



# DALLAS LAKE ASSOCIATION

[www.DallasLakeAssociation.com](http://www.DallasLakeAssociation.com)

August 17, 2009

Dear Dallas Lake Residents:

It's hard to believe this is now mid-August and our wonderful summer is coming to an end. It goes so fast. We hope that you have had an enjoyable summer thus far. There's still plenty of good weather left but many of you with children will be closing things up and getting ready for another school year. Those of us who reside on the lake or only come for the weekend can continue to enjoy a beautiful fall. Whatever your plans for the rest of the summer, play safe and be safe.

## **LOCATION FOR MEETING**

Don't forget our annual meeting which will be held on Saturday, August 29th at 9:00 am at the Dallas Lake Park Pavilion. This site is located mid-way between 075W and 00EW (by the Green Chapel building). After you enter the park and pass the wet lands, you will come to a fork in the road. Take the left fork and continue up the hill to the pavilion. There is plenty of parking available to accommodate a crowd.

## **HACKENBURG CHANNEL**

We had a positive ruling in our favor regarding the Hackenburg Channel issue. Judge Lucas issued a 58 page "Findings of Fact and Conclusions of Law with Nonfinal Order" on July 13, 2009. A summary of the conclusions reached were as follows:

By September 15, the Claimants must provide the \$200 application fee, a \$25 application fee, remove all boats and mooring facilities from the new channel and place fencing to keep any livestock at least ten feet from the banks of the channel. They must also maintain the fencing in good order. By November 15, they shall restore the J.J. Charles Drain, restore the banks of same drain and make sure the banks are stabilized. By the same date, they must construct and maintain two glacial stone weirs across the new channel which will prohibit the passage of boats but still allow for the normal flow of water. By May 1, the Claimants must revegetate the banks to protect them from erosion and are not allowed to remove any aquatic or woody vegetation.

The Claimants will have to pay the DNR \$85,000 because of the violations of the Flood Control ACT and the Lakes Preservation Act. However, this civil penalty will be reduced to \$1000 if the Claimants comply with requirements of this order by July 1, 2010.

If the Claimants do not initiate judicial review, the Commission and its Administrative Law Judge will retain jurisdiction of this order until January 1, 2011 for the following purposes:

- a. The resolution of any disputes among the parties as to the application of terms in this order.
- b. For good cause, the Claimants may request an extension of time.

A letter was received from Steve Snyder, our attorney, on August 1 informing us that the Claimants did not appeal the order from the Judge. He stated, "based on my discussion with Yoder and Miller's attorney after the trial, I doubt that they will be willing to incur the expense of filing objections, appearing before the Natural Resources Commission for oral argument or appealing any final order of the Court."

The next meeting of the Natural Resources Commission is scheduled for September 22. This meeting will take place in Lafayette, IN. This should become a final order from the DNR and for us means that this matter should be closed. It is up to the DNR to oversee this final project.

So based on all of this, it would appear that we have won the legal battle. In winning, it is our understanding that we have set a legal precedent for closing an unpermitted channel in Indiana. Our case, hopefully, will serve as a legal basis for any other violations that may occur in the State of Indiana.

Several board members participated in the legal process regarding the Hackenburg Channel situation as well as a number from Hackenburg. Without true dedication to this cause by this small group of people, the above conclusions could not have been reached. We owe our congratulations to them on this victory.

#### **LAGRANGE COUNTY LAKES COUNCIL**

A recent Lagrange County Lake Council newsletter contained an interesting article regarding an agenda item from the Utility Board's last meeting. Because of financial information relayed to the Board by their advisor, it was his recommendation that the Board may have to consider raising the sewer rates for the different zones served by the Board. The article was short so if you would like more information, it is suggested a call to the Utility Board would be best.

#### **MESSICK AND HACKENBURG BRIDGE**

The Indian Lakes Campground on Messick has a petition in their lobby to try and get the bridge raised. It is the feeling of this board that the ILC will not be successful in their effort due to the of the money required to do it. We will keep you posted as we get information.

