remember. It's quite a while ago. It's a couple

24 years ago. I don't know who told me, but that's where it came
25 from was the country club.

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2 Q. Couple years ago you heard about the rumor?

3 A. Yeah, right after the meeting was; and small community, a
4 lot of people hear about that stuff and everybody's talking about
5 it.

6 Q. You said it was right after the meeting. Which meeting was
7 that?

8 A. Right after the barbecue thing, I guess, is what I was
9 referring to. That's when I heard about it.

10 Q. Do you remember what year that was?

11 A. Not really.

12 Q. What season was it?

13 A. Don't remember really. I don't know if it was spring or
14 fall or when. Couple years ago.

15 Q. Where did you hear about it? Were you in the restaurant, on
16 the golf course?

17 A. Golf course?

18 Q. On the golf course. Were you golfing?

19 A. No, I was having -- having a meal there.

20 Q. Who were you having a meal with?

21 A. My parents.

22 Q. Your parents. Who else was there?

23 A. My wife and little boy.

24 Q. And who was in attendance besides your wife, your little boy

25 and your parents?

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2 A. That was it.

3 Q. And so when somebody came and total you about that, did they
4 come up to the table and talk to you?

5 A. There were people in the place talking about it.

6 Q. And did you indicate to Mr. Aartila that other people had
7 concerns about Mr. Kafura?

8 A. I heard that Sue Miller was very upset that that permit got
9 issued, because she thought it might set precedence and there
10 might be a whole lot more of those kind of things happening and
11 they were concerned that that didn't happen.

12 Q. And who else has expressed concerns about Mr. Kafura?

13 A. Well, nobody I know of.

14 Q. Okay, so then it's you and Ms. Miller and some unnamed
15 person at the country club?

16 A. Well, everybody in the country club was talking about it.

17 Q. Everybody in the country club?

18 A. Well, there was a small group of people there, and they were
19 talking about it.

20 Q. Who was in the small group of people?

21 A. Don't remember.

22 Q. You remember it was a small group. How many people were
23 there?

24 A. Probably about six people in there. Nobody I know real well
25 or personally or I'd probably remember them.

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2 Q. How many people were saying it?

3 A. Well, there's a bunch of neighbors that live close to him
4 that were upset when he was actually putting it in.

5 Q. Hm-hm.

6 A. They had talked about it, and -- a lot of people have
7 been talking about it since that hammering was going on over
8 there.

9 Q. And were the neighbors that were talking about it -- just --
10 I'm going to point to where Mr. Hausman's property is right now,
11 where the neighbors -- Could you point to where the neighbors
12 were living that were complaining about it?

13 A. Wherever that Blue Island ^ sp Road, wherever those cabins
14 are, those next-door neighbors in there, whether it's here or
15 over here.

16 Q. So they were the folks living on Blue Island ^ sp Road?

17 A. They were right across from it. One of them called me first
18 thing in the morning and one dex how they could be doing that.

19 Q. And who was that?

20 A. Guy that used to own the Hayward Electric, Nells Delman ^ sp
21 I think his name is.

22 Q. So he was wondering how Mr. Hausman got a permit?

23 A. Right.

24 Q. And was he one of the people talking about the class action
25 suit?

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2 this early in the spring that I can remember. I don't think I've
3 ever seen it that low in the springtime in all the years that
4 I've been at my resort.

5 Q. Now, you had indicated earlier that a mother nature is
6 really the force that controls the water levels on Round Lake.
7 Do you recall that testimony?

8 A. Yeah.

9 Q. And did -- has Sawyer County taken any actions to try to
10 control the water level on Round Lake?

11 A. I -- I guess they're -- their only control point would be
12 a -- the dam on the south end and on the north end there were
13 some complaints that the -- that the dam from Lake Placid was
14 leaking and I think they went and redid that and fixed it. So I
15 guess they are doing some things and -- you know, it just seems
16 like all of this is all connected, you know, we got water above
17 us, we got water below us, and we're not isolated; and it's
18 definitely not something you can just put boards in and out of.
19 I don't think it's that simple of a problem. I think it's a lake
20 and lakes go up and down and that's I think the -- what we live
21 with is a Lake going up and down.

22 Q. And is the water discharging from the Tiger Cat Flowage into
23 Round Lake natural?

24 A. I think it was manmade in 1936, Tiger Cat Flowage was
25 created. Whether there was -- I don't know if there was a -- a

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2 river going through there or not. I've heard two different
3 stories. Somebody said there was. Somebody said they dredged it
4 all. But I know there's a lot of water naturally coming in up in
5 north end there from underground and through the swamps. So I
6 think water's going to seek it's own level; and, if it's higher,
7 it's going to come in someplace.

