

(Witness sworn.)

BY MS. AZAR:

Q. Hi, Ms. Suhsen, my name is Lauren Azar; I'm an attorney for Mr. James Hausman.

Today, before we actually start the deposition, I'm going to give you some instructions for the deposition so we're all working on the same page. If I ask a question you don't understand it, please stop me; make sure you understand the question. I want to make sure you understand the question clearly before you answer it, and don't guess when answering a question unless I specifically ask you to guess. If you are guessing when answering a question, please state in your answer: This is a guess; I'm speculating; here's my answer.

Since the court reporter has to capture all of our questions and answers, please ensure your responses are verbal. So shaking and nodding doesn't work for her; and, if we could work not to speak over one another, that's helpful. That's hard for her to write them down when we're speaking over each other.

Do you understand those instructions?

A. Yeah.

Q. Also, not surprisingly, we're going to be discussing some water bodies and structures around Round Lake today, and I want to make sure that we're using the same nomenclature. So what I would like to do is point out a few spots for you just to make sure you understand when I state -- use a phrase what I'm

referring to.

I am pointing, on Exhibit 45, what is identified as the Tiger Cat Dam. Do you see that?

A. Hm-hm. I do.

Q. And I'm also now pointing to a yellow highlighted area located between Lake Placid and Round Lake. Do you see that?

A. Yes.

Q. And that yellow highlighted area is the Lake Placid Dam. It's the control structure located in Diversion Canal No. 4. Do you know what structure I'm referring to?

A. Have I seen it?

Q. No, do you know --

A. I understand, yeah.

Q. Do you understand, when I say the Lake Place Dam, what I'm referring to?

A. Yes.

Q. And the pink highlighted area then are the diversion canals from the Tiger Cat Flowage into Round Lake. Do you understand that?

A. Yes.

Q. Now, moving to Exhibit No. 1, I'm pointing to what's been marked on Exhibit No. 1 as the Little Round Lake Dam. Now, we refer to this dam as the Carlson Road Dam.

A. Yes.

Q. Do you understand that?

A. Yes.

Q. And I'm now pointing to an area located -- a channel located between Little Round Lake and Osprey Lake. It's marked in both red and blue, and we've been referring to that as the Northern Channel. Do you understand that?

A. Okay.

Q. And I'm now pointing to a yellow highlighted area between Osprey Lake and the culverts at County Highway NN. We referred to this as Osprey Creek or Squaw Creek; do you understand that?

A. Yes.

Q. And the culverts at NN, they actually aren't marked. Oh, they are marked here. Good. On Exhibit No. 1. Do you see those?

A. Yes.

Q. And, for Osprey Lake, historically, that's been referred to both as Osprey and Squaw Lake?

A. Squaw.

Q. So we may bounce back and forth between those two terms.

Ms. Suhsen, am I pronouncing your name right?

A. Susan (phonetic).

Q. Susan (phonetic). What is your current position for Sawyer County?

A. I'm County Board Supervisor for District 8.

Q. How long have you been a County Board Supervisor?

A. 1992.

- Q. And is that an elected position?
- A. Yes.
- Q. Do you have any other employment while you were a County Board Supervisor?
- A. No.
- Q. What did you do for employment prior to 1992?
- A. I was a housewife, a mother.
- Q. And for how many years did you do that?
- A. Before I got on the County Board?
- Q. Yeah. Just --
- A. A housewife and a mother?
- Q. Yes.
- A. Since 19 -- let's see -- 57. You figure.
- Q. And were you employed at all during the time between 1957 and 1992?
- A. No.
- MR. WRIGHT: You mean outside the home?
- MS. AZAR: Absolutely.
- BY MS. AZAR:
- Q. And were you employed prior to 1957?
- A. Yes.
- Q. What did you do?
- A. I was a teacher.
- Q. What did you teach?
- A. I taught eight grades. Eight-graded school.

Q. Eighth grade?

A. I taught eight grades in an eight-graded school. I taught in a country school.

Q. Does that mean you taught all subjects?

A. Yes, ma'am. To eight grades.

Q. I understand. And for how many years did you do that?

A. A year and two-thirds. I decided to get married.

Q. Prior to that, did you have any employment?

A. No.

Q. And what was --

A. Oh, I did -- I did part time, like in the summertime, I worked at a resort.

Q. And was that a resort in this area?

A. Yes.

Q. Where was the resort?

A. It was called Rodney Crayler ^ sp YMCA camp and we also had adults there. I was mainly youth, but they also had adults.

Q. Where specifically is that camp located?

A. On Couteray ^ sp Lake. That is no longer in existence.

Q. What's your education?

A. I went to a two-year college.

Q. Did you get an associate's degree?

A. I don't even remember what it was called.

Q. Okay.

A. It was -- at that time, they were called normal schools.

Q. And were there majors --

A. Basically, it was just for the teaching degree and, basically, it was for like the eight-graded schools. Gave us an opportunity to find out if we liked teaching and if we wanted to go on and get a further degree.

Q. How long have you lived in Sawyer County?

A. Since 1944.

Q. Do you own any property in Sawyer County?

A. Yes, we do.

Q. Where do you own property?

A. In Bass Lake Township.

Q. Bass Lake Township. Where else?

A. That's it.

Q. Is that your residence?

A. Yes. We have sixty acres there.

Q. Is that located on a lake?

A. No, it's not. But I did grow up on a lake.

Q. Oh. Fantastic. Which lake?

A. Grindstone.

Q. Besides the property in Bass Lake Township that you personally own, do you have any ownership interest in any other properties in Sawyer County?

A. Well, right now, we're dealing with my mother-in-law's estate so it's kind of owned by her four sons but --

Q. Besides that, anything else?

A. No.

Q. And the property that is within your mother-in-law's estate, where is that located?

A. Town of Radisson ^ SP.

Q. And is that located on a lake?

A. No.

Q. Who did you talk to in preparation for this deposition?

A. That was it.

Q. Mr. Wright?

A. Yeah. Yes.

Q. What documents did you review in preparation for this deposition?

A. He showed me one letter. That was it.

Q. Which letter was that?

A. It was a letter from Todd Naas.

Q. To?

A. To me.

Q. Have you ever been deposed before?

A. No.

Q. Have you ever testified before?

A. Ah, golly. I did on behalf of the Town of Bass Lake when somebody wanted to purchase a piece of property people in our area did not want sold to an individual. It was town property. And that was -- don't ask me when, because I haven't -- don't have that recollection.

Q. Have you been involved in litigation?

A. No.

Q. Are you being paid by anybody --

A. No.

Q. -- to attend this deposition? You should try not to talk over each other again.

A. Oh, I'm sorry.

Q. That's okay. I'd like to hand you what's been marked as Exhibit 95. Can you identify this document?

A. Yes. This was served on me -- once again, I cannot tell you the date that it was served.

Q. Okay. And I'd like to point you to the last three pages of this document, which requested you to produce documents; and documents are defined very expansively to include things, which would include E-mails, phone logs, tapes, videotapes, et cetera; do you see that?

A. Yes.

Q. Did you produce all documents that were responsive to the requests specified in Exhibit 95?

A. Yes, I did.

Q. And what documentation did you produce?

A. Oh, there were some -- there were some minutes of meetings. I think -- I honestly don't remember which ones I produced. I gave them everything. I went down the order here and I had a -- a file and I do keep the minutes in a notebook, so whatever I had

I provided.

Q. And did you have any handwritten notes from meetings --

A. No, I didn't.

Q. -- that you included?

A. No, I did not.

MR. WRIGHT: You do need to wait until she finishes her question.

Okay.

THE WITNESS: Oh, I'm sorry. Okay.

