

Bishop Creek Water Association

Monthly Board Meeting Agenda

May 11, 2021

7:00 pm

Meeting Conducted via Zoom

1. Opening and Introduction
2. Acceptance of the April 13, 2021 Monthly Board Mtg Summary
3. Approval of the April Financial Report
4. Appointment of Water and Arbitration, and Finance Committees
5. Bishop Creek Precipitation, Flow, and Storage Report
6. Old Business
 - a. Restriction in Nelligan Ditch at Norberg/Scott/O'Brien
 - b. Inyo County Road Department policy regarding street culverts
 - c. Membership Reconciliation (mapping)
 - d. Collection of Past Due Assessments
 - e. Ditch Diversion Box Repair/Rebuild Project
 - f. Problems with diversion structure at 2470 Sunrise Dr.
 - g. Watermaster Cell Phone Service Plan
 - h. Bishop Tribe BCWA Membership?
7. Watermaster Report
 - a. Mtg with Chris Thompson (Miles)
 - b. Other
8. New Business
 - a. Other (By Board or Members in Good Standing)
9. Next Monthly Board Meeting– June 8, 2021 at 7:00 p.m. via Zoom
10. Adjournment

Bishop Creek Water Association
Monthly Board Meeting Summary
April 13, 2021
7:00 pm
Meeting Conducted via Zoom

1. Opening and Introduction

BWCA meeting called to order 7:00 pm. Trustees in attendance: Gene Coufal, Mark Frumkin, Mary Armstrong and Eric Tillemans. Trustee Don Kunze was absent. Watermaster Matt Durkee was present. Also in attendance was Angela Scott and Dustin Taylor.

2. Acceptance of the March 9, 2021 Monthly Board Mtg Summary

The March 9, 2021 Annual Meeting Summary was accepted as written.

3. Approval of the March Financial Report

The March Financial Reports were approved unanimously.

4. Election of Board Treasurer

Mark Frumkin was unanimously elected Board Treasurer.

5. Appointment of Water and Arbitration, and Finance Committee Chairpersons

Water and Arbitration Chairperson - The Board of Trustees unanimously approve Mary Armstrong as Chairperson for a one-year term. Gene explained how the BCWA By-Laws describe the role of the Water and Arbitration Committee as being a committee that is formed to: 1) ascertain as close as possible the list of BCWA members; and 2) to assist in apportioning a fair, equitable and proportionate amount of water. Moving forward Mary will need to bring a list of 2 to 4 member names to form a committee for Board approval.

Finance Committee Chairperson – Gene Coufal appointed Mark Frumkin as the Finance Committee Chairperson.

6. Bishop Creek Precipitation, Flow, and Storage Report

Snowpack in the Bishop Creek drainage is at 46% of normal to date. Runoff is forecast to be about 68% of normal this year.

SCE maintained a late winter flow in Bishop Creek of approximately 40 cfs due to the dry winter. Watermaster Matt Durkee was able to keep ditches wet throughout the BCWA at this flowrate. By managing the ditch system with a winter flow rate of 40 cfs it is hoped that SCE will be able to store enough additional water to maintain compliance with the Chandler Decree through the entire irrigation season and have enough water to keep ditches wet this coming winter. DWP has agreed to allowing SCE to carry over storage levels with the goal of having additional water available during the irrigation season.

7. Old Business

a. Restriction in Nelligan Ditch at Norberg/Scott/O'Brien:

Gene spoke with Dee Norberg's lawyer, Mr. Lampi, and no headway has been made with Mrs. Norberg. Mr. Lampi suggested there are three options available: 1) take this issue to court; 2) leave the ditch as is; or 3) reach an agreement. The Board believes there are only two options available: 1) court or 2) reach an agreement to fix the ditch. Gene will investigate what a court process would entail.

b. Inyo County Road Department policy regarding street culverts:

Currently the policy has been put on hold while the Inyo County moves into the new office building. Eric Tillemans from LA DWP will try and set up a meeting with Mike Cervantes and Mike Gratz to discuss having a formal policy drafted regarding Inyo County's role in culvert problems.

c. Membership Reconciliation (mapping):

Eric Tillemans is getting the maps from Mike DePrez this week and will pass the maps on to Gene for review once he can get them printed.

d. Collection of Past Due Assessments:

On hold until membership reconciliation is complete.

e. Ditch Diversion Box Repair/Rebuild Project:

On hold until membership reconciliation is complete.

f. Bishop Plaza maintenance and cleaning responsibility:

The Bishop Plaza can be removed from the Agenda until an issue arises that brings this problem back to the Board.

g. Is the Bishop Tribe a BCWA Member?:

The Bishop Tribe is a Sovereign Nation and per an Agreement with LADWP water must be delivered to the tribal lands. Given the Agreement, LADWP is investigating where the membership obligation on tribal lands resides.

h. Flow at Reinhackle Ditch Diversion Structures at Grah/Lozito:

As a follow up to Mr. D. Grah's email letter (attached to meeting package) regarding management of diversions off the Reinhackle Ditch, Watermaster Matt Durkee will make a point to manage these diversions to create a more balanced (50%-50%) distribution of flow on the west and east sides (Lozito property) of the Grah property.

i. Watermaster Cell Phone Service Plan

Verizon will not discuss the plan with Watermaster Matt Durkee because he is not the plan policy holder. Matt will follow up with DeeDee at Holland and Allred, to review plan and its costs.

8. Water & Arbitration Committee Report:

Nothing New to Report

9. Watermaster Report

- a. No meeting with DWP A&R Supervisor Chris T (Miles) still waiting due to Covid issues.
- b. 31 phone calls, 13 text messages, 4 board BCWA member phone calls
- c. Terry O'Brien's street culvert - Mark Frumkin checked the culvert and a new grate was installed to irrigate the O'Brien property.
- d. Coons Gallery - the ditch behind the gallery was being cleaned today.

10. New Business

a. Newland Ditch / Milovich

George Milovich would like to know who controls the Newland Ditch and water that reaches George Milovich's Property and if a new replacement diversion box can be installed on his property. LADWP's Chris Thompson and the A&R patrolmen adjust the Newland Ditch flows. George was instructed to call Watermaster Matt Durkee who will then contact LADWP to discuss low flow and see to water needing that reach the Milovich property. The Board can look at the replacement of the diversion box, but it will have to wait until other diversion box replacement projects are completed.

b. 2470 Sunrise Drive

Two Butterfly valve-controlled structures were installed in diversion location approximately two years ago and now the property owner is planning to sell the home and the butterfly valve-controlled structure does not function properly. Gene Coufal is the affected upstream property owner and asked the BCWA Board to investigate this diversion as it would be a conflict of interest for him as a BCWA Board member to do so. Mark Frumkin and Matt Durkee both agreed to visit the 2470 Sunrise Dr property to look at the diversion and report back to the board their findings. Mary Armstrong suggesting having Don Kunze look at this because he has addresses issues like this in the past and would be a good person to have follow up on this issue. Mark will contact Don Kunze and set up a meeting with Gene to access Gene's property to assess the diversion and butterfly valves.