8 Q. Have you ever read the lawsuit Mr. Hausman filed?

9 A. No.

10 Q. You had earlier stated that the Round Lake Property Owners
11 Association is concerned about our homes; do you recall that
12 testimony?

13 A. Concerned about our homes?

14 Q. (Indicating.)

15 A. What -- I don't remember that.

16 Q. I was asking you about what the interests of the Round Lake
17 Property Owners Association was, and you indicated that one of
18 the important things that the Association does is relating to
19 being concerned about our homes. Does that ring in any bells?

20 A. Well, I -- I don't remember saying that to tell you the
21 truth. I thought we were talking about the shoreline, the septic
22 systems, the quality of the water.

23 Q. Okay, so are you concerned -- Is the Round Lake Property
24 Owners Association concerned about the homes around Round Lake?

25 A. How do -- I don't understand the -- concerned about the

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homes. What do you -- concerned about what?

Q. Well, the --

A. We're concerned -- we're -- our concern is for the lake and I guess the aesthetics of the lake and quality of the water. I mean as far as homes I don't understand what you're getting at. I mean, ah, you know, homes are basically governed by the zoning, you know, as far as all that; and we like to see things aesthetically pleasing, as far as that goes; but I don't think we have any -- anything to say with -- with homes on the lake, you know, what -- you know what I mean, I don't understand where -- what your question is pointed at.

Q. Does the Round Lake Property Owners Association have interest in whether or not homes around the lake are damaged?

A. I'm sure they do, yeah.

Q. And is there discussion about that at the Round Lake Property Owners Association?

A. Not that I can remember, nothing directly about homes.

Q. You talked about wanting the water level to be higher than it currently is. And I think you indicated that you would like it to be six to eight inches higher than it's current --

A. Correct.

Q. -- levels; is that correct? What would be too high a water for you?

A. Anything much higher than that.

2 Q. So --

3 A. Because I have real level property there and, if it got much
4 higher than that, you know, it would definitely be a problem for
5 my property.

6 Q. What about the other properties around Round Lake?

7 A. There's a bunch of bays and lagoons around the whole lake
8 and, you know, if it got too low, it's going to prohibit those
9 people from getting in and out of their properties. So I heard
10 at this meeting at the DNR that at one time Round Lake was
11 10 feet higher than it is today. I can only imagine what
12 problems that would have been, but I'm sure the properties
13 weren't build up like they are today. You know, things have
14 changed quite a bit since the forties.

15 Q. Mr. Hausman tells me that I did not finish asking you
16 questions about the extreme high water levels on Round Lake. And
17 looking at Exhibit 170 again is the language that we were
18 discussing, and I had asked you whether or not it was the
19 Round Lake Property Owners Association position that Sawyer
20 County should manage the lake levels as to avoid extreme low
21 water levels on Round Lake and I need to talk about the corollary
22 because apparently I didn't do that.

23 So is the Round Lake Property Owners Association that Sawyer
24 County should manage the lake levels on Round Lake to avoid
25 extreme high water levels?

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2 A. That is their position, right.

3 Q. And is it your understanding that Sawyer County is currently
4 capable of managing the water levels on Round Lake so as to avoid
5 extreme high water levels?

6 A. Well, if they've got the boards out of the dam, that's --
7 that's about all they can do. When water level's high on Round
8 Lake, it's high on every other lake. I mean there's only so much
9 you can do; it's not an isolated lake. Every lake in the whole
10 area is going to be experiencing the same thing at the same time,
11 and you could probably save some water by putting boards in the
12 dam to keep the water from getting too low, but too high is just
13 going to be act of mother nature to wait for it to dissipate into
14 the water tables and move downstream with all the rest of the
15 lakes in the whole chain. You can do so much, but mother nature
16 is basically controlling it. You know, it's not just our lake;
17 it's all the lakes that are connected.

18 Q. So Sawyer County doesn't have the ability to manage the
19 water levels on Round Lake so as not to exceed 77.25, correct?

20 A. To exceed that?

21 Q. Yes.

22 A. I don't think anybody can, no.

23 Q. Have you had any erosion on your property, which is the
24 resort property that you've marked on Exhibit 1?

25 A. Not erosion, the only problem I've ever had is muskrats

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2 digging underneath my shoreline and trying to get back to the
3 birm, and it -- they will tunnel in there in the winter time and

4 in the springtime all of a sudden you'll walk through, and here
5 they've got these little tunnels dug underneath and you've got to
6 fill them in; otherwise, you'll break your neck. But as far as
7 erosion, no, it's just been muskrat damage.

8 MS. AZAR: Anything else? Anything from you, Matt?

9 MR. DREGNE: No.

10 (The deposition concluded at 3:57 p.m.)

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