BY MS. AZAR:

Q. Do you generally keep minutes -- I'm sorry -- notes during meetings?

A. I sometimes write things down, but I do not keep that.

Q. Have you spoken to Mr. Carthel about his deposition?

A. No, I haven't.

Q. Have you spoken to Mr. Dallam about his deposition?

A. No, I haven't.

Q. Have you spoken with Mr. Dale Olson about his deposition?

A. No, I haven't.

Q. Have you spoken with Mr. Mayberry about his deposition?

A. No, I haven't.

Q. Have you spoken with Mr. Christman about his deposition?

A. No, I haven't.

Q. Have you spoken with Mr. Maki about his deposition?

A. No, I haven't.

Q. Have you spoken with anybody about the depositions of

Mr. Carthel, Dallam, Olson, Mayberry, Christman or Maki?

A. No.

Q. Are you currently on the Land and Water Conservation Committee?

A. Yes.

Q. How long have you been on that committee?

A. I've been on that committee since 1992.

Q. And, for a period of time, you held the position of chair on that committee. Correct?

A. Yes. Yes.

Q. How long did you hold --

A. From 1994 until this year.

Q. From 1994 until 2004?

A. Yes.

Q. So for ten years?

A. Yes.

Q. Is the Land and Water Conservation Committee responsible for overseeing Sawyer County's dams?

A. Yes.

Q. And has that committee been responsible for overseeing Sawyer County's dams since you've been on that committee starting in 1992?

A. Yes.

Q. Is the Land and Water Conservation Committee responsible for overseeing Sawyer County's maintenance of lake levels when there

is a legally-designated Lake level?

A. What do you mean by overseeing? Are you -- are you request -- asking, do we go out and look or --

Q. Ah, I'm -- I'm trying to find out who in Sawyer County is responsible for ensuring that somebody is maintaining the lake levels as legally designated.

A. I'm not quite sure how to answer that because, basically, when the committee gets information, it's passed on to the department head.

Q. Okay. And which department head?

A. We rely on conservation. Prior to having that department, it was the Forestry Committee.

Q. Okay. And does the Land and Water Conservation Committee oversee the Land Conservation Department?

A. Yes.

Q. And do you oversee the forestry department?

A. Yes. Because -- those -- those committees originally we met three committees in one day because we did not have a separate Land Conservation Department. So it was just -- it was called Land Conservation but, basically, it was the same people on a committee and we didn't have very long meetings.

Q. And when did that change?

A. Oh, dear, when we hired Dale Olson and I do not remember the date.

Q. Okay.

A. I think he's been with us eight years, but I'm not positive.

Q. So what are the areas the land and waters -- current Land and Water Conservation Committee is responsible for?

A. Oh, farm issues, water quality, water dams, boy. Wild animals like the bear problems, deer problems. Numerous things. I wouldn't begin to be able to relate all of them off the top of my head.

Q. If -- is there a document that explains what the Land and Water Conservation Committee is responsible for?

A. I believe what that's called like a three -- or five-year plan or something.

Q. So that would be Sawyer County's five-year plan?

A. It's a five-year plan, I believe, for land conservation and I think that's just been updated recently.

Q. Okay. Is the Land and Water Conservation Committee responsible for setting Sawyer County's dam policies? And that's d-a-m.

A. You can use it either way. Ahm, I don't know how to answer that question. Repeat it or --

Q. Sure. Is the Land and Water Conservation Committee responsible for setting Sawyer County's dam policies?

A. I imagine that would be true.

Q. Does the full County Board have to vote on such policies?

A. I think it depends on what exactly the policy is because there are some things that we do as a committee that we pass on,

but I don't know if that has ever been done because that could have been a long time ago before I was on the Board.

Q. If what has ever been done?

A. If we had a policy that -- you know -- I -- I don't quite understand.

Q. Okay. Well, I can't understand -- I don't understand your response, so --

A. Yeah, I know.

MR. WRIGHT: Let me interject. I think the confusion comes from whether you're limiting your question to the time she's been on the Board. She's saying she can't speak to before she was on the -- on the Board so that's all.

MS. AZAR: All of my questions have to do with your personal knowledge.

THE WITNESS: Okay.

BY MS. AZAR:

Q. So does the full County Board have to vote on such policies?

A. I don't believe we ever have since I'm on the Board, and whether that is -- I'm sorry; it's not an easy question for me to answer because we have different policies for different issues.

Q. Let me back up then.

A. Okay.

Q. Because I want to be able to understand your answers. When I asked you whether or not the Land and Water Conservation

Committee was responsible for setting Sawyer County's dam policies you said yes?

A. Hm-hm.

Q. And has the Land and Water Committee actually set dam policies during your tenure?

A. No.

Q. No. Okay. Now, I think I understand your answer, which means you don't know if it would need to go to the full County Board --

A. Exactly, because I'm --

Q. Please let me finish. You've never passed any policies and, therefore, you wouldn't know if you would have to pass them on to the full County Board because you've never passed any dam policies since 1992?

A. '92.

Q. Correct?

A. Yes.

Q. Who's responsible for inspecting, operating and maintaining Sawyer County's dams?

A. Dale Olson is currently, or his assistant, Tim Siedl.

Q. Let me back up for a moment. You indicated that since 1992, during your tenure on the Land and Water Conservation Committee, that committee has not passed any policies concerning Sawyer County's dams. Do you know if any policies were in existence prior to that time?

A. No. I don't.

Q. If there aren't any existing policies for the dams, how do Dale Olson and his assistant, Tim Siedl, determine when to visually inspect the dams, when to conduct maintenance, how they should operate the dams, things like that?

A. I think some of it is complaint driven. Some of it is, if they're in the area, they may check on a dam.

Q. And does the Land and Water Conservation Committee get reports from Dale Olson and Tim Siedl on their activities relating to inspecting, maintaining and operating dams?

A. Yes.

Q. And how does the Land and Water Conservation Committee determine whether or not Mr. Olson and his assistant, Tim Siedl, are properly inspecting, operating and maintaining the dams in Sawyer County?

A. I guess by asking the questions. There have been -- if there's been a complaint and they have been notified of a complaint, they are asked, you know, if they took care of it, what happened.

Q. And who generally from the Land and Water Conservation Committee has those discussions with Mr. Olson and Mr. Siedl?

A. I would imagine it's anybody who's had the complaint.

Q. So, when a citizen calls their representative on the County Board, that County Board Supervisor would then contact --

A. Contact Mr. Olson.

Q. Okay. Is the Land and Water Conservation Committee responsible for setting Sawyer County's policies concerning water levels on lakes in Sawyer County regulated by a Sawyer County dam?

A. I -- it's a question I really don't know how to answer.

Q. Okay. Why don't you know how to answer it?

A. We have never sat at the table and discussed that in particular. It's just something that's been -- has gone from one person who was in charge of the dams to another, and so I'm really not sure how -- how I would answer that.

Q. Okay. So -- let me see if I understand your answer.

A. Sure.

Q. Since, during your tenure on the Land and Water Conservation Committee, you have never -- you have never set policies concerning the water levels on lakes containing Sawyer County dams; is that correct?

A. Not as a committee, no.

Q. And, therefore, you don't know if the committee is itself responsible for setting such policies because it hasn't been done. Correct?

A. I would say yes.

Q. If the Land and Water Conservation Committee had set such policies, would they -- would those policies have been forwarded to the full County Board for approval?

MR. WRIGHT: Object to the form. Go ahead and answer the

question.

MS. AZAR: Let me restate the question unless -- Do you understand the question.

THE WITNESS: No.

BY MS. AZAR:

Q. If the Land and Water Conservation Committee during your tenure had passed policies concerning water levels, would that decision have been advisory and would it have been forwarded to the full County Board for ratification?