11. Next Monthly Board Meeting– May 11, 2021 at 7:00 p.m. via Zoom

12. Adjournment

Meeting adjourned at 8:20pm

Respectfully Submitted,

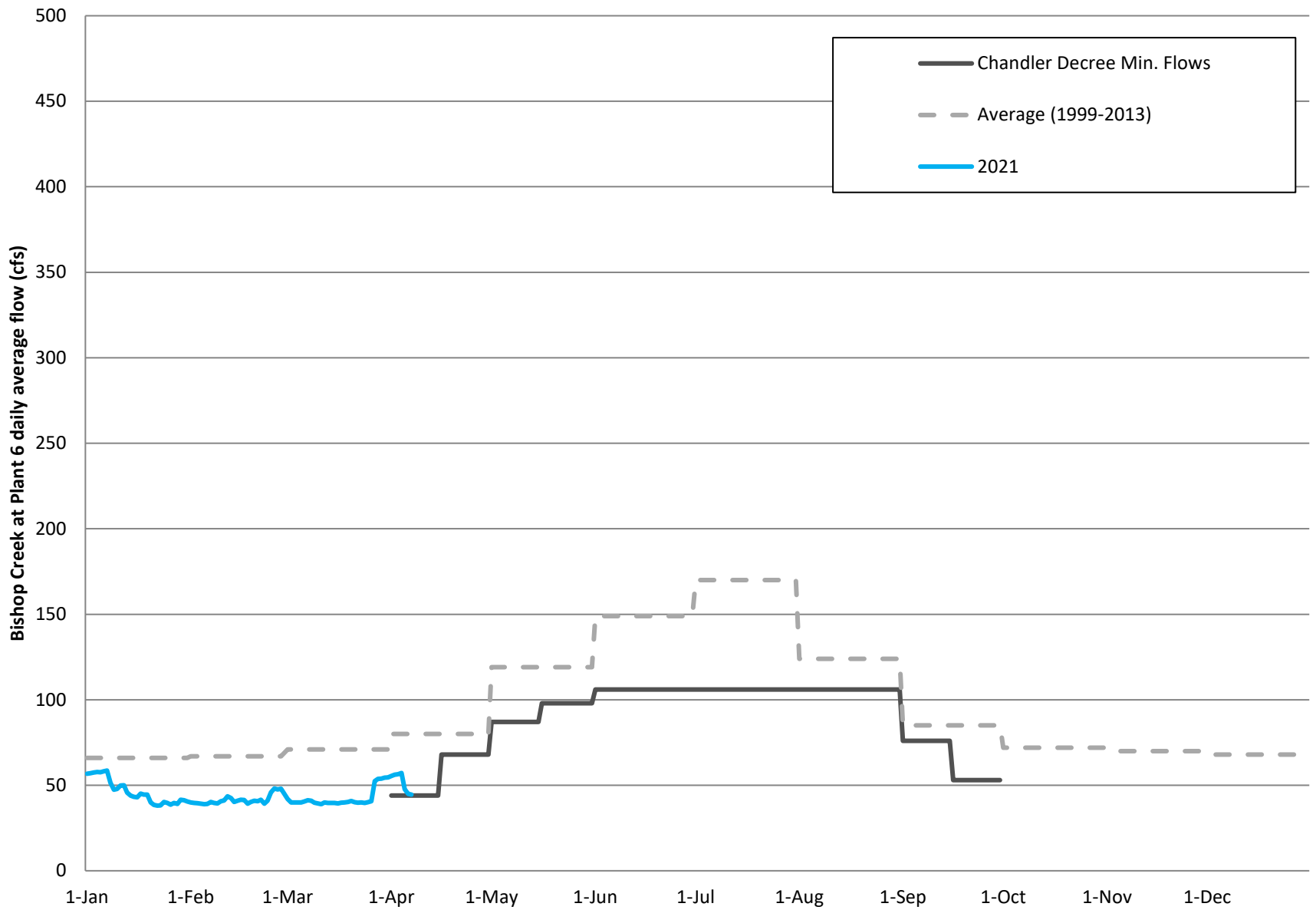


Eric Tillemans

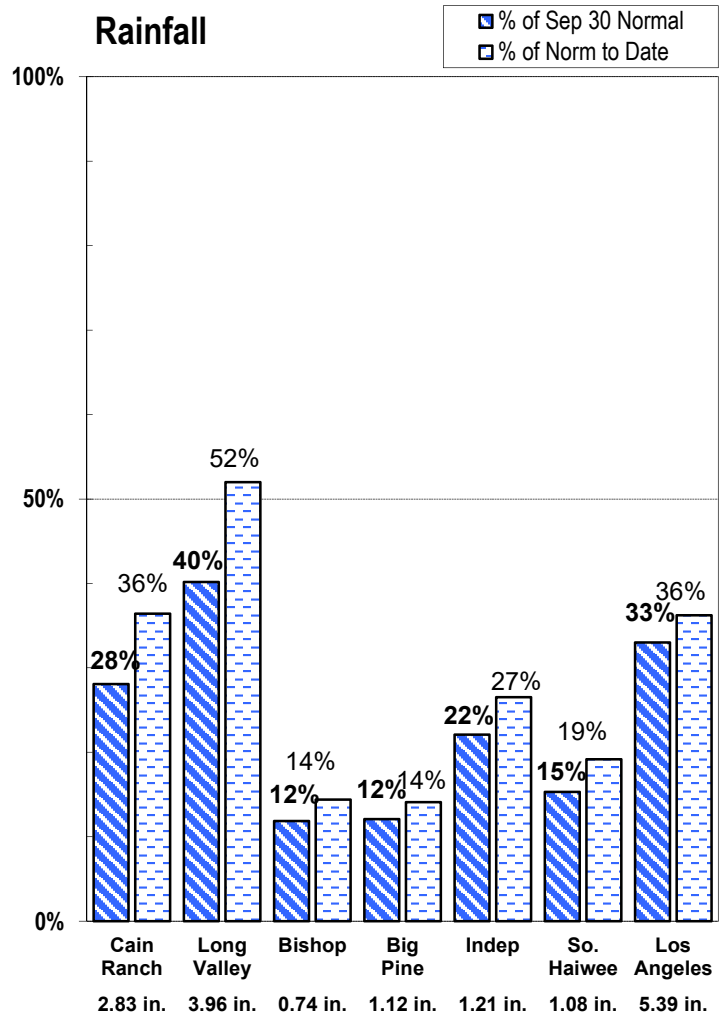
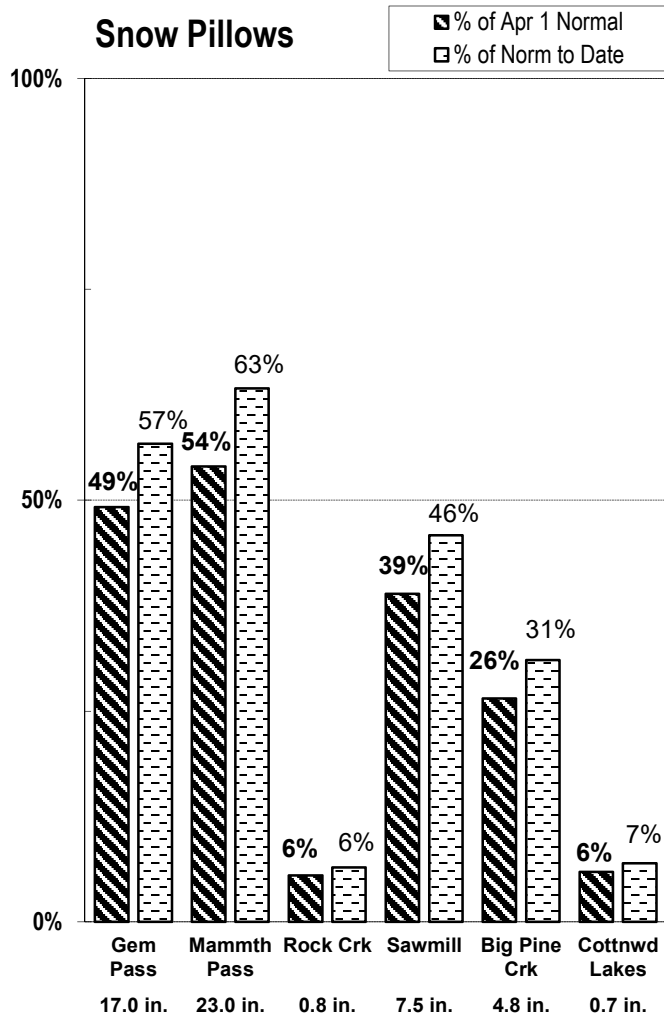
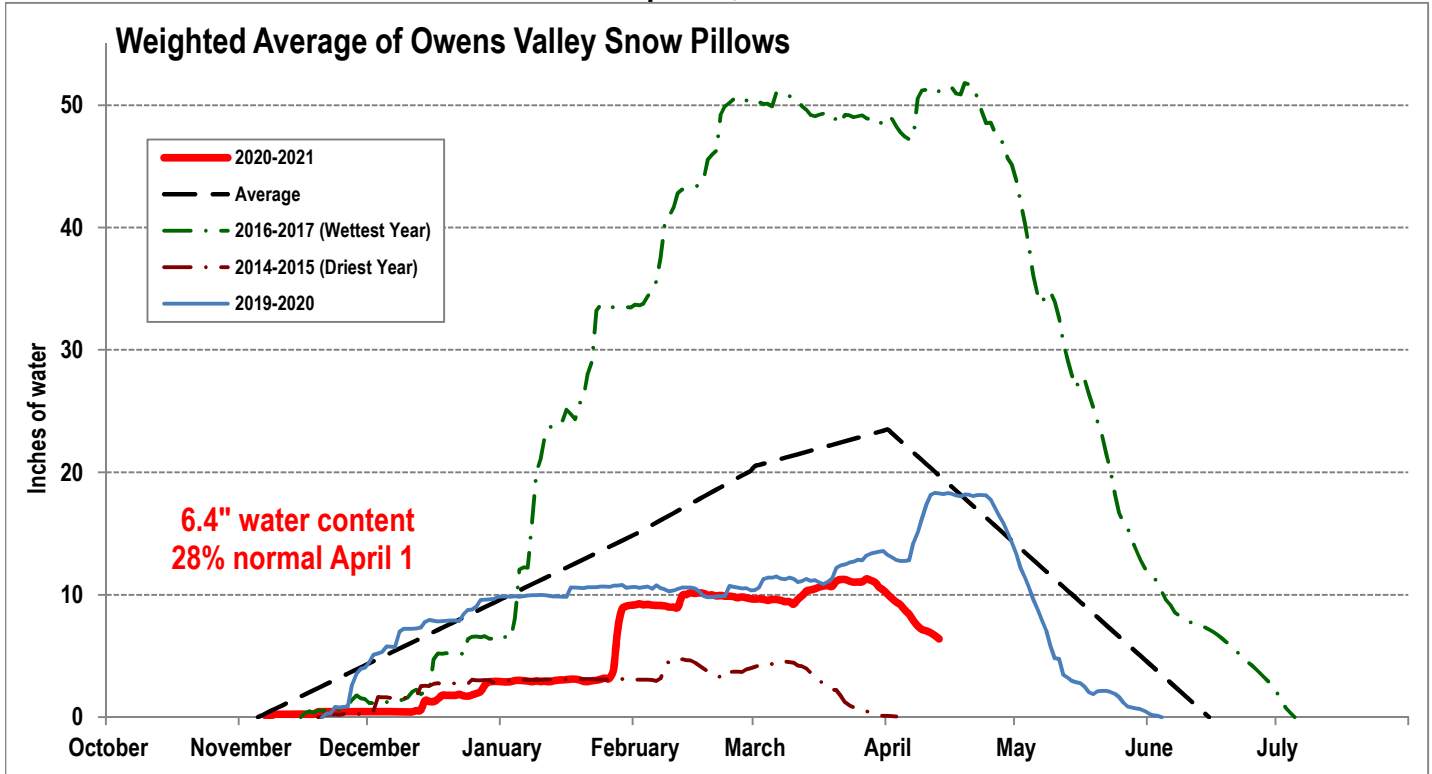
Secretary

