

Webster Lake Dam – Classification and Condition

Important information for lake property owners and others that use Webster & Backwater Lakes

December 4, 2023

While most homeowners and visitors to Webster and Backwater Lakes know that the Webster Lake Conservation Association (WLCA) provides and facilitates weed treatments, an annual fireworks show, and other services, fewer know about Webster Lake's dam and the WLCA's relationship with it. Here are some things you may not know, but which are **vital to your understanding of a potential crisis the lakes are facing:**

- (1) WLCA was formed in the 1950's to purchase the decaying Webster Dam (previously owned by a grist mill) and restore it to preserve Webster and Backwater Lakes for public use and to maintain the value of lake properties. Repairs to the dam in the 1950's were funded by financial contributions from lake property owners, local residents, business owners, service organizations and churches of the North Webster community, as well as WLCA's sale of some land that came with the purchase of the control structure. The work on the dam was completed by local residents and businessmen as volunteers.
- (2) The "dam" is not just the metal weir gate structures located off the southern part of Webster Lake but includes both the gates *and* the surrounding earthen embankment which holds the water in the lake, and upon which several houses are located.
- (3) Prior to 2017, the dam was classified as a "Significant Hazzard" dam and as such was inspected on a regular basis by the Indiana Department of Natural Resources (DNR) with a portion of the cost for inspections being passed back to WLCA for payment. In 1996, the DNR made an Agreement with WLCA under which the DNR assumed the "responsibility for the reconstruction or repair of the outlet control structure" (the dam). In 2009, a DNR engineering inspection rated the dam and the land dams as "deficient and conditionally poor." With prompting from WLCA, the DNR made repairs to the dam in 2012, but omitted correcting certain deficiencies previously noted in the 2009 inspection report. The DNR made no repairs to the land dams in this project. In 2017, the DNR completed another engineering inspection and reclassified the dam and land dams as "High Hazzard" and rated them as "deficient and conditionally poor" due to a previously existing void under the main spillway that was left unrepaired during the 2012 reconstruction and because of an enlargement of the inundation area below the dam as determined by a 2015 remapping of the flood plain. In 2018, the DNR suggested that it was WLCA's responsibility to repair the dam and land dams, even though the 1996 Agreement was still in force.
- (4) WLCA disagreed with the DNR's assertion that WLCA was responsible for the repairs based on the terms of the 1996 Agreement and has been in continuous litigation (lawsuits) with the DNR for the last five (5) years regarding the current and future responsibility for reconstruction and repairs to the dam. It appears that the court will be ordering the DNR to shoulder some or all the responsibility for correcting the known omitted deficiencies in the dam that were noted in the 2009 and 2017

engineering reports; however, the responsibility for future reconstruction or repairs will fall to the WLCA and land dam property owners or to a yet to be established conservancy district which would be a tax-funded governmental entity.

- (5) This situation has not been ignored by the WLCA and cannot now be ignored by any Webster and Backwater Lake property owners. As a member funded not-for-profit corporation with a membership level of 60% of the property owners, WLCA cannot and will not be able to afford the costs required to do any reconstruction or significant repair work on the dam or on the land dams. The DNR will not allow the dam and its appurtenances to remain in their current condition. If the work is not done, it is possible that the dam or land dams could be washed out by a significant weather event. Should this happen, persons and properties downstream would be in serious peril of death and destruction, bridges or roadways would be damaged or destroyed, Backwater Lake would be non-existent and Webster Lake would be reduced to seven widely separated glacial ponds. Imagine the effect on property values.
- (6) To aid in the mitigation of this situation, WLCA is willing to take the lead in the establishment of a conservancy district as described above which would be responsible to monitor, control, and maintain the dam and its appurtenances in the future. To accomplish this, WLCA will need to obtain signatures on a petition which, when complete, would then be presented to the circuit court for its consideration regarding the creation of a conservancy district. **Please agree to sign the petition when it is presented to you.**
- (7) The creation of a conservancy district comes with initial costs for both attorney and engineering fees which WLCA may not be able to cover from its sole source of revenue—annual membership dues. These expenses will be in addition to the cost of the ongoing litigation to make the DNR honor its obligations under the 1996 Agreement.
- (8) Currently, WLCA is seeking additional sources of income to help finance the creation of a conservancy district; however, WLCA may need to request additional tax-deductible funding contributions from lake residents, other local residents, and businesses that benefit from the existence of the lakes. If or when additional funding is needed, WLCA will reach out to all lake property owners and dependent businesses for assistance. **Please respond in a positive manner if a funding contribution is requested of you.**

If you have questions or need additional information, please contact WLCA through its Website at www.lakewebster.net or by email to Websterlakeassociation@gmail.com. Please include your phone number if you would like to receive a call. Your correspondence or call request will be answered as quickly as possible. WLCA intends to keep the lake community informed of any significant changes in this situation. While WLCA may post this information on its Facebook page, WLCA will not entertain general discussion of this issue on Facebook as it is preferred that any additional information you may wish to have comes to you from an informed source.

Thank you for your immediate attention to this information and for your continued investment in the future existence of Webster and Backwater Lakes through your membership and contributions to Webster Lake Conservation Association.