

Bishop Creek Water Association  
Board Meeting Agenda  
July 14, 2020  
7:00 pm  
Meeting to be held via video conference

1. Opening and Introduction
2. Acceptance of the July 14, 2020 Monthly Board Meeting Summary
3. Approval of the July Financial Reports
4. Appointment of the Finance Committee
5. Bishop Creek Precipitation, Flow, and Storage Report
6. Old Business
  - a. Restriction in Nelligan Ditch at Norberg/Scott
  - b. Inyo County Road department policy regarding street culverts
  - c. Restriction in 4X Ditch @ East end of Sunrise Dr.
  - d. Flow obstruction at end of Sunset Dr (parcel 11-530-01)
  - e. Membership Reconciliation (Articles & By-Laws Article IX, Section 2)
  - f. Collection of Past Due Assessments
  - g. Ditch Diversion Box Repair/Rebuild Work (Phase II/III)
  - h. Bishop Plaza maintenance and cleaning responsibility
  - i. Bishop Tribe BCWA Membership? (LADWP)
7. Water & Arbitration Committee Report
8. Watermaster Report
  - a. Highlands/Cherry Lane Water
  - b. Flow on west side of Vista Rd
  - c. Mtg with Chris T (Miles)
  - d. Other
9. New Business
  - a. Other (By Board or Members in Good Standing)
10. Next Monthly Board Meeting – September 8, 2020, 7:00 p.m.
11. Adjournment

**Bishop Creek Water Association  
Meeting Summary  
July 14, 2020**

**1. Opening and Introduction**

BCWA meeting called to order 7:03pm. Trustees in attendance: Merry Armstrong, Gene Coufal, Don Kunze, Mark Frumkin, & Eric Tillemans. Watermaster Matt Durkee present. Meeting was conducted via Zoom.

**2. Acceptance of the June 9, 2020 Monthly Board Meeting Summary**

Minutes were accepted as written.

**3. Approval of the June Financial Reports**

Approved unanimously.

**4. Appointment of the Finance, and the Water & Arbitration Committees**

Postponed until next meeting.

**5. Bishop Creek Precipitation, Flow, and Storage Report**

Bishop Creek to continue with same flow as Chandler Decree at approximately 160 cfs, with expectation of winter flows to be within the 50-55 cfs range.

**6. Old Business**

- a. Matlick Ditch flow obstruction @ Rousek Toy Co – reimbursement:  
Rousek paid reimbursement. This item is completed.
- b. Inyo County Road department policy regarding street culverts:  
Is Inyo Co. responsible for culverts as indicated in Water Code 43560. Board would like a legal opinion before proceeding further. Eric will send question to LA City Attorney's Office for an opinion.
- c. Restriction in Nelligan Ditch at Norberg/Scott/O'Brian:  
Meetings with Mrs. Norberg have not been considered productive and are not resolving the issue. Board believes proceeding with the work of debris-removal and wing-wall installation is important but needs to proceed slowly and methodically because of the hostile environment.  
Motions of action raised by Don Kunze: 1) Proceed with notice letter to the landowner, & 2) Begin process of getting a bid for debris removal and wing-wall installation. Merry Armstrong 2<sup>nd</sup> the motion. Board approved the motion with a unanimous vote of approval.
- d. Restriction in 4X Ditch @ East end of Sunrise Dr.:  
Gene will send a letter once Don gets him name of who to contact.
- e. Flow Obstruction at end of Sunset Dr.:  
It is spilling water onto DWP. Gene will send letter for the BCWA, and Eric (DWP) will investigate this issue internally.
- f. Membership Reconciliation (Articles & By-Laws Article IX, Section 2):

Gene/Eric are working on maps. The idea of Matt doing the leg work to verify the maps data was discussed. Don suggested additional pay for mapping work. Matt was receptive to doing the work and will consider options for doing the work and report back at next meeting.

- g. Collection of Past Due Assessments:  
No change.
- h. Ditch Diversion Box Repair/Rebuild Work (Phase II/III):  
No change.
- i. Bishop Plaza maintenance and cleaning responsibility:  
Gene left message with Dave Stottlemire (Inyo Co Assessor).
- j. Bishop Tribe BCWA Membership? (LADWP):  
Eric to follow up with LA City Attorney's Office

**7. Water & Arbitration Committee Report**

Nothing new to report.