Bishop Creek Water Association

Bishop Creek Flows at Plant 6

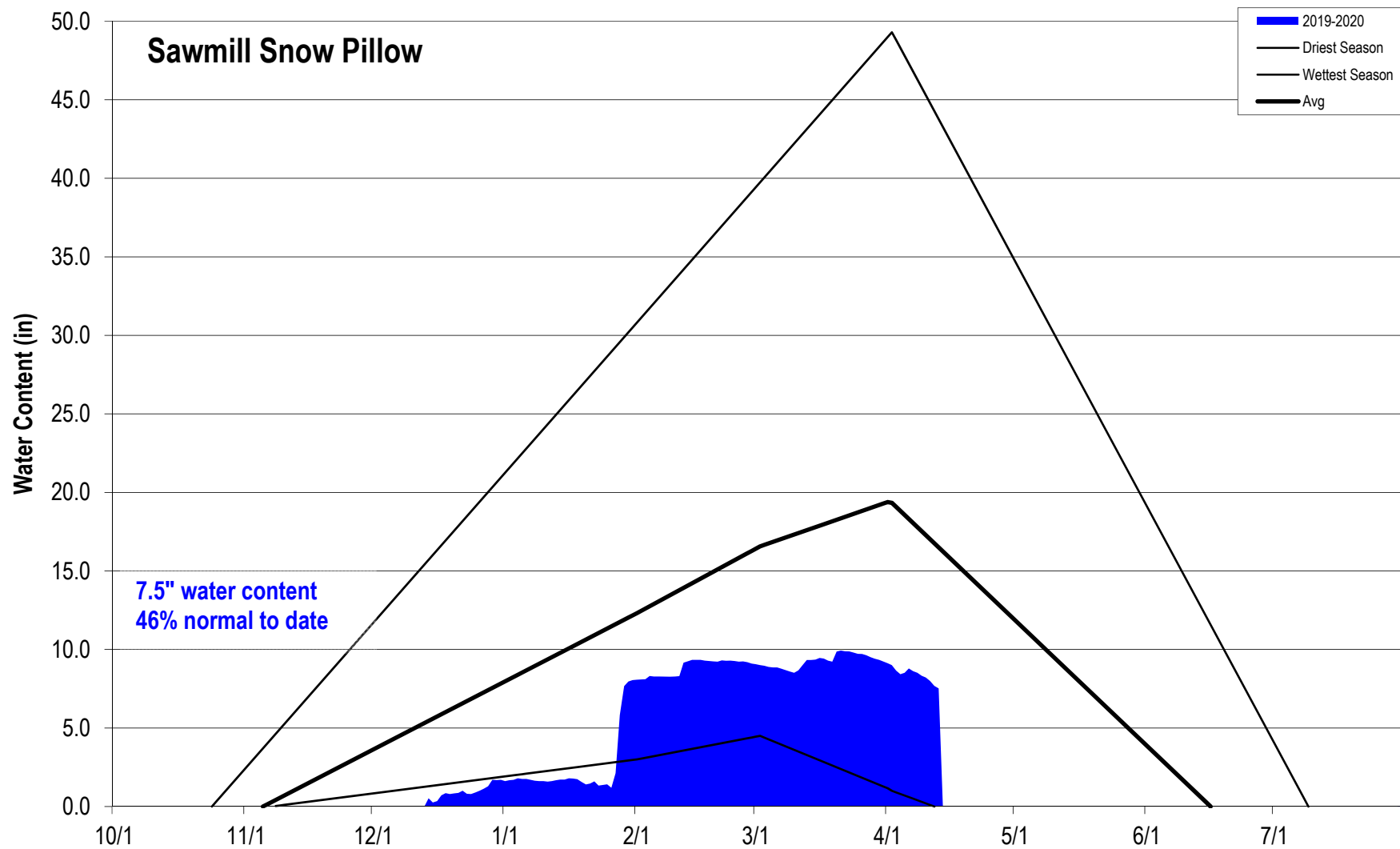


EASTERN SIERRA CURRENT PRECIPITATION CONDITIONS April 13, 2021



Measurement as Inches Water Content; Precipitation totals are cumulative for water year beginning Oct 1

Sawmill Snow Pillow



3:04 PM
04/09/21

Bishop Creek Water Association
Customer Contact List
April 9, 2021

Balance Total	Account No.
-40.00	11-032-09
217.14	11-040-10
-40.00	11-280-11
-40.00	11-192-16
44.00	11-192-44
136.00	11-320-56
176.00	11-020-07
176.00	11-120-09
48.00	11-340-13
-40.00	08-151-05
474.63	11-280-74
4.00	11-470-28
-40.00	11-050-27
176.00	11-320-62
132.00	11-420-10
637.81	11-370-04
3.00	11-110-11
-60.00	11-110-41
88.00	11-020-29
4.00	11-330-04
942.01	11-320-36
-100.00	11-180-35
4.00	10-290-01
88.00	11-490-14
132.00	11-420-03
88.00	11-120-40
176.00	11-110-39
40.00	11-430-24
-40.00	11-280-43
942.01	11-320-40
-10.00	11-320-39
40.00	11-191-01
-40.00	11-192-45
44.00	11-020-46
-40.00	11-280-46
282.04	11-110-14
-10.00	11-050-35
217.14	11-090-25
282.04	11-480-07
132.00	11-110-10
-25.00	11-192-30
-300.00	11-280-21
-40.00	11-100-06
-4.00	11-170-19
-6.00	11-280-77
-40.00	11-370-11
176.00	11-090-33
257.14	11-330-43
-2.60	11-020-43
88.00	11-500-21
88.00	11-020-42
88.00	11-330-42
-3.00	11-090-08
419.54	11-120-04
217.14	11-060-22

3:04 PM
04/09/21

Bishop Creek Water Association
Customer Contact List
April 9, 2021

Balance Total	Account No.
44.00	11-090-43
217.14	08-140-20
217.14	08-140-37
132.00	11-080-36
711.09	11-320-67
59.80	11-280-55
4.00	11-270-19
40.00	11-280-12
176.00	11-280-71
88.00	08-140-32
364.54	11-080-40
-40.00	11-470-16
4.00	11-280-44
-40.00	11-060-35
254.54	01-230-03
143.14	11-110-60
282.04	11-192-06
88.00	11-060-42
-34.00	11-480-11
88.00	01-171-14
143.14	10-314-02
-40.00	11-020-30
125.00	11-060-04
44.00	11-180-07
44.00	11-192-37
88.00	11-420-16
269.54	11-180-44
-40.00	11-320-19
392.04	11-191-02
44.00	11-470-18
-40.00	11-330-20
217.14	11-280-58
88.00	11-290-55
4.00	11-192-01
44.00	11-120-34
92.00	08-140-41
124.00	08-112-13D
25.40	11-060-34

Gene,

Code 7034, the top sheet, pretty well defines the responsibility. The other codes provide definitions. The ESCSD plans no further action regarding this matter.

Of course, the ESCSD will continue to support the BCWA and Bishop Fire Department when requested. We have, and will continue to be there for our constituents and community.



WATER CODE - WAT

DIVISION 4. WELLS, PUMPING PLANTS, CONDUITS AND STREAMS [680.010 - 724.260] (*Division 4 enacted by Stats. 1943, Ch. 368.*)

CHAPTER 3. Bridges and Conduits on or Near Highways [7030 - 7036] (*Chapter 3 repealed and added by Stats. 1961, Ch. 1786.*)

7034. Bridges or conduits heretofore or hereafter constructed in a permanent manner, whether by encroachment permit or otherwise, which cross county highways and which have been constructed or brought up to county standards, and have been accepted, either formally or informally by appropriate action, shall, after such acceptance, and regardless of who constructed them, be the sole responsibility of the county, so far as maintenance, repair, improvement for the benefit of the county, reconstruction or replacement of such bridges and conduits are concerned. If any such county highways become state highways, the State shall succeed to the foregoing obligations of the county.

The amendment of this section made at the 1963 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the pre-existing law.

(*Amended by Stats. 1963, Ch. 524.*)



STREETS AND HIGHWAYS CODE - SHC

DIVISION 2. COUNTY HIGHWAYS [900 - 1757] (*Division 2 enacted by Stats. 1935, Ch. 29.*)

CHAPTER 4. Methods of Performing Highway Work [1720 - 1861] (*Chapter 4 enacted by Stats. 1935, Ch. 29.*)

ARTICLE 3. By Permanent Road Divisions [1160 - 1197] (*Article 3 added by Stats. 1935, Ch. 29.*)

As used in this article:

1160. (a) "Division" means permanent road division.

(b) "Last equalized assessment roll" means the last assessment roll made up by the county assessor, including the changes ordered by the board of supervisors sitting as a board of equalization.

(c) "Highway" means any county road or highway or any public roadway right of way or any private easement or roadway not accepted or acceptable into the county highway system but upon which a permanent public easement is offered or any privately owned road which meets the requirements of and in connection with which the necessary findings of Section 969.5 of this code can be made.

(*Amended by Stats. 1957, Ch. 981.*)



STREETS AND HIGHWAYS CODE - SHC

GENERAL PROVISIONS (*General Provisions enacted by Stats. 1935, Ch. 29.*)

As used in this code, unless the particular provision or the context otherwise requires, "highway" includes bridges, culverts, curbs, drains, and all works incidental to highway construction, improvement, and maintenance.

23.