MR. WRIGHT: Object to the form. Go ahead and answer the question.

MS. AZAR: Do you understand the question?

THE WITNESS: Well --.

BY MS. AZAR:

Q. Do you understand the question?

A. Yeah, yeah, I'm not sure because we have things that -- from one committee will go to the full County Board and some other committee can do something and it may not go to the full County Board. So I'm never sure, after being on the Board as long as I have, we have things that we do and it seems ridiculous that that one goes to the full County Board and something else doesn't. So, you know, I would just -- it would be a guessing game for me to say, yes, it would go or no it wouldn't. So I hate to answer that.

Q. And how -- I know you were chair for how many years, ten

years?

A. Twen -- ten years.

Q. Ten years. As chair, how did you decide when to forward something to the full County Board for decision?

A. It was usually decided by the full committee that would say this needs to go to the full County Board, and the motion would be made to send a specific item to the full County Board.

Q. Does Sawyer County currently have the power to control the high water levels on Round Lake?

A. Do they have the power to do it?

Q. (Indicating.)

A. Yes.

Q. So Sawyer County is able to control the high water levels on Round Lake?

A. They have the power to do it. But do they have the ability is another issue, I think.

Q. And that was my second question. Does Sawyer County have the ability to control --

A. I'm not an engineer so I couldn't tell you.

Q. Okay. Have you been advised by any engineers as to whether or not Sawyer County currently has the ability to control high water levels --

A. No, I haven't.

Q. We have to make sure that we don't talk -- each --

MS. AZAR: Did you get that?

THE REPORTER: I didn't get the very last couple --

by MS. AZAR:

Q. I asked whether she had been advised by an engineer as to whether or not Sawyer County currently as has the ability to control the high water levels on Round Lake. And what was your answer?

A. No.

Q. You have not been advised?

A. I have not been advised.

Q. Earlier, I had asked you to questions about the Land and Water Conservation Committee setting policies concerning dams generally and water levels generally in Sawyer County; and you had indicated that the committee, during your tenure, has not passed any such policies. Correct?

A. Right.

Q. And would that include also specific policies for specific structures such as policies concerning the operation and maintenance of the Tiger Cat Dam? Has the Land and Water Conservation Committee passed any policies concerning --

A. No.

Q. -- the operation of the specific structures?

A. No.

Q. No. And so they'll be laborious; I just want to get this on the record.

So, during your tenure, the Land and Water Conservation Committee

did not enact any policies concerning the operation, maintenance or inspection of the Lake Placid Dam?

A. No.

Q. During your tenure, did the Land and Water Conservation Committee create any policies for the inspection, operation and maintenance of the Carlson Road Dam?

A. No.

Q. During your tenure, did the Land and Water Conservation Committee create any new policies for the maintenance of the water levels on Round Lake?

A. No.

Q. During your tenure, did the Land and Water Conservation Committee create any policies concerning the maintenance of a water level on Little Round Lake?

A. No.

Q. During your tenure on the Land and Water Conservation Committee, did the committee create any policies concerning the water elevation and maintaining a water elevation on Osprey Lake?

A. No.

Q. Do you know if DNR has ever suggested to the Sawyer County that it create -- strike that. Has DN --

Do you know if DNR has ever suggested to Sawyer County that it develop policies for the inspection, operation and/or maintenance of the Tiger Cat Dam?

A. No.

Q. What about the Lake Placid Dam?

A. Not that I know of.

Q. The Carlson Road Dam?

A. No.

Q. I'd like to point you to what's been marked as Exhibit 65.

Can you identify that document?

A. That's minutes from one of our meetings.

Q. And which meeting is that?

A. Land and Water Conservation Committee.

Q. On May 4th, 2001?

A. Exactly.

Q. I'd like to draw your attention down to the second to last item on the first page: The abandonment of diversion canal, Tiger Cat Dam. It states, quote, discussion on history of Tiger Cat Dam projects, comma, current state of dam and review of aerial map, period. Consensus is to begin researching possible abandonment, end quote. Do you see that?

A. Yes.

Q. Could you describe for me what the discussion of -- what the discussion was with regards to the history on the Tiger Cat Dam project?

A. I honestly don't remember.

Q. Do you remember discussing possibly abandoning the diversion canal in Tiger Cat Dam?

A. No. I don't. I -- I -- and I don't even know if we ever

did anything in that regard at the next meeting. That's not even my recollection. So, no, I don't.

Q. Do you have any recollection of the status of this item?

A. No.

Q. How does Mr. Olson and his assistant, Mr. Siedl, currently decide when to add and remove boards from dams in Sawyer County?

A. I honestly don't know. I think it's based on when there's a -- a heavy rain or whatever, I think that it's not on the order -- With all they have to do, I think that they just realize this is an instance where we have to do something with X dam or Y dam. I honestly couldn't tell you beyond that.

Q. Are you comfortable with their operation and maintenance of the dams in Sawyer County?

A. Yes, I am.

Q. Do you know if DNR has ever suggested that Sawyer County develop policies concerning the operation and maintenance of the Carlson Road Dam?

A. I don't recall anything, no.

Q. Bear with me if I've asked this before, but I've been crossing out some questions and I don't remember what I asked you and didn't ask you. So this may be an asked and answered. Do you know if DNR has ever suggested that Sawyer County develop policies for the Tiger Cat Dam?

A. No. I don't.

Q. Do you know if DNR has ever suggested to Sawyer County that

it develop policies for the Lake Placid Dam?

A. No.

Q. I'd like to turn your attention to what's been marked as Exhibit 69. These are the minutes from September 4th, 2003, Land and Water Conservation Committee. Correct?

A. Yes.

Q. I'd like to turn your attention to the second agenda item, the Round Lake water level?

A. Yes.

Q. And, during this meeting, the Land and Water Conservation Committee decided to adopt the Carthel Engineering report, Option No. 1?

A. Yes.

Q. I'm going to read this. Quote, do nothing, period. Continue to operate the Little Round Lake Dam as suggested by W.H. Cartwright, comma, PSC, comma, in 1961. That is, comma, operate the dam to hold the established levels of 77.0 and 77.25 and to have all the stoplogs removed when levels exceed 77.25, whereupon, levels will be according to normal variation, period. In addition, comma, per the original 1941 order, comma, prevent diversion of water from the Tiger Cat Flowage when the Round Lakes are above 76.0 feet, period, end quote. Do you see that?

A. Yes.

Q. I'm curious. You had testified earlier that the Land and Water Conservation Committee had never adopted a policy

concerning the operation and maintenance of the Little Round Lake Dam. I'm curious as to why you would not consider the action taken at this meeting a policy.

A. I forgot about this.

Q. Okay. Are there any other policies that you've forgotten about?

A. Very possible.

MR. WRIGHT: Object to the form.

THE WITNESS: Very possible.

MS. AZAR: Okay.

THE WITNESS: We refer to it as early Alzheimer's.

BY MS. AZAR:

Q. Let me ask that question in a different way. Are there any other policies that you've forgotten about that you now recall concerning the operation and maintenance of the dams in Sawyer County?

A. Not that I now recall, no.

Q. To your knowledge, has Sawyer County -- strike that. Has Mr. Olson and Mr. Siedl been complying with the policies that were adopted in the September 4th, 2003 Land and Water Conservation Committee?

A. I believe they have.

Q. If you found out that Mr. Olson and Mr. Siedl weren't complying with the policies specified in the September 4th, 2003, Land and Water Conservation Committee, what would you do?

MR. WRIGHT: Object to the form. Foundation. Go ahead and answer the question.

THE WITNESS: I don't think it would be up to me to do anything. I think that would be up to the committee or it would be up to the County Board. I have no authority to do anything to one individual..