**8. Watermaster Report**

- a. Highlands/Cherry Lane Water  
Not getting water, bank leaking into another park. Matt to meet with Highlands maintenance worker.
- b. Flow in east diversion box @ O'Rielly Auto Parts  
Glenwood Mobile Home Park is getting water, this item is complete.
- c. Reinhackle Ditch @ Grah/Lozito  
Flowing good at present.
- d. Flow on west side of Vista Rd  
Matt now has access through gate on property. Matt has been making regular check-ups to remove wood placed into ditch.
- e. Meeting w Chris T (Miles)  
No meeting yet.
- f. Other  
34-calls, 22-texts, flow adjustments

**9. New Business**


- a. Other (By Board or Members in Good Standing)  
None

**10. Next Monthly Board Meeting Committees**

August 11, 2020, 7:00 p.m. at LADWP, 300 Mandich St.

**11. Adjournment: 8:07 pm**

Respectfully Submitted,



Eric Tillemans, Secretary

Bishop Creek Water Association

**BISHOP CREEK WATER ASSOCIATION  
FINANCIAL REPORT FOR THE MONTH**

**JUNE                    2020**

CHECKING ACCOUNT BALANCE		
SAVINGS ACCOUNT BALANCE	\$	348.08
		<u>36,764.21</u>
TOTAL BANK BALANCES - May 31, 2020		37,112.29

**DEPOSITS:**

Customer Deposits - Into Checking	\$	2,207.45
Customer Deposits - Into Savings		12,746.50
Misc Refund		5.00
Interest Income		3.65
Transfer from Savings		<u>10,000.00</u>

TOTAL DEPOSITS		24,962.60
----------------	--	-----------

**CHECKS WRITTEN:**

Water Master Pay                    - 863.26 X 2	\$	1,726.52
Truck Allowance                    - 200.00 X 2		400.00
Assistant Water Master Pay		-
Telephone		75.11
Payroll Taxes - IRS		-
Payroll Taxes - State		-
Payroll Taxes - IRS Unemployment		-
Alex Printing		-
US Post Office		-
Cal Rural Water Assoc Ins		-
State Fund - Worker's Comp Insurance		-
Holland & Allred - Quarterly Accounting		-
Cal Rural Water Admin Fee		-
Brown's		58.15
Transfer to Savings		-