(*Enacted by Stats. 1935, Ch. 29.*)



STREETS AND HIGHWAYS CODE - SHC

GENERAL PROVISIONS (*General Provisions enacted by Stats. 1935, Ch. 29.*)

As used in this code, "county highway" means any highway which is:

- 25.** (a) Laid out or constructed as such by the county.
- (b) Laid out or constructed by others and dedicated or abandoned to or acquired by the county.
- (c) Made a county highway in any action for the partition of real property.
- (d) Made a county highway pursuant to law.

(*Enacted by Stats. 1935, Ch. 29.*)



WATER CODE - WAT

DIVISION 4. WELLS, PUMPING PLANTS, CONDUITS AND STREAMS [680.010 - 724.260] (*Division 4 enacted by Stats. 1943, Ch. 368.*)

CHAPTER 3. Bridges and Conduits on or Near Highways [7030 - 7036] (*Chapter 3 repealed and added by Stats. 1961, Ch. 1786.*)

As used in this chapter, except in Section 7034, "highway" includes both state and county highways as defined by or identified in the Streets and Highways Code.

7031.

(*Repealed and added by Stats. 1961, Ch. 1786.*)



WATER CODE - WAT

DIVISION 4. WELLS, PUMPING PLANTS, CONDUITS AND STREAMS [680.010 - 724.260] (*Division 4 enacted by Stats. 1943, Ch. 368.*)

CHAPTER 3. Bridges and Conduits on or Near Highways [7030 - 7036] (*Chapter 3 repealed and added by Stats. 1961, Ch. 1786.*)

As used in this chapter, “conduit” includes canal, ditch, culvert, pipeline, flume, or other appliance for conducting water.

7030. (*Repealed and added by Stats. 1961, Ch. 1786.*)

[illegible]

BISHOP CREEK WATER ASSOCIATION

FINANCIAL REPORT FOR THE MONTH

APRIL 2021

CHECKING ACCOUNT BALANCE	\$	3,427.47
SAVINGS ACCOUNT BALANCE		<u>34,973.54</u>

TOTAL BANK BALANCES - March 31, 2021		38,401.01
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DEPOSITS:

Customer Deposits - Into Checking	\$	725.14
Customer Deposits - Into Savings		-
Misc Refund		-
Interest Income		1.91
Transfer from Savings		<u>10,000.00</u>

TOTAL DEPOSITS		10,727.05
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CHECKS WRITTEN:

Water Master Pay -	861.37 + 872.76	\$	1,734.13
Truck Allowance -	200.00 x 2		400.00
Additional Pay - Area Mapping	861.37 + 458.08		1,319.45
Telephone			76.15
Payroll Taxes - IRS			867.51
Payroll Taxes - State			158.76
Payroll Taxes - IRS Unemployment			-
Alex Printing			-
Union Bank Service Charge - (Refunded)			-
Cal Rural Water Assoc Ins			-
State Fund - Worker's Comp Insurance			518.75
Holland & Allred - Quarterly Accounting			-
US Post Office - Stamps			495.00
Brown's			-
Transfer to Savings			<u>-</u>

