

COMMISSIONER'S RECORD N

Douglas County Republican, Lawrence

owned by the county, the purchase amount to be set aside as future credit on any machinery ordered by the county. However, the cash basis law allows no such procedure for the county.

The County Superintendent's quarterly report for the fourth quarter, 1943, was approved.

The bond of E. E. Larson, County Engineer, in the amount of \$2500.00 was approved by the Board, and is on file in the office of the County Clerk.

At the hour of 1:30 p. m., a meeting was held with interested parties in the Douglas County Kaw Drainage District in the Lake View neighborhood, members of the Lake View Club and of the County Engineer's office, met in the Commissioners' room as per appointment for the purpose of discussing the operation of the Lake View gate.

Those present were: Al Brune, J. B. Wilson, Owen Mitchell, David G. McCreath and a Mr. Hodson, farmers in the Lake View District; and a Mr. Griffith, Lake View Club attorney, C. A. Karlan, Dr. F. M. McFarland, and several others, representing the Lake View Club. Also present, were E. E. Larson, County Engineer and C. E. Redmond, Assistant Engineer.

The Chairman of the Board stated that the County Commissioners are interested in two things: first, they are interested in the protection of the county road and they want to do everything possible to protect this road; second, they are interested in having this matter straightened out to the satisfaction of the parties involved.

Al Brune said that the Lake View Club is not living up to their agreement with certain property owners, in that they are keeping the water in the lake at a higher level than agreed to. The agreement, he stated, stipulated that the water in the lake should be held at a level no higher than the bottom of the tile running through the Santa Fe Railroad. Sometime, in the past, an 18" concrete lift was placed in this tile by some unknown party. The Railroad company denies no knowledge of this nor does any one else know who was responsible for putting this lift in. The water at the present time is over the top of the lift, and running through onto land owned by Owen Mitchell. He said, because of the lake, the farmers have lost the use of fifty acres of land. Brune said that the gate should be opened and the water should be let out to run back into Baldwin Creek, then back to the river.

J. B. Wilson, Attorney for the Drainage District, says there is no doubt as to the District's having power to take control of this gate, as they have general control of the flow of water in the district, however, it would be more agreeable if the interested parties could agree on some central control.

Members of the Lake View Club denied knowledge of who put this concrete lift in the tile. They said that no member of their club raised this lift, and, inasmuch, as this is on Santa Fe property, they would have no authority to do so. They said they certainly are doing their best to keep the water level in the lake in accordance with the agreement within the Acts of God and reasonable rainfall. C. A. Karlan said that he had been instructed by the former County Engineer to leave this gate alone and not to open or close unless so instructed by the County Engineer. He said that this gate was constructed under the supervision of E. E. Trueblood, former County Engineer. They do not know who closed the gate this last time.

Commissioner Penny said that the county is interested in the road that belongs to the county, and said that he believes the Drainage Board should have control of the gate.

Karlan said in that event, if, in the opinion of the Drainage Board, they could open the gate and let all the water out of the lake, and then what redress would the Lake View Club have?

The County Board said that it had no knowledge of the understanding with the former Board or the County Engineer, but that the county has and wishes no authority in the control of this gate. It is not the county's responsibility to operate this gate, and during flood times, the County Engineer has duties all over the county which would not permit the time for his being at this one particular point to supervise the operation of the Lake View gate. Therefore, although the club has been notified before that this Board would assume no responsibility of the operation of this gate, they are going on record again and notifying members of the club now, that such control of the gate is out of the county's hands.

Members of the Club said that they would accept the responsibility of operating the gate.

Mr. Griffith, Attorney for the Club, took the floor, and went into a lengthy discussion regarding the proper level of the lake, and to the agreement the Club has with some of the farmers, in that they agreed to keep the water at a level with the bottom of the tile, and according to the statement made by Mitchell, the concrete lift has been in the tile for 10 or 12 years, and Mr. Brune, also, said that the lift was in before the agreement was made, then the Club has been living up to their agreement in that the top of the concrete would be considered the bottom of the tile. On this, Brune disagrees, saying the original bottom of the tile before the lift was put in, is what should be considered the bottom of the tile.

J. B. Wilson, stated that neither the Drainage District nor the County is interested in the contract, which is a contract between two private parties. They are interested in protecting the county from floods. If the club takes over the operation of the gate, they will be expected to use this to prevent any damage to the public by reason of any excess water.

Owen Mitchell suggested that now, the Club open the gate and let the water run back to Baldwin Creek, and the Club's attorney said that the club would be willing to do this.

There was a great deal of discussion as to the establishment of a grade, and the Board said that it would not be willing for the County Engineer to give any services to the setting of this grade, unless there is a definite understanding as to where this grade should be established. Al Brune definitely says that if they use the top of the concrete lip for the grade then as far as he is concerned, they don't have to make any grade. He contends that it should be from the bottom of the original tile. However, members of the Lake View Club say that the grade should be established from the top of the concrete, inasmuch, as this was considered the bottom of the tile at the time the agreement was signed. (The agreement was drawn up and signed in 1940.)

Mr. Wilson said that the Drainage District declines to be bound by any level of any kind. Its representatives are here only for the interest of the general public.

The meeting adjourned with nothing definite settled.

*Meeting held in
house of the drainage
district in Lake View*

*Let's have the
not doing up to
agreement on water*