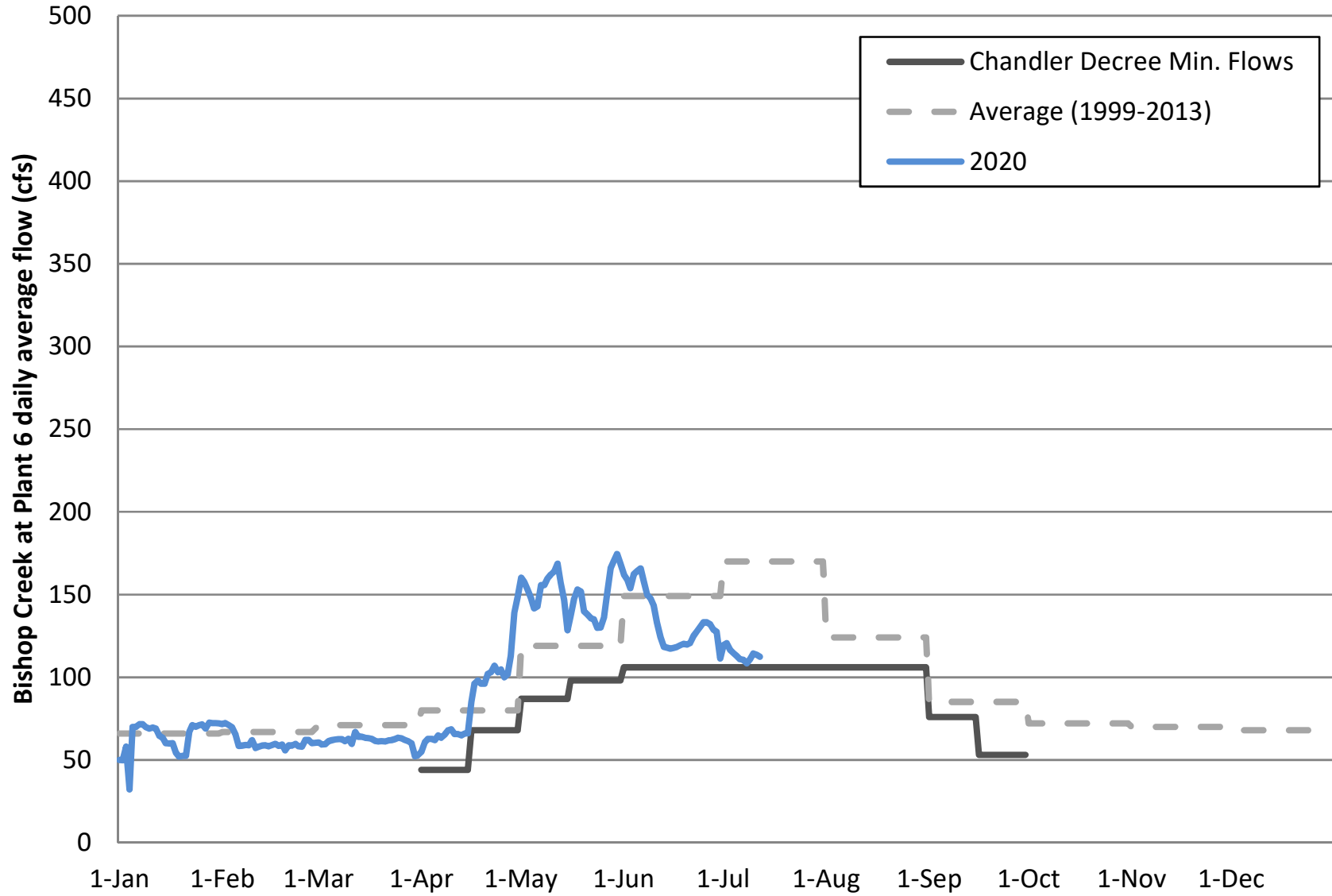
TOTAL CHECKS WRITTEN		<u>(2,259.78)</u>
----------------------	--	-------------------