BY MS. AZAR:

Q. Would you raise the issue to the committee?

A. Yes.

Q. Would you raise the issue to the full County Board?

A. If the committee did not act on it.

Q. Now, I notice that the motion that was approved in the September 4th, 2003, minutes states, quote, continue to operate the Little Round Lake Dam. That implies that this policy had -- was in existence prior to September 4th, 2003. Doesn't it?

MR. WRIGHT: Object to the form. Foundation. Go ahead and answer.

THE WITNESS: Repeat the question, please.

MS. AZAR: Can you read back yet or not?

THE REPORTER: I'll try.

MS. AZAR: If you can't, it's no problem.

THE REPORTER: No.

MS. AZAR: Okay.

MR. WRIGHT: I add to my objection, the motion is to adopt the report, which may or may not imply something. So I think the

question misstates its premise, but if -- go ahead and ask it again or if you remember it, Ms. Suhsen, please answer it.

BY MS. AZAR:

Q. The motion that was approved on September 4th, 2003, included the following language: Continue to operate the Little Round Lake Dam. And then it continues: To operate the dam to hold the established levels of 77.0 and 77.25. Do you see that?

A. Yes.

MR. WRIGHT: Object to the form of the question. That motion does not say that. The motion says adopt the report. The quote isn't necessarily the motion.

THE WITNESS: To adopt..

MS. AZAR: I will rephrase the question.

BY MS. AZAR:

Q. The motion is to adopt the report which states as follows: Continue to operate the Little Round Dam such that the levels are established at 77.0 and 77.25; isn't that correct?

A. Yes.

Q. Doesn't the language continue to operate imply that the County had been operating the dams to -- such -- strike that. Doesn't the language continue to operate imply that the County had a policy to operate the dams within the established levels of 77.0 to 77.25?

MR. WRIGHT: Object to the form. Go ahead and answer.

THE WITNESS: Ah, hm, it's a difficult question for me to answer.

BY MS. AZAR:

Q. And why is that?

A. I think because -- I'm trying to think of a way to word it. That we had indications that there were times when all of the stoplogs were already removed and we were still getting complaints. So, you know, I don't know exactly where this is going.

Q. And you don't need to know where this is going --

A. No.

Q. -- to answer the question.

A. Yeah. I guess the answer would have to be yes.

Q. And continuing with that language, the committee approved that all stoplogs should be removed when the level exceeds 77.25. Was that a policy that was in existence prior to September 4th, 2003?

A. Yes.

Q. Had -- during your tenure on the Land and Water Conservation Committee, had there been a change in that policy or had it always been the policy of the Land and Water Conservation Committee?

A. I do not know.

Q. But, during your tenure, do you recall?

A. I don't recall, no.

Q. Now, you voted -- actually, you moved -- you seconded this motion. Correct?

A. Yes.

Q. And you voted in agreement with the motion. Correct?

A. Yes.

Q. Is it your understanding that the action that was taken by the Land and Water Conservation Committee on September 4th, 2003, mandated that there should not be any stoplogs in the Carlson Road Dam when the levels exceed 77.25. Correct?

A. That was my understanding.

Q. Does that mean, when the levels drop below 77.25, there should be stoplogs in the Carlson Road Dam?

A. I would assume that.

Q. Has -- has Mr. Olson and Mr. Siedl been complying with the policies specified in the September 4th, 2003, minutes?

A. I would have no way of knowing that without asking them.

Q. Have you ever asked them?

A. No, I haven't.

Q. All right. I'd like to draw your attention to what's been marked as Exhibit 73. Why don't you take a moment to read that exhibit?

A. I have. I did.

Q. Okay. In this Exhibit 73, Mr. Olson discusses a conversation that he had with you with regards to removal of debris on the bottom of the dam. Do you see that?

A. Yes.

Q. And he was instructed that if there was a cobble on the

bottom of the dam that was acting as an obstruction, that he should obtain a permit from DNR for dredging. Do you see that?

A. Yes.

Q. Did you make that recommendation to Mr. Olson?

A. That was because of our conversation when he said he did not think somebody should be going in there doing that activity and that it would be necessary to obtain a permit.

Q. So it was you that made the recommendation that --

A. Based on the conversation I had with him.

Q. You need to let me finish the question.

A. I'm sorry.

Q. That's okay. Okay. I'm going to start this again.

A. All right.

Q. In here, it says: After speaking with my Land Conservation Committee chair, I cannot give you permission to remove debris from the dam. Period. If the County is made aware that the cobble on the bottom of the dam is acting as an obstruction, comma, I have been instructed to obtain a DNR permit for dredging, period. Did you instruct Mr. Olson to obtain a DNR permit for dredging of the cobble on the bottom of the dam was acting as an obstruction?

A. No, I did not.

Q. What did you instruct Mr. Olson to do?

A. Nothing. At that point. I was told, when I got on the County Board that, as chairman of the committee, I did not have

that authorization to do something; it would go to the committee. So, when Mr. Olson talked to me and he was the one that said, you know, I don't think that we can do this. He said it would require a permit. So I said, well, then, tell Mr. Hausman that he can't do it.

Q. So it was Mr. Olson that informed you that a DNR permit was required for removing the cobble --

A. Yes.

Q. -- on the bottom of the dam?

A. I'm sorry. I spoke out of turn.

Q. That's okay.

A. And this was a phone conversation that I had with Mr. Olson. He called me and talked to me and asked me some questions.

Q. Up above, on the -- in the first sentence of the second paragraph, it says: From our records, the County does not own any of the property nor have an easement on the property upon which the dam sits. Do you see that?

A. Yes.

Q. Do you know where Mr. Olson got the information that the County didn't have an easement on the property on which the dam sits?

A. Probably from records that are County records.

Q. Do you believe that the County doesn't own any of the property nor have an easement on the property upon which the dam sits?

A. I do not know that.

Q. You don't know that. Have you ever asked anybody to investigate that?

A. No.

Q. Would an easement in that area be required for the County to do maintenance operations?

A. It would be my understanding, yes.

Q. And so, to your knowledge, the County has never determined whether it had an easement to allow it to conduct those maintenance operations. Correct?

A. Not while I've been on the Board. That I can recall.

Q. The County has contracted with NWBE to conduct a DAMBRK study of a number of lakes relating to the Billy Boy dam. Correct?

A. Ah, Northwest -- Northwest Based Engineer Society?

Q. Yes. Thank you. And I'll refer to them as NWBE?

A. Yes, that's fine.

Q. And the answer's yes?

A. Yes.

Q. And, as part of that proposal, NWBE is supposed to establish a regional flood elevation for the lakes and the chain of lakes that lead to the Billy Boy dam. Correct?

A. Yes.

Q. And that includes establishing a regional flood-elevation determination for Round and Little Round Lakes. Correct?

A. Yes.

Q. It's true, isn't it, that NWBE subcontracted a portion of that work to Carthel Engineering. Correct?

A. Yes.

Q. When did Sawyer County first decide to conduct these analyses?

A. I do not remember. I would think it was about two years ago, perhaps. I don't -- I don't recall.

Q. When did you expect to receive the results of the regional flood elevation from NWBE?

A. My recollection is Mr. Carthel was going to be doing that when he had the time. It wasn't going to be something he was going to work on continuously, that it was when he had the time to work on it. I don't know if there was ever a -- a date of completion given.

Q. Okay. Would you be surprised to hear that Mr. Carthel's contract had specified he'd complete his work by October 7th, 2000?

A. Yeah.

Q. Hand you what's been marked as Exhibit No. 7. And you may want to look on the second page.

A. Hm-hm.

Q. That specifies that Mr. Carthel was going to complete his final report to NWBE and the DNR by October 31st, 2000. Correct?

