

**Bishop Creek Water Association  
Meeting Summary  
October 13, 2020**

**1. Opening and Introduction**

BWCA meeting called to order 7:00 pm. Trustees in attendance: Gene Coufal, Mark Frumkin, Merry Armstrong, Don Kunze & Eric Tillemans. Watermaster Matt Durkee was present.

**2. Acceptance of the September 8, 2020 Monthly Board Meeting Summary**

The September 8<sup>th</sup>, 2020 Monthly Meeting Summary was accepted as written.

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

The September Financial Report was accepted unanimously.

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

SCE maintained minimum flows per Chandler Decree through the end of September and expects to maintain winter flow of approximately 50 cfs.

**5. Old Business**

- a. Restriction in Nelligan Ditch at Norberg/Scott/O'Brien:  
Mr. Bill Lampi, attorney for Mrs. Dee Norberg spoke on her behalf and stated that he sent letter. The letter was not received, so Mr. Lampi will email the letter to Gene. A meeting at the ditch structure will be scheduled when Mr. Lampi returns to Bishop.
- b. Inyo County Road Department policy regarding street culverts:  
The board sent a response letter with payment. The check was debited against the BCWA bank account (see September financial report).
- c. Restriction in 4X Ditch @ East end of Sunrise Dr.:  
Don gave the contractor information to the property owner and is waiting for said owner to contact the contractor.
- d. Membership Reconciliation (mapping):  
Matt said that he expects to finish the project by Friday.
- e. Aging Report  
It was proposed that quarterly aging reports only showing parcel numbers be provided to the Board. This was agreed to unanimously by board.
- f. Bishop Plaza maintenance and cleaning responsibility  
DWP surveyors have this item on their task list.
- g. Bishop Tribe BCWA Membership?  
Issue is with the Los Angeles City Attorney's office.
- h. Collection of Past Due Assessments:  
Waiting to move forward with item once the mapping work is completed.
- i. Ditch Diversion Box Repair/Rebuild Work (Phase II/III):  
Nothing new.

**6. Water & Arbitration Committee Report**

Nothing new to report.

**7. Watermaster Report**

- a. Highlands/Cherry Lane Water  
Trickle of water exists most days. Matt will not be able to fully test until more water is available. Item can be taken off the agenda for now.
- b. Meeting w Chris T (Miles)  
No meeting yet due to Covid-19 issues.
- c. Other  
31-calls, 26-texts,

**8. New Business**

- a. Other (By Board or Members in Good Standing)  
Nothing new.

**9. Next Monthly Board Meeting**

Nov. 10, 2020, 7:00 p.m.