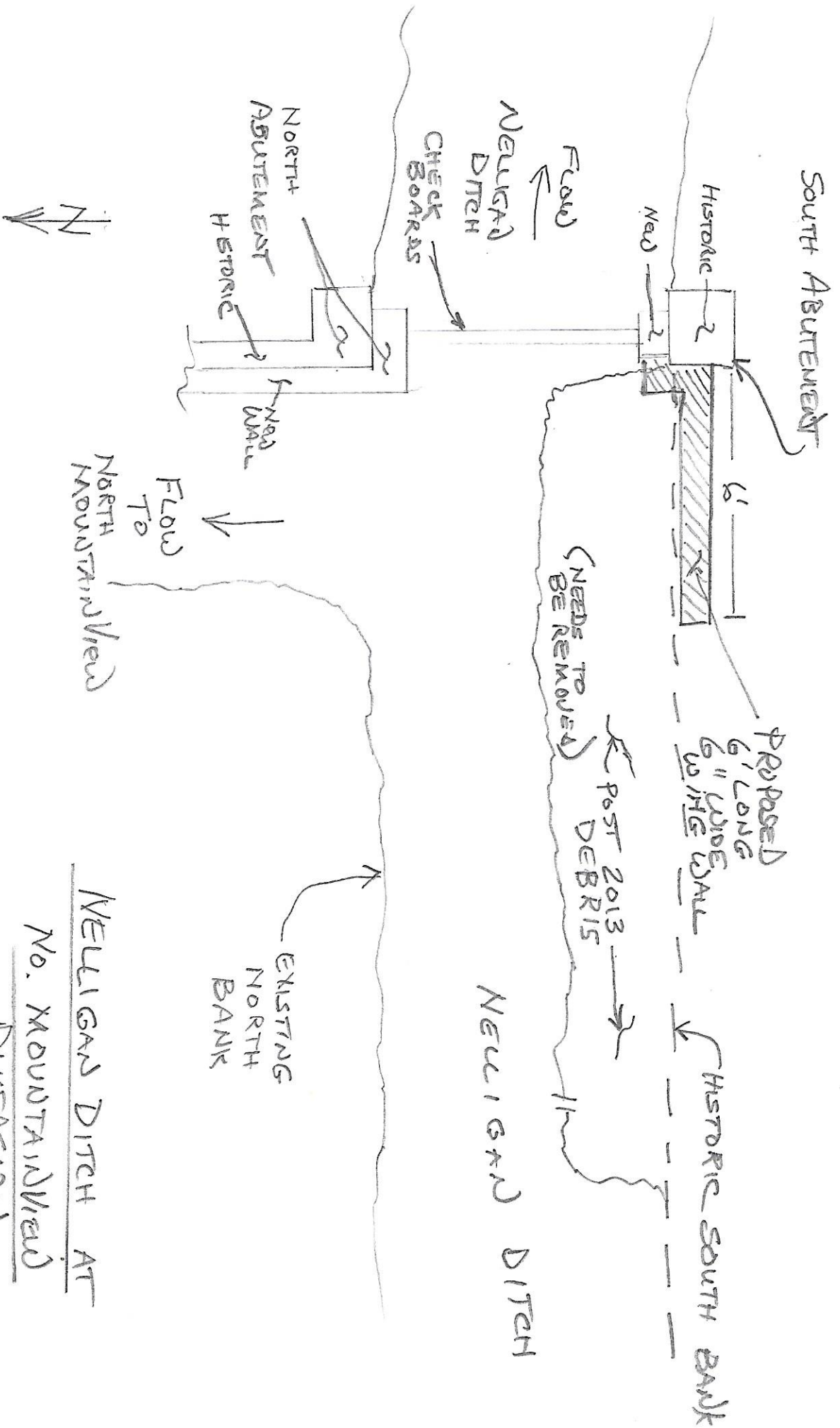
UNION CHECKING ACCOUNT	\$	10,300.75
------------------------	----	-----------

UNION BANK SAVINGS		<u>39,514.36</u>
--------------------	--	------------------

TOTAL BANK BALANCES - June 30, 2020	\$	49,815.11
-------------------------------------	----	-----------

# Bishop Creek Flows at Plant 6





WELIGAN DITCH AT  
NO. MOUNTAIN VIEW  
DIVERSION  
SKETCH  
 (NOT TO SCALE)

From: Merry Armstrong p\_marmstrong@msn.com  
Subject: Fwd: Bishop Creek Water Association  
Follow-up  
Date: Jul 6, 2020 at 12:48:25 PM  
To: Gene Coufal NC3E@AOL.COM

Sent from my iPad

Begin forwarded message:

From: Ann Norberg <[anorberg299@gmail.com](mailto:anorberg299@gmail.com)>  
Date: July 5, 2020 at 11:01:29 PM PDT  
To: "p\_marmstrong@msn.com" <[p\\_marmstrong@msn.com](mailto:p_marmstrong@msn.com)>  
Subject: Fwd: Bishop Creek Water Association Follow-up

Begin forwarded message:

**From:** Ann Norberg <[anorberg299@gmail.com](mailto:anorberg299@gmail.com)>  
**Subject:** Bishop Creek Water Association Follow-up  
**Date:** July 5, 2020 at 10:58:58 PM PDT  
**To:** "Kyle T. Oney" <[ktoney@inyocounty.us](mailto:ktoney@inyocounty.us)>  
**Cc:** Nathaniel Derr <[nderr@inyocounty.us](mailto:nderr@inyocounty.us)>

Deputy Kyle Oney and Deputy Lawson:

The Bishop Creek Water Association is again threatening to

remove and tear down my chain-linked fencing erected in an attempt to protect my South Bank from further being vandalized. The chain-linked fencing is within my property boundaries of the South Bank; not in the Nelligan Ditch.

They have also been advised that the South Bank is my property, and is not obstructing or redirecting the water in any manner. Please contact Mr. Jeffrey Thompson, Senior Cal -Trans State Surveyor, who surveyed the entirety of my South Bank in 2015; and which has been located in the same place since 1940.