A. Yes. I don't believe I have ever seen this before.

Q. Okay.

A. Because this went to Mrs. Harrington, and I don't know if the committee ever received this.

Q. Have you received the results yet from --

A. No.

Q. Okay. Got to -- you got to wait. Do you know what the delay in receiving the results -- do you know what the delay has been?

A. No. I do not know what -- You mean what's causing the delay?

Q. Correct.

A. I do not know.

Q. Have you had any conversations with Mr. Carthel or any representatives from NWBE regarding the preliminary results of their flood-plain analysis?

A. I have not.

Q. Has your expectations about when Mr. Carthel or NWBE would finish their flood-plain analysis changed since the County first contracted with them?

A. Changed in what respect?

Q. Let me back up and ask an earlier question.

A. Okay.

Q. When did you expect to get the results from the -- from NWBE and Carthel Engineering with regards to the regional flood-plain elevation?

A. Like I said my -- my understanding was he was going to do it when he had time, you know, it was going to be in between other jobs that he was going to work on it so I really did not have any expectation of any particular date.

Q. Have you or anybody else from Sawyer County advised Mr. Carthel to delay his release of information or results concerning the regional flood elevation --

A. No.

Q. Again, you got to --

A. I'm sorry.

Q. That's okay. You got her answer?

THE REPORTER: {indicating}.

BY MS. AZAR:

Q. Hand you what's been marked as Exhibit 79. Attached to Exhibit 79 is Mr. Carthel's proposal to Sawyer County. Do you see that?

A. Hm-hm. Yes.

Q. It's dated September 18th, 2002. Did you talk with Mr. Carthel about the preparation of his September 18th, 2002, proposal?

A. That might be when he came out to my house with a whole lot of maps, et cetera, and I told him he was explaining it to me; and I said: I am not an engineer; I do not understand this and I felt it was a waste of his time to be talking to me about it. I think this is when he came to my house and so he brought it to

the committee.

Q. Do you recall what sort of maps he was showing you?

A. Ah, they were, you know like engineering-type things that -- I would -- it would be hard for me to explain them. It was like, you know, his proposal or what could be done with the lakes and, like I say, I am not an engineer; I did not understand anything he was saying so -- I think that this was -- but I'm not positive -- and what the possibilities were and what could be done. I -- I honestly do not recall if that was the case or not.

Q. And so you recommended that he explain --

A. To the committee.

Q. -- to the full committee?

A. To the full committee.

Q. Okay. And could it possibly have been that Mr. Carthel met with you at your home before he took the final report to the committee?

MR. WRIGHT: Object to the form. Do you mean report or proposal?

MS. AZAR: Report. His final report, which I'm about to hand her.

MR. WRIGHT: Sorry. I got confused.

THE WITNESS: I do not recall.

BY MS. AZAR.

Q. Let me just hand you his final report which has been marked as Exhibit 24. Maybe that will help you recall.

Does looking at that report help you recall whether Mr. Carthel

came out to your house after he -- or right before he prepared his proposal or the final report which has been marked as Exhibit 24?

A. I honestly don't remember.

Q. When he came out, did he give you different options as far as what could be done?

A. No. He, basically, when he came, was just telling me what this was; and, like I say, I don't remember if it was before. I honestly don't remember.

Q. I'm going to go back now to Exhibit 79. Did you assist Mr. Carthel at all with the preparation of this proposal?

A. No.

Q. Did you discuss with him the decision tree that's located at the very end of the proposal? If you look on, I think, the last page possibly. Oops. Keep going back.

A. This one?

Q. No. Keep going back. It's the third to last page. Did you discuss with Mr. Carthel the decision tree on --

A. No.

MR. WRIGHT: Please wait.

THE WITNESS: Okay.

BY MS. AZAR:

Q. Did anyone else from Sawyer County either talk with or assist Mr. Carthel with his 9-18-02 proposal including the decision tree?

A. That I don't know.

Q. During your tenure on the Land and Water Conservation Committee, had DNR or the Sawyer County conducted any other investigations of why the water levels on Round Lake were high?

A. I believe that maybe a DNR individual, Todd Naas, might have done some.

Q. And when would that have been?

A. I believe that was before Dale Olson even became our employee.

Q. What did Todd Naas investigate?

A. I believe it was a complaint on Round Lake.

Q. What was -- he was investigating a complaint on Round Lake?

A. That's my recollection.

Q. And what did Todd Naas conclude?

A. I don't remember. I remember that there was a letter from him, I believe. And I believe that was taken to the full County Board.

Q. We'll talk about that letter from Mr. Naas in a moment. Any other investigations by Sawyer County or the DNR on why the water levels on Round Lake were high during your tenure on the Land and Water Conservation Committee?

A. Not that I remember.

Q. Let's go to Exhibit No. 80. Now, Exhibit No. 80 is a -- the minutes from the November 4th, 2002 meeting, the Land and Water Conservation Committee. Correct?

A. Yes.

Q. The minutes specify that Mr. Carthel was going to prepare a recommendation for the Land and Water Conservation Committee's December meeting; do you see that?

A. Yes.

Q. Did you talk with Mr. Carthel between November 4th, 2002 and December -- and the December 2002 meeting?

A. No.

Q. Do you know if anyone else from Sawyer County talked with Mr. Carthel between December 2002 and the December 2002 meeting?

A. I wouldn't know that.

Q. Let's return now to Mr. Carthel's final report which has been marked as Exhibit 24. When is the first time you saw this report in either draft or final form?

A. I would not remember. I would assume that if he did this on December 4th, that --

MR. WRIGHT: Well, don't guess.

THE WITNESS: No, because I honestly don't remember. I wouldn't know if it came to us in December or in January.

BY MS. AZAR:

Q. I'd like to turn to Page 4 of that document. Would you take a moment to read the four recommendations or options I should call them?

Of the four options listed on Page 4 of Exhibit 24, which would allow Sawyer County to control the high water levels on

Round Lake?

A. I honestly don't know.

Q. Now, you voted on -- you voted on September 4th, 2003, to approve Option No. 1, do nothing. Correct?

A. Right.

Q. And, when you voted to select Option No. 1, did you understand you were voting for an option that would not enable Sawyer County to control the high water on Round Lake?

MR. WRIGHT: Object to the form and foundation.

MS. AZAR: Go ahead and answer.

THE WITNESS: I don't think that I thought of it in that way. I felt that we were in a situation where, to do nothing was the one that I chose.

BY MS. AZAR:

Q. And why did you make that decision?

A. It was based on conversations that we had at our committee meetings, et cetera; and, at one committee meeting, I had said that I was prepared to do No. 2, establish revised lawful levels. And I felt it was up to my committee to make that decision, and the committee decided to do No. 1, do nothing.

Q. But on September 4th, 2003 you actually voted, you moved -- I'm sorry you seconded the motion and you voted to approve Option No. 1. Correct?

A. Yes, I did.

Q. What facts or did you use on the September 4th, 2003 -- at

the 2003 meeting to make that decision?

A. That was based on the committee's discussion.

Q. And I'm wondering -- I want to understand the committee's discussion and how that moved you to second the motion and vote approval of it?

A. You're asking me to go back to 2003, and the discussion had been going on for one heck of a long time, and I had a committee that felt that do nothing was the option and I went along with that.

Q. So you didn't have any personal opinions with regards to this?

A. No. Because I lived on Grindstone Lake for a long time and I saw lakes go up and I saw lakes go down, and it depends on weather and conditions and I felt that we have gotten very few complaints on lake levels.

Q. You have gotten very few complaints on lake levels on Round Lake?

A. I haven't gotten any personally at my house.

Q. Do you know if Sawyer County has received a lot of complaints about high water levels on Round Lake?

A. And at the same time they have gotten reports on the very same day, someone else will call and complain that it's too high and someone else will complain that it's too low so.