**10. Adjournment**

7:44 pm

Respectfully Submitted,



Eric Tillemans

Secretary

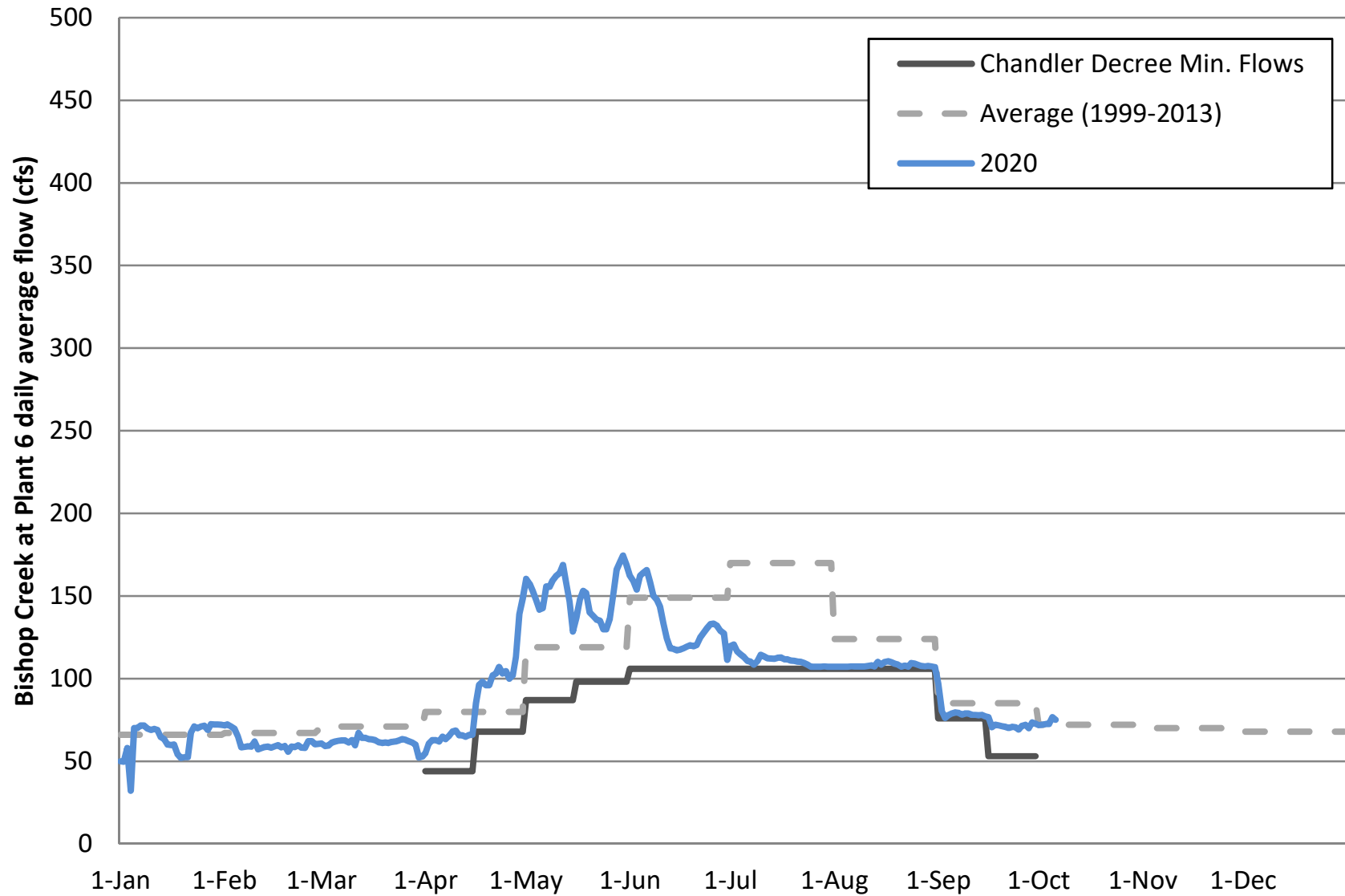
Bishop Creek Water Association

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

**SEPTEMBER 2020**

CHECKING ACCOUNT BALANCE		\$	22,644.72
SAVINGS ACCOUNT BALANCE			<u>43,604.93</u>
TOTAL BANK BALANCES - August 31, 2020			66,249.65
<b>DEPOSITS:</b>			
Customer Deposits - Into Checking	\$	-	
Customer Deposits - Into Savings		1,128.00	
Misc Refund		-	
Payroll Tax Refund		4.43	
Transfer from Savings		-	
			<u>-</u>
TOTAL DEPOSITS			1,132.43
<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		-	
Payroll Taxes - State		-	
Payroll Taxes - INDIAN		-	
Cal Rural Water Assoc Ins		-	
State Fund - Worker's Comp Insurance		-	
Holland & Allred - Quarterly Accounting		1,714.50	
Inyo Road Dept - Labor		3,733.27	
Brown's		-	
Transfer to Savings		-	
TOTAL CHECKS WRITTEN			<u>(7,650.03)</u>
UNION CHECKING ACCOUNT	\$	14,994.69	
UNION BANK SAVINGS			<u>44,737.36</u>
TOTAL BANK BALANCES - September 30, 2020	\$	59,732.05	

# Bishop Creek Flows at Plant 6



September 20, 2020

Gene Coufal, President  
Bishop Creek Water Association  
P.O. Box 1273  
Bishop, CA. 93514

Re: RELOCATION AND REBUILDING OF NELLIGAN DITCH  
DIVERSION STRUCTURE

Dear Mr. Coufal:

I am compelled to respond to the misrepresentations and false statements contained in the letter dated August 17, 2020.

1. In April, the diversion structure was not only rebuilt, it was relocated to the south and downstream.

This is not a matter of argument. The photographs clearly show the relocation. As a result of the relocation, the flow of the ditch water was redirected toward the south bank and is eroding the bank and endangering the foundation of my home.

2. Your representations of the "historic south bank" both in the letter and in the enclosed sketch are false. What you have described as "debris" is actually the historic south bank. This is also not a matter of argument. There is a record of survey of the south bank and many photographs of its actual location in relation to the diversion structure. There is also a recorded boundary agreement acknowledging my ownership of the south bank. The fencing and supportive materials are there to protect the bank and my property.

3. The fencing and supportive materials are not in the Nelligan Ditch and they in no way obstruct or reduce the water flow in the ditch. The only obstruction or reduction in flow of the ditch which has occurred "over the past approximately 10 years" has occurred on the north side of the ditch. Again, there are many photographs that prove this.

4. Since the fencing and the supportive materials are on my property and they are not in any way obstructing, impeding, or diverting the flow of water, you have no legal right under the association's articles or bylaws to come onto my property and damage or disturb it in any manner. If you do so you will be committing a trespass and an illegal taking of my property without due process.

5. The "south wing wall" as you have described it would be located within the boundary of my property and not within the Nelligan Ditch. The contractor was correct to not violate my property rights in constructing where he had no right to do so. What you have described as "threatening, harassing behavior" was merely advising you and the contractor of the actual location of the diversion structure and my property boundary. Please recall that much of my exchange with you and the contractor at that time is recorded. Please also recall that when the Water Association began plans to repair the diversion structure, I requested that I be advised of the identity of the contractor so that I could coordinate with him for work I had planned to protect the south bank. Had you been willing to allow me to participate in the planning of this project we could have avoided our current disputes. As a result of your failure to allow my participation, the completion of the project has been delayed and additional work will be required to repair the damage to the south bank below the diversion structure.

As previously expressed, it has always been my desire to cooperate with the BCWA to complete the repair of the diversion structure. As part of that cooperation, however, I am not willing to allow you to take part of my property. I regret that I did not receive the letter in time to attend the meeting on September 8, 2020. I will be happy to attend the next meeting. As you know, I was happy to meet with several members of the board on my property. I identified my property boundaries and provided photographs of the original location of the diversion structure in relation to the boundary of the south bank. I will be happy to do so again. If the board members desire additional information, please have them request it.

Sincerely, Ms. Ann Norberg

*Ms. Ann Norberg* 9/20/2020

cc: BCWA Board Members & BCWA Watermaster



# Bishop Creek Water Association Monthly Meeting

Date 10/12/20

## Attendance Sheet

Name	Address	Email
BILL LAMPE		
<del>FAH</del> DEE NORBERG		
ANGELA SCOTT		