(760-872.2095)

Since this is a Civil Matter, they may not enter my property boundaries of the South Bank or remove any part of my property, which serves to protect my property; without a Court Order.

Last vandalism incident: July 4 and July 5, 2020. This vandalism is occurring nightly to my property.

These vandalism incidents have been ongoing since June, 2015, through last night and today.

Tomorrow, I will be contacting Mary Armstrong, Bishop Creek



Water Assn. member, in order to let her know that I have informed you of the current situation, and the total involvement of my Homeowners Insurance Company in addressing the massive vandalism to my South Bank.

Thank-you Deputy Oney for your outstanding assistance and support; to Deputy Lawson as well for the same service.

Dee Norberg

> On Jul 6, 2020, at 3:54 PM, Merry Armstrong <[p\\_marmstrong@msn.com](mailto:p_marmstrong@msn.com)> wrote:

>

> Hi, Dee.

> I will be out of town for a period.

> Please send any emails directly to Gene Coufal at [nc3e@aol.com](mailto:nc3e@aol.com).

> Thanks, Dee.

> Merry

>

> Sent from my iPad

>

>> On Jul 6, 2020, at 1:58 PM, Ann Norberg <[anorberg299@gmail.com](mailto:anorberg299@gmail.com)> wrote:

>>

>> Mary:

>>

>> 1. My Homeowners Insurance Company has been communicating with the Sheriffs' Department for the last month,

>> to confirm the massive vandalism to my South Bank property. They have made an extensive on-site visit to this property

>> confirming that the underside of my property has been dug out, sledge-hammered, and gouged out on a nightly basis.

>>

>> 2. The "debris" you are referring to is on my property, and the fencing and other materials are in place " to protect my

>> property." Any attempt to trespass or remove my personal property will only serve to enable the "vandals" to commit

>> further vandalism and damage, and at that point, you will enable and become complicit in enabling this ongoing crime.

>>

>> The vandalism has reached an estimated total of close to \$10,500.00 as of the Claim date.

>> The vandalism continues nightly, and the insurance company was made aware of this fact, this morning.

>>

>> 3. Numerous video clips have been submitted to the Sheriffs' Department, as well as another Incident Number obtained as

>> recent as this morning, July 6, 2020.

>>

---

From: Merry Armstrong p\_marmstrong@msn.com  
Subject: Fwd: Multiple Updates as of July 6, 2020  
Date: Jul 12, 2020 at 2:32:12 PM  
To: Gene Coufal NC3E@AOL.COM

## Get [Outlook for iOS](#)

---

**From:** Ann Norberg <[anorberg299@gmail.com](mailto:anorberg299@gmail.com)>  
**Sent:** Saturday, July 11, 2020 1:38:31 PM  
**To:** Merry Armstrong <[p\\_marmstrong@msn.com](mailto:p_marmstrong@msn.com)>  
**Subject:** Re: Multiple Updates as of July 6, 2020

Dear Mary:

I appreciate you and your sensitivity, especially the day you were here on my property. I refuse to communicate with Gene Coufal, as I have communicated with him both in person and in writing, and my input has been totally ignored and discounted numerous times when it directly involves my property. He has come to my property in the past, telling me what he was going to do with my property and as we speak, my property is being seriously threatened as a chosen result of his actions.

Mary, at this time, I will only be communicating with you. No respect, sensitivity, or consideration has been given to me or my involvement in the actions taken by the Water Association thus far. Don Kunz has been contacted by me in the past, informing him of the critical situation here and the continuous fills.

I refuse to subject myself to any arrogant, uncaring, disrespectful men, and that includes Mr. Means.

I look forward to your return and speaking with you directly.