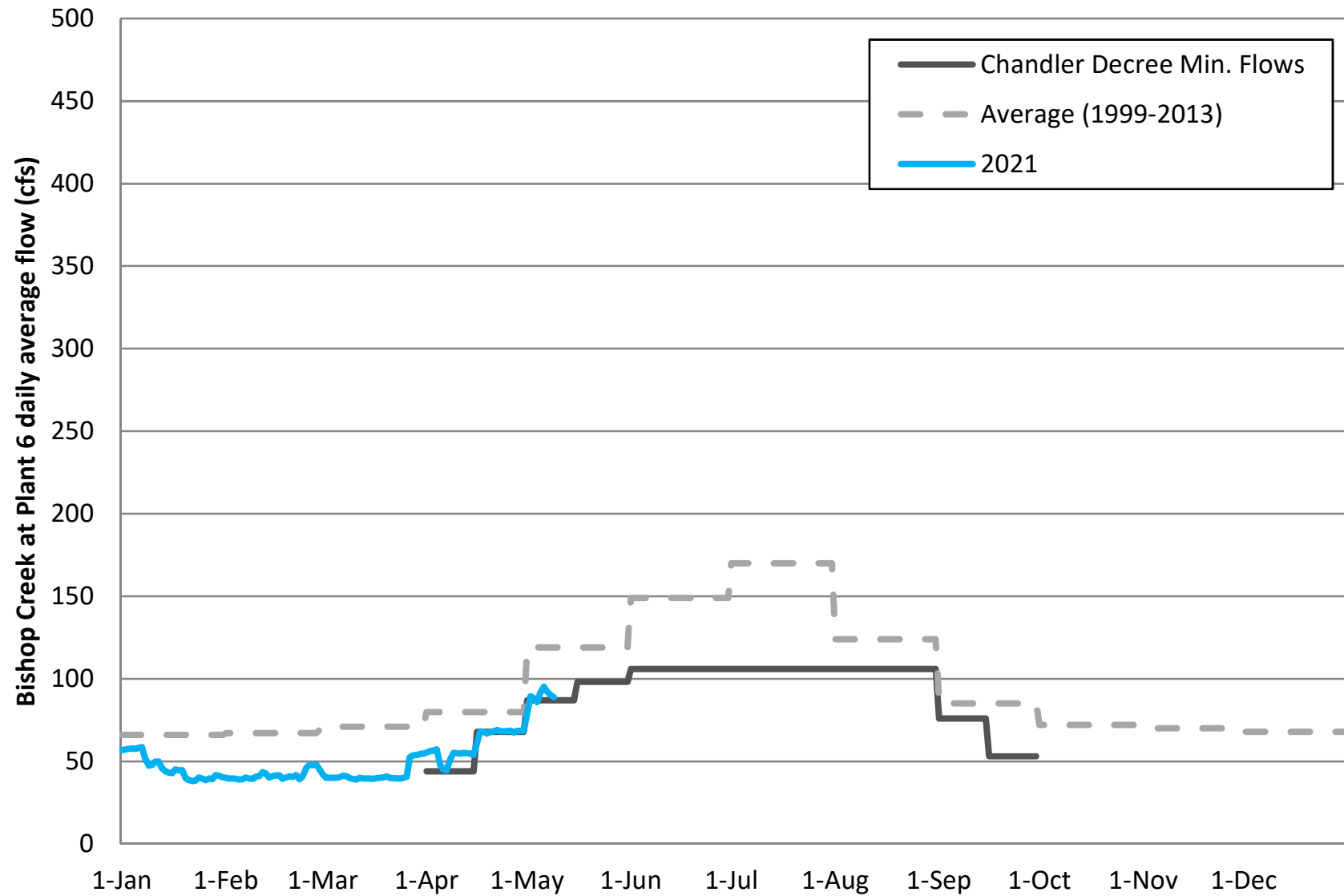
TOTAL CHECKS WRITTEN		<u>(5,569.75)</u>
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UNION CHECKING ACCOUNT	\$	8,582.86
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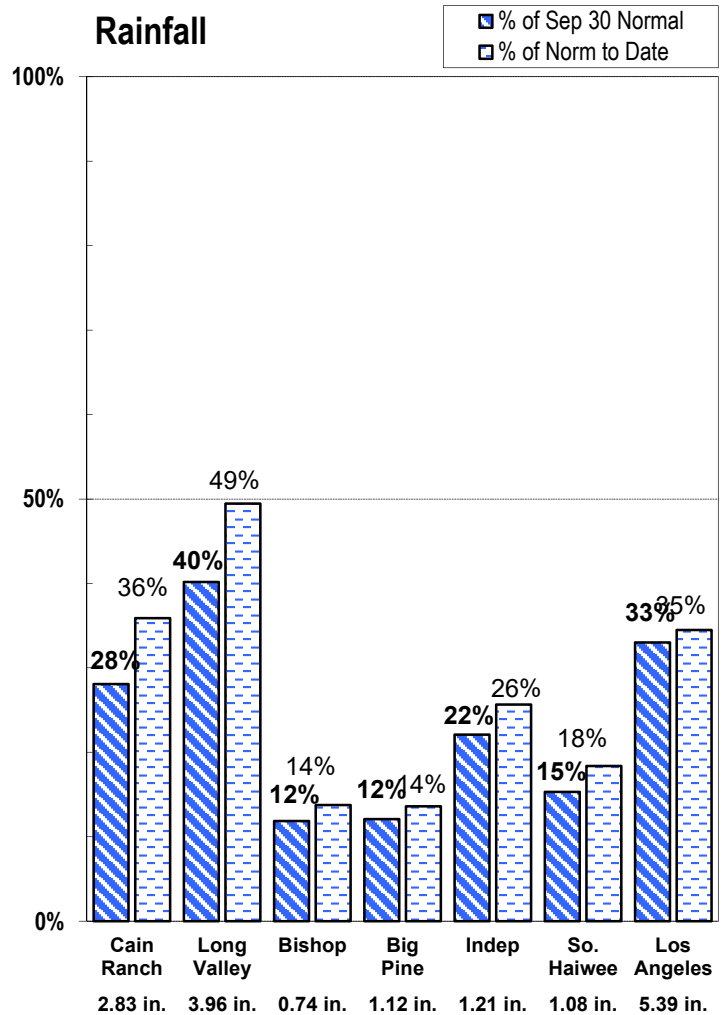
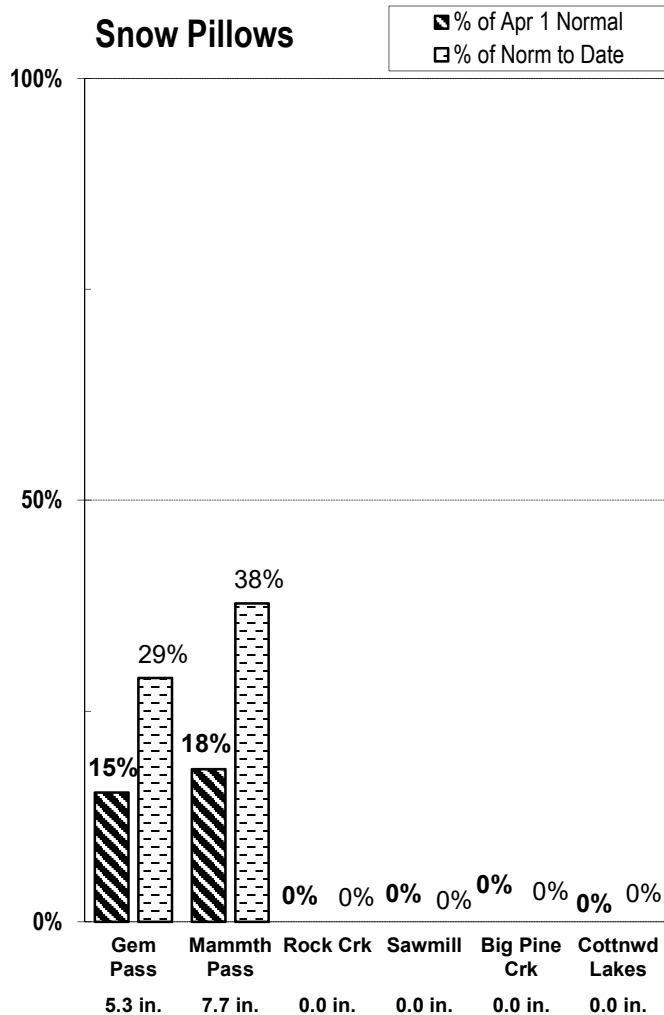