Q. Has Sawyer County received a lot of complaints about high water on Round Lake?

A. As far as I know, they have gotten more on Round Lake than the other lakes, yes.

Q. Ms. Suhsen, did you attend the June 28th, 2003 public meeting at the Hayward High School?

A. No, I did not.

Q. You did not. Did you watch the tape of that meeting?

A. Watch it?

Q. Watch it or listen to it?

A. I listened to it. Yes, I did and I took notes.

Q. You took notes?

A. Yes, I did.

Q. Do you have those notes?

A. No, I don't.

Q. What did you do with those notes?

A. There was no reason for me to keep them. I jotted things down as I was listening and, basically, threw them away after that.

Q. Do you have the tape --

A. No.

Q. -- that you listened to?

A. No, I do not.

Q. Where is that tape?

A. That tape was taken back to the courthouse.

Q. Who has that tape?

A. I do not know. I took it back to the land conservation

office and I don't know where it went from there.

Q. So Jan Eck -- you gave it to Jan Eck?

A. I gave it to Jan, yeah.

Q. When you listened to the tape on June 28th, 2003, did you hear Mr. Carthel clearly state that Option 1 from his --

A. Right.

Q. -- December report which is marked as Exhibit 24 was not an option?

A. No, I did not hear him say that.

MR. WRIGHT: Object to the form of the question. I'm not sure that question made any sense.

BY MS. AZAR:

Q. Did you understand the question?

A. You're saying that Mr. Carthel said that this was not an option?

Q. That is correct.

A. I did not hear him say that; no, I did not.

(There was a recess.).

BY MS. AZAR:

Q. Mrs. Suhsen, I'd like to draw your attention again to Exhibit 69 --

A. Hm-hm.

Q. -- which are the September 4th, 2003 minutes. When you seconded the motion to approve Option No. 1, do nothing, and voted for approval of that item, did you understand you were

voting for an option that would not enable Sawyer County to maintain the level of Round Lake below 77.25 feet?

A. No.

Q. I'd like to draw your attention now to the next exhibit, which is No. 96. Can you identify that document?

A. I've never seen it before.

MR. WRIGHT: Do you have a copy?

MS. AZAR: No.

BY MS. AZAR:

Q. You've never seen that document before?

A. No.

Q. So you didn't review that document during the December 4th, 2002 -- I'm sorry -- yeah, during the December 4th, 2002 meeting?

A. No.

Q. Let's turn our attention to the next item, which is Exhibit 97; and you should have that, Joe.

A. Yes.

Q. Would you take a moment to read this document, please?

Ms. Suhsen, would you please identify this document?

A. This was a letter that was sent or given to me by

Mr. Hausman.

Q. And did you receive this document in your ordinary course of business as a County Board Supervisor?

A. Yes.

Q. And is this an accurate copy of the document you received?

A. Yes.

Q. And did you receive it at your December 4th, 2002 Land and Water Conservation Committee meeting?

A. That's my recollection.

Q. I'd like to point you to the second page of this document, where Mr. Hausman offers to donate \$25,000 to Sawyer County if it agrees to design and implement a plan to construct water control structures that would allow the County to control the water levels on Round Lake and assuming that the County would agree to maintain the levels specified in the 1941 order. Do you see that?

A. Yes.

Q. Did you ever ask the Land and Water Conservation Committee whether the County should accept Mr. Hausman's donation?

A. No.

Q. Why didn't you do that?

A. Because they were aware of this letter and they were aware of the offer.

Q. Did you ever inform the full -- the full Sawyer County Board of Supervisors of Mr. Hausman's offer to donate \$25,000?

A. No.

Q. Why not?

A. Because the committee acted.

Q. How did the committee act?

A. They apparently did not want to accept the offer.

Q. And how did you know the committee didn't want to accept the offer?

A. Through the discussion.

Q. And what was the discussion about this?

A. I believe their minds had already been made up on how they were going to act at this meeting.

Q. And how were the minds already made up?

A. From the many discussions and the many times that it was on our agenda at the committee level and information that we had gotten from Mr. Carthel. I would imagine that was the --

MS. AZAR: I'm going to have to go out to my truck, so -- can we take another quick break.

(There was a recess.).

BY MS. AZAR:

Q. Mrs. Suhsen, you just indicated that if I recall your testimony correctly, that the committee had already decided in advance of the December -- December 5th, 2002, Land and Water Conservation Committee as to what it was going to do in relation to the high water levels on Round Lake. Is that an accurate summary?

MR. WRIGHT: I object to form. I don't believe it is an accurate summary. Okay.

(Discussion off the record.)

MS. AZAR: Let me try and see if we can get there, just asking her questions.

BY MS. AZAR:

Q. Ms. Suhsen, you indicated that -- I had ask you some questions regards to Mr. Hausman's \$25,000 contribution.

A. Hm-hm.

Q. And I asked why the committee didn't actually discuss Mr. Hausman's \$25,000 -- potential donation to County. Correct? Do you recall that?

A. Yes.

Q. And what -- remind me what your response was since we're having some technical difficulties and I can't seem to remember your answer.

A. I think committee members just did not want to accept that.

Q. And how did you know that?

A. I didn't know that; but, in the discussion at the meeting, it was my -- what I gathered was that each committee member had made up their minds about some of these things, and how they made up their minds you'd have to ask them.

Q. Okay. And do you know what action was actually taken at the December 5th, 2002 -- December 5th 2002 Land and Water Conservation Committee meeting?

A. In regard to?

Q. The Round Lake water levels?

A. Well, if it's what's in the minutes here.

Q. It's actually not the December minutes.

MR. WRIGHT: You've got the September minutes.

THE WITNESS: Oh, I'm sorry..

BY MS. AZAR:

Q. You don't have the December minutes in front of you.

A. No, I do not remember.

MS. AZAR: I'd like to have this marked next.

(Document marked for identification as Exhibit No. 99.)

BY MS. AZAR:

Q. Can you identify what Exhibit 99 is?

A. Minutes of the March 5th, 2003, Land and Water Conservation Committee meeting.

Q. And Mr. Hausman was in attendance at that meeting. Correct?

A. Yes.

Q. And Mr. Hausman specifically included at this meeting that the Hanson Professional Services Report dated December 4th, 2002, which has been marked as Exhibit 96, be attached to the minutes, didn't he?

A. Yes.

Q. And, indeed, the Hanson report is so attached. Correct?

A. Yes.

Q. Does this now refresh your recollection as to whether or not you've ever seen what's been marked as Exhibit 96?

A. No, I do not remember seeing it.

Q. Let's turn to Exhibit 98 which you should have in front of you. Would you identify this document?

A. County Board meeting minutes from December 18th, 2003.

Q. And you were in attendance at this meeting. Correct?

A. Yes. Yes.

Q. I'd like to point you to the second page there, Agenda Item No. -- apparently -- 5, in the second paragraph, said: Round Lake Property Owner's Association Representative Bill Whitlock ^ sp asked for clarification of the Land and Water Conservation Committee decision concerning the regulation of the water level of Round Lake. Period. Committee Chair Shirley Suhsen reports that this committee adopted the the Carthel Engineering report Option No. 1, quote, do nothing, continue to operate the Little Round Lake Dam as suggested by W.H. Cartwright. I'm not going to read the whole thing. Dot, dot, dot. End quote. Do you recall this meeting?

A. Yes.

Q. What sort of clarification was given to Mr. Whitlock ^ sp?

A. That I don't remember.

Q. Are taped -- are these meetings taped?

A. Yes.

Q. And are those tapes maintained?

A. That I don't know. I think for -- it would be KrisMayberry, the County Clerk, and I don't believe he keeps them for an extensive period of time.