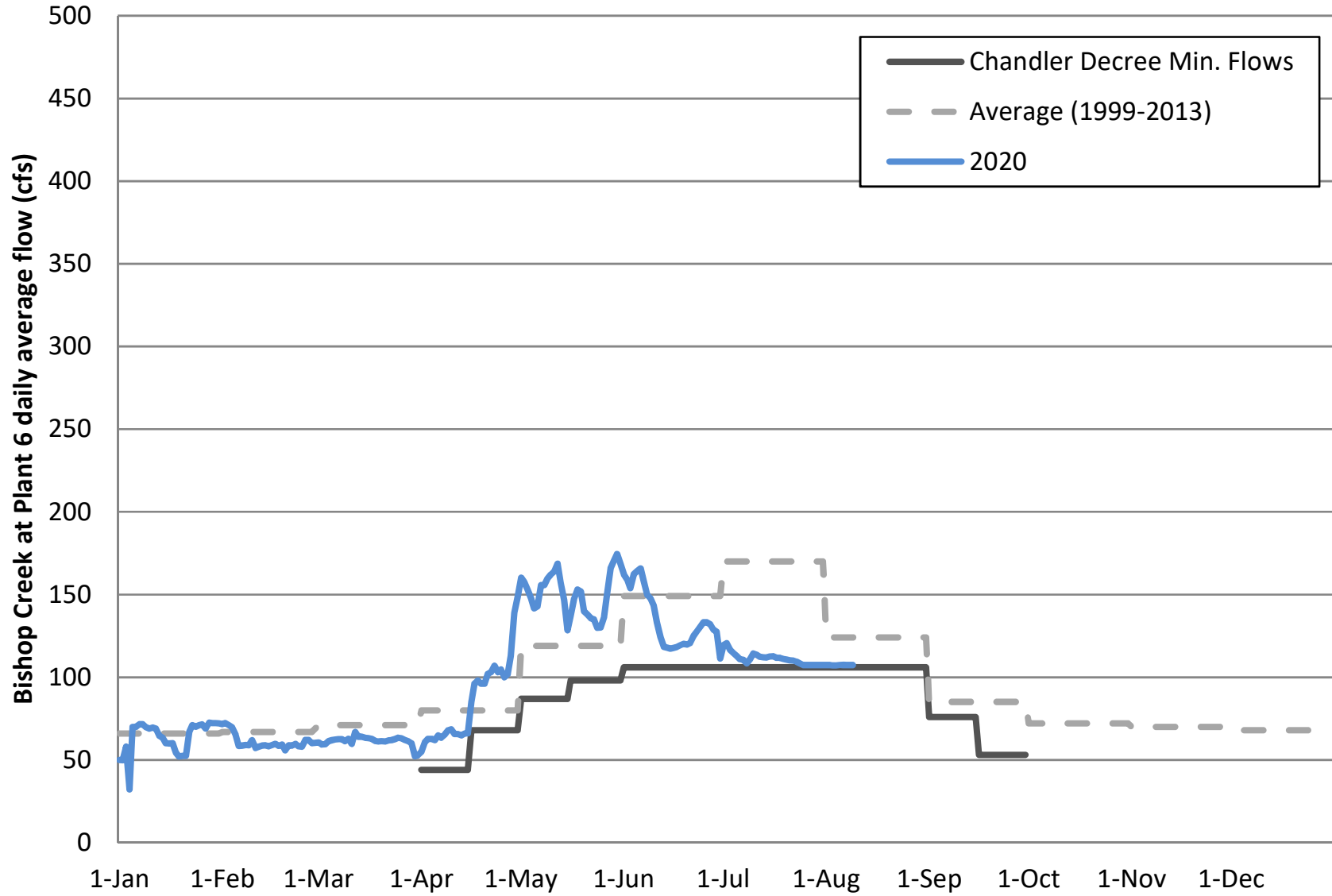
Sincerely, Dee Norberg

**BISHOP CREEK WATER ASSOCIATION  
FINANCIAL REPORT FOR THE MONTH**

**JULY 2020**

CHECKING ACCOUNT BALANCE		\$	10,300.75
SAVINGS ACCOUNT BALANCE			<u>39,514.36</u>
TOTAL BANK BALANCES - June 30, 2020			49,815.11
<b>DEPOSITS:</b>			
Customer Deposits - Into Checking	\$	18,772.00	
Customer Deposits - Into Savings		1,639.64	
Misc Refund		-	
Interest Income		2.68	
Transfer from Savings		-	
TOTAL DEPOSITS			<u>20,414.32</u>
<b>CHECKS WRITTEN:</b>			
Water Master Pay - 863.26 X 2	\$	1,726.52	
Truck Allowance - 200.00 X 2		400.00	
Assistant Water Master Pay		-	
Telephone		75.74	
Payroll Taxes - IRS		863.69	
Payroll Taxes - State		78.94	
Payroll Taxes - IRS Unemployment		-	
Alex Printing		-	
US Post Office		118.00	
Cal Rural Water Assoc Ins		-	
State Fund - Worker's Comp Insurance		500.50	
Holland & Allred - Quarterly Accounting		-	
Mountain Studio - Webpage		443.00	
Brown's		19.38	
Transfer to Savings		-	
TOTAL CHECKS WRITTEN			<u>(4,225.77)</u>
UNION CHECKING ACCOUNT	\$		24,846.98
UNION BANK SAVINGS			<u>41,156.68</u>
TOTAL BANK BALANCES - July 31, 2020	\$		66,003.66