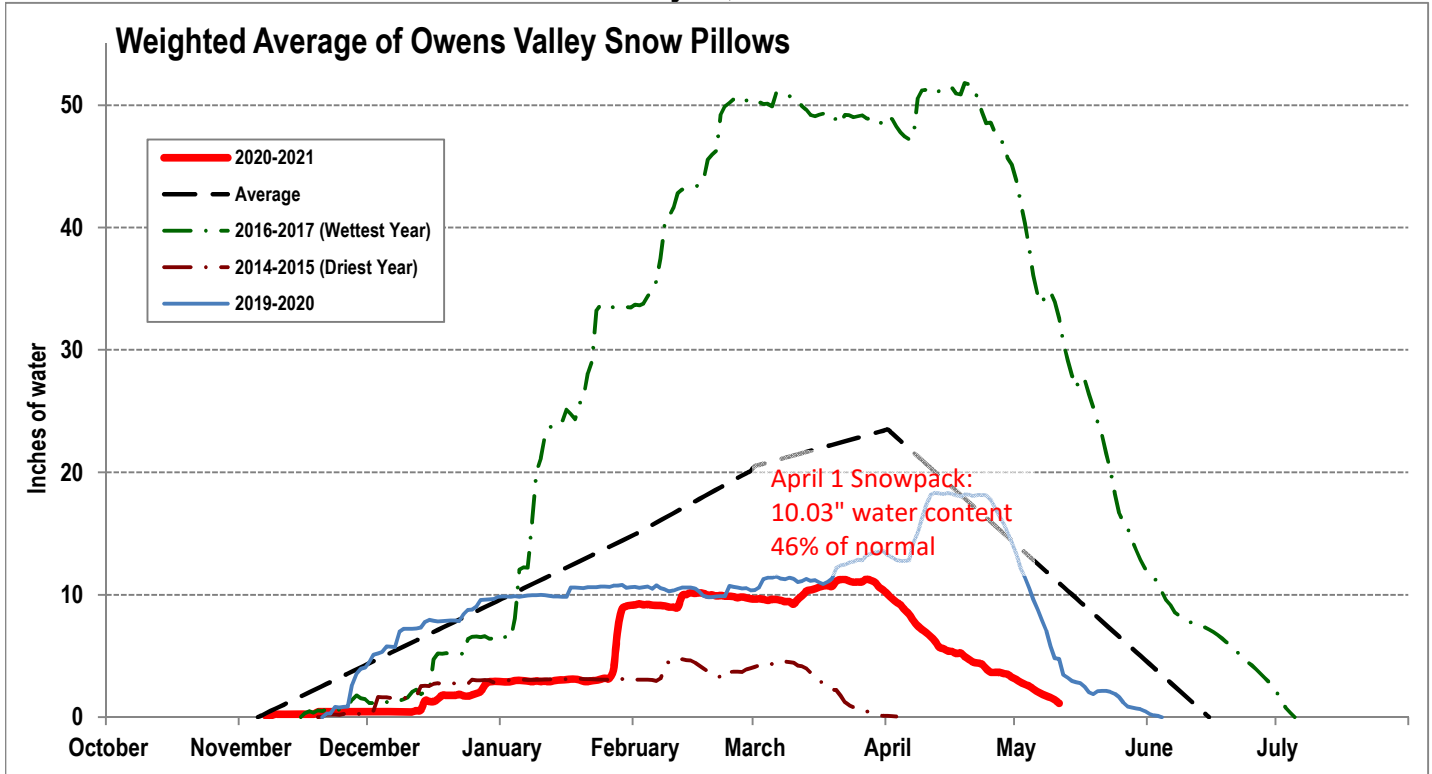
UNION BANK SAVINGS		<u>24,975.45</u>
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TOTAL BANK BALANCES - April 30, 2021	\$	33,558.31
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Bishop Creek Flows at Plant 6