Q. All right.

MS. AZAR: Let's mark the next one.

(Document marked for identification as Exhibit No. 100.) .

BY MS. AZAR:

Q. Ms. Suhsen, I'd like you to review what's been marked as Exhibit No. 100.

Q. Are you finished?

A. Yes.

Q. Would you please identify this document?

A. It's the minutes of closed session of the Land and Water Conservation Committee on December 4th, 2003.

MR. WRIGHT: And I'm going to, for the record, state that I'm not certain why this document was produced and reserve the right to call for its return and its withdrawal from the deposition transcript and from the record in this case based on the Supreme Court's recent decision on the issue of attorney/client privilege and inadvertent waiver, and I'm going to instruct her not to answer any questions about any discussions at that meeting with respect to any advice that might have been given by counsel. Go ahead. Ask your question.

BY MS. AZAR:

Q. At this December 4th, 2003 meeting, the Land and Water Conservation Committee voted to initiate a process leading to the filing of a petition with the Wisconsin Department of Natural Resources to establish normal maximum and minimum water levels for Round Lake and potentially Little Round Lake and Osprey Lake pursuant to 31.02 of the Wisconsin Statutes. Correct?

MR. WRIGHT: Go ahead and answer that question.

THE WITNESS: Yes.

BY MS. AZAR:

Q. Did you vote in favor of changing the designated water elevations of Round Lake at this might?

MR. WRIGHT: Object to the form of the question. Misstates the -- the conclusion. You said change the water levels.

MS. AZAR: To establish -- let me rephrase that.

BY MS. AZAR:

Q. Ms. Suhsen, did you vote in favor of the motion specified in this Exhibit 100 relating to Round Lake?

A. I wouldn't remember how I voted.

Q. Do you remember how other members voted?

A. No.

Q. Was this motion forwarded on to the full County Board?

A. I don't know.

Q. So you don't know if the full County Board ever voted to file a petition with the Wisconsin Department of Natural resources to establish normal, maximum and minimum levels for Round Lake, comma, potentially Little Round Lake and Osprey Lake?

A. No, I don't.

Q. Do you know if Sawyer County has taken -- has filed any petition with the Wisconsin Department of Natural Resources with regards to the water levels on Round Lake?

A. I believe so.

Q. And what does that petition state?

A. I do not remember.

Q. Did you receive a copy of it?

A. I could have.

MS. AZAR: Let's do this one next. Whoops. I don't think we need this one. Hold on a second.

BY MS. AZAR:

Q. Mrs. Suhsen, I'd like you to take a look at what's been marked as Exhibit No. 59. When is the first time you saw this letter?

A. Good question. That was in 1995. I -- I remember seeing it, but I don't know when -- when I saw it. It wasn't anything that was copied to me. It might have been at a committee meeting that we received copies. I don't remember.

Q. Do you recall what the County's response was to this letter?

A. No, I don't.

Q. Do you recall the committee discussing this letter?

A. Ah, I believe so.

Q. What did that discussion entail?

A. I would not remember.

Q. I'd like to have you look at what's been marked as Exhibit 31. When is the first time you saw this?

A. This was mailed to me.

Q. So you saw it shortly after it was dated?

A. Yes.

Q. Indeed, this was the letter that you stated at the beginning

of this deposition that you reviewed with your counsel. Correct?

A. With who?

Q. In preparation for this deposition. Correct?

MR. WRIGHT: That you reviewed with me.

THE WITNESS: Oh, yes, yes. Actually, what he did was he showed me and he asked me if I remembered this; and I said yes.

MR. WRIGHT: She doesn't get to know what we talked about, but that's fine. Go ahead.

BY MS. AZAR:

Q. Now, according to this letter, the Sawyer County full Board of Supervisors asked the DNR to investigate the low water levels on the Tiger Cat Flowage. Correct?

A. Yes.

Q. And, according to this letter, the -- Todd Naas took it upon himself to provide a report on the low water levels on the Tiger Cat Flowage in addition to addressing the water level complaints that were received in relation to the high water levels on Round Lake. Correct?

A. Yes. Yes.

Q. And, in this letter, he also makes recommendations for future operations associated with the Sawyer County dams. Correct?

A. Yes.

Q. What did you do when you received this letter back in September of 1995?

A. My recollection is that it went to the committee and to Mike Kruger. It was Mike Kruger at that time, I believe.

Q. So do you recall that the committee had a discussion about this letter?

A. No. I don't recall.

Q. Would you have expected them to have --

A. Yes.

Q. -- a discussion --

A. Yeah. Yes.

Q. -- about this --

A. Yes.

Q. Hold on. I haven't finished yet.

A. Okay.

Q. Would you have expected them to have a discussion about this letter?

A. Yes.

Q. Did Sawyer County implement the recommendations that were included within this letter?

A. That I don't know.

Q. Would you have expected Sawyer County to implement the recommendations given by --

A. Yes. I'm sorry.

Q. -- given by the Wisconsin Department of Natural Resources in this letter?

A. Yes.

Q. And one of the recommendations in this letter is that County is required to operate the dams to comply with the authorized water levels specified on Page 3 here.

Did the County comply with this recommendation in Mr. Naas's letter that the County operate its dams to comply with the authorized water levels?

A. I would expect that whoever was in charge of the dams at that time would have done that, yes.

Q. And what sort of oversight would the Land and Water Conservation Committee have done to ensure that was occurring?

A. I don't think any if us were going out and looking. I think that that was left up to our -- our maintenance person, the one who maintained the dams.

Q. And so the committee just assumes that they are doing what they're supposed to be doing?

A. Yes.

Q. Is it your understanding that the maximum authorized water level on Round Lake is 77.25 feet?

A. That's what I've heard.

Q. Is it your understanding that the normal authorized level on Round Lake is 77.00 feet?

A. That's what I've heard.

Q. And from whom have you heard that?

A. Probably from the paperwork from the DNR.

Q. Perhaps from this letter?

A. No. I think that was something that came up even before this letter, that there was things that were identified.

Q. And when did it come up before this September 5th, 1995 letter?

A. I don't remember.

Q. Who is the primary contact with the Land and Water Conservation Committee with Mr. Dallam of the Wisconsin Department of Natural Resources?

A. The primary contact?

Q. Hm-hm.

A. I would imagine it would be with Dale Olson or with, prior to that, Mike Kruger.

Q. And does the committee itself have any contact with Mr. Dallam?

A. He attended a couple of our meetings.

Q. And how often do you personally speak with Mr. Dallam?

A. I haven't.

Q. Ever? Outside of the -- the --

A. Outside of the committee, no.

Q. -- regularly scheduled meetings?

A. No.

Q. Do you believe Sawyer County needs permission from the LCO to remove beaver dams from Osprey Creek?

A. I think that they have told us that they do have that authority for us to get approval from them. I've not looked into

the issue.

Q. Have you asked Sawyer County's counsel to look into the issue whether Sawyer County needs permission from the LCO to remove beaver dams from Osprey Creek?

A. No.

MR. WRIGHT: I'll instruct her not to answer the question, although she already did. Any communication of counsel would be privileged. Any communication like that would be privileged. So I'm going to instruct her not to answer any further questions.

BY MS. AZAR:

Q. You indicated that the LCO has articulated that -- strike that.

In your prior answer, you indicated the LCO has communicated with you with regards to removal of beaver dams on Osprey Creek.

Correct?