# Bishop Creek Flows at Plant 6



Derik Olson *(aka David)*  
276 Wildrose Lane  
Bishop, CA 93514

Bishop Creek Water Association  
PO Box 1273  
Bishop, CA 93515-1273

May 28, 2020

To Whom It May Concern:

Enclosed is my payment for the 2020-2021 Annual Water Assessment. It is disappointing to see the additional charges (with no explanation) once again on my bill. The continual sending of these by Bishop Creek Water Association (BCWA) is reaching the level of harassment. If you can't see the unfairness of the billing, go ahead and keep it on the books... just stop sending it out.

It has become obvious that trying to reason with an authoritative board stocked with longtime bosses is worthless. People in power rarely concede or agree with their subjects, and they get angry when an underling complains or speaks out. It's a phenomenon that's widely known, and is on display here. Despite a more-than-abundant reserve fund... almost \$50,000... BCWA is still obsessed with squeezing \$40 from a victim.

Please note: During the drought, after many months of no water, I got a postcard from BCWA explaining that ditch water was being apportioned, and I could sign up for notices and updates. I signed up but never got a single notice. My subsequent emails were unanswered. I got no apportionment, and for more than a year my ditch remained dry. I continually asked for help, information, and explanations, but was ignored. After two years my ditch was still dry while every other ditch around me was full. At a meeting I was (falsely) told that the problem was due to the drought. Except for one withheld payment I have paid every year for two decades. But, BCWA continues to demand I pay for a mishap that took them two years to fix, causing an unprecedented disruption of service. On top of that they impose "punishment" in the form of late fees. Astonishingly, I was also verbally attacked and abused by BCWA at a public meeting. Shameful.

BCWA had to deal with a malfunction they were unable to fix for years— an isolated incident affecting one short ditch, with mine being the last property on that ditch. I was hit the hardest. I lost a beautiful, mature birch tree and other landscaping. When BCWA ran into an unusual, unique problem that was causing an unprecedented disruption in service, why would they not reach out and inform the affected person(s)? Why would they refuse to offer an explanation? And, why would they demand money from a person who was adversely affected under these extreme, abnormal circumstances? It's disgraceful— fees should have unquestionably been waived.

Bishop is a giving community where people work together and help each other. I even donated my time trying to help BCWA rewrite its bylaws. It is discouraging that BCWA believes in the Iron Fist approach instead of being helpful and trying to work as a team. Not only did the agency refuse to offer help, they lashed out with anger, malice, and superiority. I can't imagine acting like that. This is what happens when you have a board with no boss and no oversight.

I believe there have been improvements within BCWA, and hopefully things will continue to get better. We are a small community and are experiencing rough times, so I ask that you reconsider this situation in terms of fairness and decency, and stop the unfair billing. Adding more discomfort is just wrong. Thank you in advance for doing the right thing.

Sincerely,

A handwritten signature in cursive script that reads "Derik Olson".

Derik Olson

cc. Inyo County Grand Jury

June 12, 2020

Dear BCWA Board Members,

I just wanted to send a note letting you know how wonderful it is to not have to worry about having water for my garden. After 12+ years of constant turmoil its almost too good to be true.

I would like to thank Matt Durkee and all his predecessors<sup>essors</sup> (esp. Miles and Wayne Stone) for their sometimes almost superhuman efforts to keep water flowing to my property. I'll never forget when poor Wayne got shocked by Norberg's electric fence, but he took it in stride. Thank you, Joan Sijel