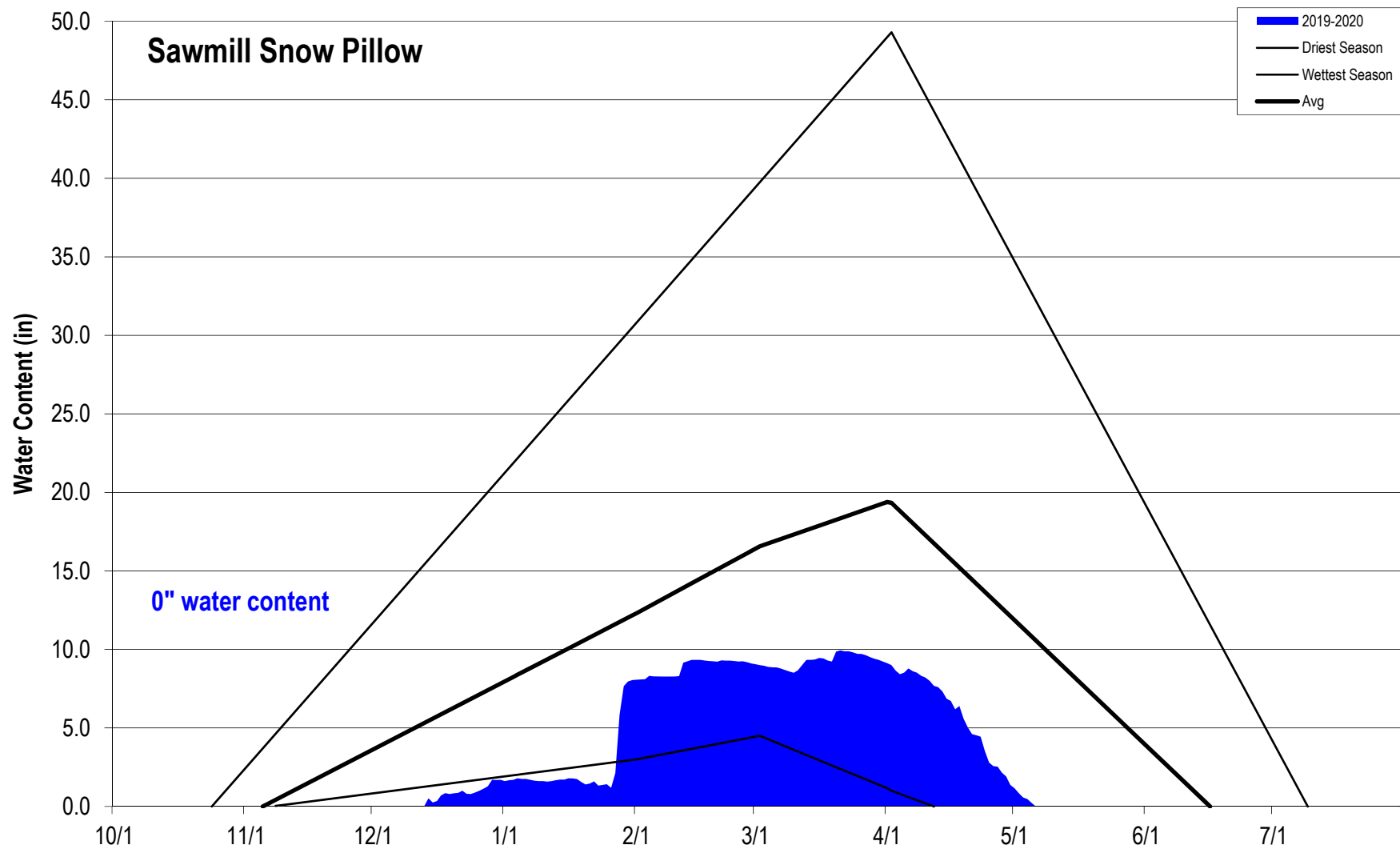


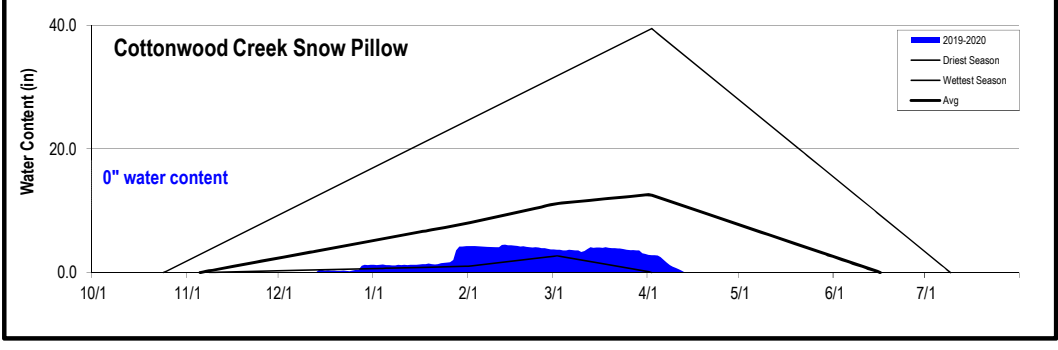
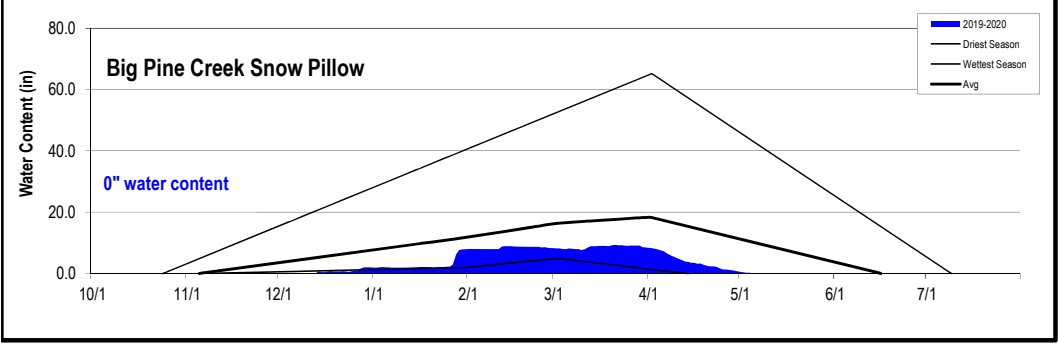
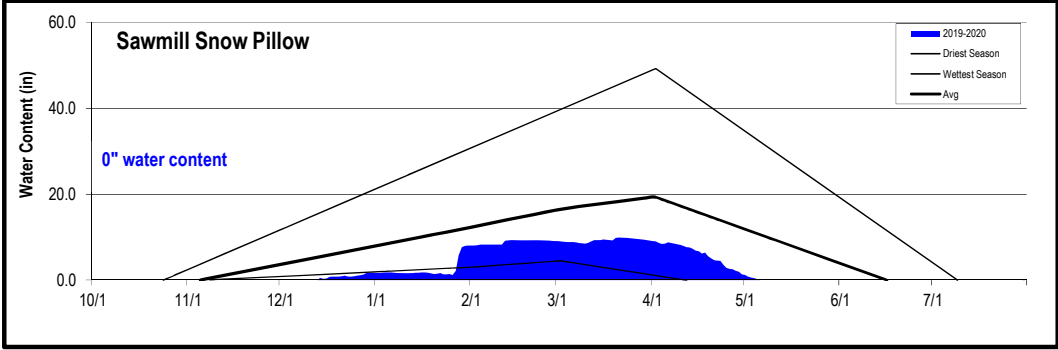
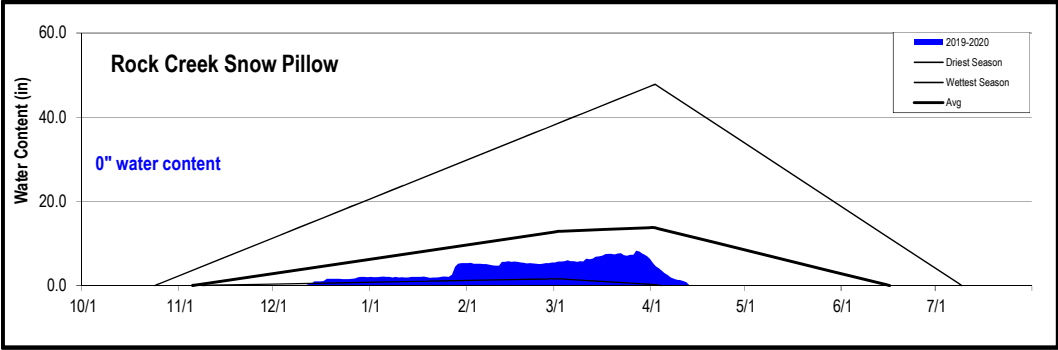
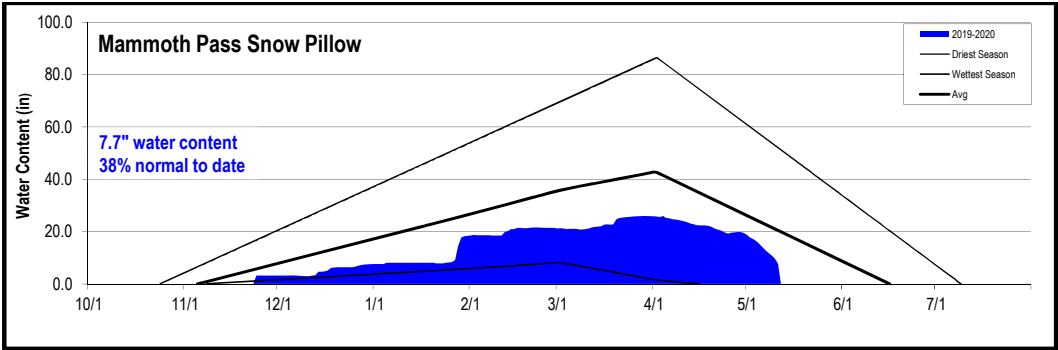
EASTERN SIERRA CURRENT PRECIPITATION CONDITIONS May 11, 2021



Measurement as Inches Water Content; Precipitation totals are cumulative for water year beginning Oct 1

Sawmill Snow Pillow





Gene-

29 Apr. 2021

With the 2021-2022 Annual Water Assessment soon due I am writing to once again ask that Bishop Creek Water association (BCWA) make corrections and not send me a bill with added, unfair and unreasonable charges. Because I did not receive services like everyone else, and I was treated harshly and ignored, a one-time waiver is only fair. Below is a list of the treatment I received— and did not receive— from BCWA.

- Ditch water was denied for two years while everyone else got it.
- Vegetation and a beautiful, mature birch tree were lost.
- I signed up for email notices about water delivery... none were ever sent.
- My requests for info and my questions on why there was no water were ignored.
- Messages were left with the Watermaster over and over with not one reply.
- At meetings I was given false information, and once overheard a discussion saying my ditch had a "situation". I was excluded from that discussion.
- At one meeting I was verbally attacked; yelled at, ridiculed, and belittled. It was shameful.
- I phoned each of the five Board members and only two replied; one took 3 weeks.
- For eight years I have been harassed with charges added to my bill, adding insult to injury

It's hard to believe this is considered acceptable behavior, swept under the rug with no accountability. My ditch was dry for two years, while everyone else got water. Even my neighbor's ditch, not ten feet away, was gushing. Ditches were overflowing while I got nothing. No explanation, no answers. This is not service. I spent several hours of my time trying to help BCWA— an example of working together. But there was no reciprocation. All I got was abuse, harassment, and punishment. This is just plain wrong.