### **NEW OWNERS ON DALLAS LAKE**

We have had many changes on the lake in the last year. For those of you who are new, we welcome you to Dallas Lake. If you have any questions, please feel free to contact any of the board members as listed below via phone or e-mail.

### **JULY 4th PARADE OF BOATS**

The 4<sup>th</sup> of July weekend gave some of the lake residents a chance to use their imagination and ingenuity to have a little fun on the lake. Under cloudy skies, approximately 17 boats (we had 18 last year) toured the lake each one decorated to the hilt. John Buck led the parade that ended at Dallas Lake Beach where one craft was selected by the judges as the winner.

The winner for this year was the Strong family from Sunset Point. Besides the boat passengers dressed in period costumes and the decoration of their pontoon, Richard Strong played the bag pipes while on board. This sent their pontoon to the top of the list. For their efforts, they received a cash prize of \$25. It was not an easy decision, however, because of the outstanding job done by several of the participants.

There were two other outstanding decorated pontoons. One belonged to the Kelly family on Sunset Point who had a choral group on board and a bearded Uncle Sam (Pete) steering and singing. Another creation was a new entry for this year which was a ski boat with two occupants, one wearing a WWII leather flying jacket with goggles and the other giving directions. What really grabbed our attention were the two fixed wings projecting out from the sides of the boat about four feet. Attached to the front of the wings were small motor-like devices with propellers attached to them so that as the boat moved through the water, the props spun. We don't know who you are but we thought it was an incredible and original idea!!

The board would like to thank all of those who participated and put forth the effort. We hope we can double the number next year.

### **BOARD MEMBERS**

Following are the list of board members for the 2009 season.

John Buck-President  
Scott Mahlstedt-Vice-President  
Cheryl Heller-Secretary-Treasurer  
Sandy Baughn-Recording Secretary  
Pat Roller  
Carolyn Painter  
John Chodacki  
Kent Martz  
Chris Bouwkamp

## **CONDOLENCES**

Our sympathies are with Lynn Toles and her family who recently lost her husband, John. Lynn was a member of the Dallas Lake Board of Directors for several years. Our condolences are also with Carolyn Barger, whose husband Phillip died suddenly in the Spring. We also had a terrible drowning on our lake about a month ago. It was also a sad incident and our sympathies are with the family of the victim who resided on Westler.

## **ADDRESS CHANGE COMMITTEE**

We need your help! In an effort to keep our data base current we have a committee who assumes the assignment of canvassing the neighborhoods to make sure we have current addresses. In an effort to help them help us, if you have a new neighbor, please let your contact person know. Following are contact people for Dallas Lake: Pat Roller-Sunset Point and Carolyn Painter-South Shore are co-chairwomen. The rest of the committee consists of: Wandy Maroney-Dallas Heights; Sandy Baughn-East Shore Channel & East Shore; Angie Miller-Dallas Bay; and Betty Smith-North Shore. It is very difficult to keep current without your help or ask the new residents to contact Cheryl directly.

## **LAKE DIRECTORIES**

We will begin the process of selling ads for the lake directory for the 2010-2011 season. Once again, we will need a few volunteers to help sell ads. Please, if you are willing to help or you wish to place an ad in the directory, contact John Buck at the above numbers. Lastly, if you note any errors in your information in the last directory, please contact Cheryl by phone or e-mail so that it may be corrected. Every lake resident will be receiving a directory sometime in the Spring.

## **DUES FORM**

For those of you who have not yet decided to join the Dallas Lake Association, we have attached for your use a form to facilitate payment of dues, voluntary water quality contributions and voluntary Legal Defense Fund. Your contributions go for many useful projects, more recently the project of closing the illegal Hackenburg Channel as well as other projects in the past. Last year, 76% of you joined and of that 76%, the same percentage contributed to our Water Quality Fund. So join your friends and neighbors and be a part of this association. Together, we can make a difference and \$10.00 is such a small sum to contribute for our projects. We wish to thank all of you who have continued your membership and so generously contributed to our Water Quality Fund and the Legal Defense Fund.

Again, enjoy the rest of your summer and we look forward to seeing you at the August meeting.

Sincerely,

John Buck-President