A. Not with me. Not with me, personally.

Q. With whom were they speaking?

A. I believe they gave information through Dan Tyrolt ^ sp who works for the LCO tribe.

Q. And did Dan Tyrolt ^ sp convey that information to you?

A. Not to me, personally; to the committee.

Q. And -- but you heard -- during the committee meeting, you heard Mr. Tyrolt ^ sp convey the information?

A. Yes.

Q. What information did Mr. Tyrolt ^ sp convey?

A. He indicated that the tribal council had voted and had passed a resolution or something.

Q. With regards to beaver dams?

A. I don't recall if it was that, specifically.

Q. And do you know what prompted the LCO to take up that resolution?

A. No, based -- I assume it was based on Mr. Tyrolt ^ sp attending our meetings and going back to the tribe with information. I don't know.

Q. Have you or anyone else at Sawyer County ever contacted the LCO to ask for permission to remove beaver dams on Osprey Creek?

A. Not that I know of, and I never did.

Q. Do you know if, in the past, the LCO has allowed Sawyer County to remove beaver dams from Osprey Creek?

A. Not that I know of.

Q. Would you be surprised to hear that they did?

A. Yes.

Q. Does the LCO currently object to the removal of beaver dams. Strike that. You've answered that.

Q. How often do you speak with somebody affiliated with the LCO about the water levels on Round Lake?

A. Not at all.

Q. You've never spoken with anybody affiliated with the LCO about the Round Lake water levels?

A. The only one that we talked to is Dan Tyrolt ^ sp when he's

at our meetings, and I have not spoken to him one-on-one.

Q. I'd like to point you to what's been marked as Exhibit 83, which are two different LCO resolutions. Take a moment to read those resolutions, please.

I think, when we were just discussing the LCO resolution that you had raised, you were talking about the first of the two resolutions in Exhibit 83. Correct?

A. Yes.

Q. Do you know what prompted the second resolution here, which is Page 2 of Exhibit 83, what prompted the LCO from -- what prompted the LCO to pass the resolution which is attached as Page 2 here?

A. No, I do not.

Q. Did you ever talk with Mr. Tyrolt ^ sp about this during a committee meeting?

A. Mr. Tyrolt ^ sp indicated something at a meeting, and I told him anything that was done by the tribe should be in writing. I did not want to accept what he was saying so -- we wanted anything that they did in writing.

Q. So Mr. Tyrolt ^ sp, indeed, may have taken this information back to the tribe, and that's what could have prompted?

A. It could be.

Q. Okay. Okay. Where are we? 29. See, I knew it was earlier than that. I'd like to hand you what's been marked as Exhibit 29.

Q. Do you recognize that document?

A. I don't believe I've ever seen it before. In its entirety, I don't think I've -- no, I don't think I've ever seen this whole thing.

Q. Have you seen portions of it?

A. No. I don't --

Q. Do you know who prepared it?

A. No, I don't.

Q. All right. With regards to conversations outside of the Land and Water Conservation Committee, I'm going to focus on conversations you may have had with other representatives from Sawyer County.

Have you ever spoken with Clerk Mayberry with regards to the water levels on Round Lake outside of the regularly scheduled -- the County Board of Supervisor meetings or the Land and Water Conservation Committee meetings.

A. If I said something to him, I might have made a remark about when is this going to end or whatever, you know, I don't think that there was ever anything that prompted me to have a long discussion with him about anything.

Q. And were you ever in any meetings where Mr. Mayberry and other members of the Board of Supervisors may have been in attendance discussing the water levels of Round Lake?

MR. WRIGHT: Again, speaking outside of County Board meetings?

MS. AZAR: Correct.

MR. WRIGHT: Okay. Go ahead and answer.

THE WITNESS: No.

BY MS. AZAR:

Q. What did the County do after learning of the damage to Mr. Hausman's property that is the subject of this lawsuit?

A. What did the County do?

Q. Sawyer County do.

A. I believe hired a law firm. I honestly don't know.

Q. Did anybody inspect Mr. Hausman's property?

A. I understand some County Board members went out.

Q. Who went out?

A. I do not know.

Q. Did you personally go out?

A. No, I did not.

Q. So you don't know anybody who personally went out?

A. I was told that Mr. Pydo went out.

Q. Mr. Pydo, how do you spell that?

A. P-y-d-o. And it's hearsay. I don't know. I didn't ask anybody if they went out.

Q. I understand. Who else did you hear that went out?

A. Hm, think around the table. I -- I don't recall.

Q. And you were just thinking around the table. What table was that?

A. Well, I would have been thinking around the County Board members.

Q. Which everybody usually sits in the same spot?

A. Yes. Right. Right.

Q. Has anyone else. Have any employees from Sawyer County inspected Mr. Hausman's property?

A. That I don't know.

Q. Let's turn to Exhibit 85. Which was -- are the minutes from the June 5th, 2002 Land and Water Conservation Committee meeting. Correct?

A. Yes.

Q. And you were in attendance in this meeting. Correct?

A. Yes.

Q. At this meeting, the -- I want to see -- apparently, the first agenda item was the Round Lake water levels. Correct?

A. Yes.

Q. And, as chair of the Land and Water Conservation Committee, you're responsible for establishing the agendas for these meetings. Correct?

A. The agendas are put together by our secretary and Dale Olson; and, when we get to meeting, we sometimes change agenda items from one portion of the agenda to another to accommodate people that are there.

Q. But you as chair have to agree upon the agenda?

A. I do not see the agendas prior to the meetings.

Q. So do you know why the Round Lake water levels were on this agenda?

A. No, I don't unless it was something that was discussed at a previous meeting and felt it was inappropriate to discuss say at the main meeting and we put it to June. I do not know why.

Q. According to these minutes, Mr. Hausman gave a presentation to the committee. Correct?

A. Yes.

Q. And he showed photos of the dam and shoreline erosion. Correct?

A. Yes.

Q. Do you recall the photos that Mr. Hausman showed the committee on that date?

A. Vaguely.

Q. Did they include photos of his shoreline and erosion on his shoreline?

A. I believe so.

MR. WRIGHT: Off the record. Can we just take two seconds?

(Discussion off the record.)

BY MS. AZAR:

Q. Let's -- I'll turn to Exhibit No. 86 now. And these are the minutes from the June 25th, 2002, Land and Water Conservation Committee. Correct?

A. Right.

Q. And this was a special meeting concerning the water levels on Round Lake. Correct?

A. Yes.

Q. And you were in attendance at this meeting?

A. Yes.

Q. And Mr. Hausman gave a presentation at this meeting as well, correct?

A. Yes.

Q. And at this meeting did Mr. Hausman discuss the damage to his property that's the subject of this lawsuit?

A. I don't recall.

Q. Can we take a three-minute break?

MR. WRIGHT: Sure.

(There was a recess.)

BY MS. AZAR:

Q. Ms. Suhsen, earlier, you testified that all of the stoplogs had been removed from the Carlson Road Dam and you were still getting complaints about high water levels on Round Lake. Do you remember that?

A. That was my recollection.

Q. Why were you still getting complaints about high water levels if all the stoplogs had been removed?

MR. WRIGHT: Objection, foundation.

THE WITNESS: I don't know.

BY MS. AZAR:

Q. Did you or the committee ask anybody to investigate why there were still high water levels on Round Lake if all the stoplogs had been removed?

A. I think I asked Dale Olson and I don't recall what his response would have been.

Q. And when was this?

A. That I don't know.

Q. Was it this year?

A. No.

Q. Last year? That would have --

A. Could have been --

Q. -- been 2003?

A. It probably was 2000 -- might have been 2001 even.

Q. 2001?

A. Yeah, it's possible. I don't remember.

Q. And did the committee ever take any action to investigate why if all the stoplogs were removed there were still difficulties with high water levels on Round Lake?

A. No.

MS. AZAR: I think -- we don't have any further questions.

MR. WRIGHT: No questions. Thank you.

MS. AZAR: Thank you, Ms. Suhsen.

(The Deposition concluded at 12:46 p.m.)