The way I see it, the Board is hung up on the issue of "control". In your heart you likely agree that what I experienced was unfair, but to admit that would be admitting failure and lack of control. You feel it would be a display of "weakness and defeat". And offering a fee waiver (as accountability for the lack of service and mistreatment) would amount to me "winning". This is nonsense. I have lost many times over. Yet, BCWA continues to impose "punishment", year after year. This type of behavior needs to be acknowledged. The community needs to know about it, so I plan on sending a letter to the paper. But, I thought I'd wait... in case there's a change of heart; for some reason I still have hope and optimism. Accepting accountability and discontinuing the hostile treatment would be a "win" for BCWA, demonstrating fairness, stopping the endless animosity, and showing that the organization is willing to work with its members. It would be the right to do.

Sincerely,





**BILL AND MAGGIE EGAN,
AT THE GARDEN OF EGAN
3613 RANCH ROAD, BISHOP, CALIFORNIA 93514**

TO: Board of Directors
Bishop Creek Water Association
Post Office Box 1273, Bishop, California 93515

FROM: Bill & Maggie Egan

DATE: April 12, 2021

Hello.

Per the BCWD Bylaws, we are writing to inform you of our intended use of ditch water for this spring, summer and fall.

As you likely are aware, we are one of the properties in the system that still flood irrigates; we do not have a sprinkler system. It has been our practice to flood irrigate on Mondays and/or Thursdays. Depending on water supply and climate, we plan to continue with that practice. If that schedule needs to be amended, we will notify the Watermaster.

It is our intention to minimize the impact on water users downstream, and greater flow means that diversion of the main ditch will be for a shorter period of time. As such, we ask that the Watermaster assure that properties upstream are not diverting flow while we are flooding. In the event we suspect that upstream diversions are reducing flow in the main ditch, we will first check the ditch above us. If the ditch appears to be clear of debris, we will contact the Watermaster for a remedy, as stated in the BCWD Bylaws.

We are copying this letter to the residents of the properties we know to be on the same branch of the system with us, which are the 2 properties directly upstream and 2 properties directly downstream from us.

Thank you.

William "Bill" Egan

Margaret "Maggie" Egan