

Bishop Creek Water Association

Monthly Board Meeting Agenda

September 14, 2021

7:00 pm

Meeting To Be Conducted via Zoom

1. Opening and Introduction
2. Acceptance of the August 10, 2021 Monthly Board Mtg Summary
3. Approval of the August Financial Report
4. Bishop Creek Precipitation, Flow, and Storage Report
5. Old Business
 - a. Restriction in Nelligan Ditch @ Norberg/ O'Brien and new leak @ Scotts
 - b. Inyo County Road Department policy regarding street culverts
 - c. Obstructed Diversion Structure at 2470 Sunrise Dr.
 - d. Water Obstruction to Cherry Lane (1347 Macgregor Ave.)
 - e. Uncontrolled Diversion crossing Yaney St. near USFS
 - f. Membership Reconciliation (mapping)
 - g. Collection of Past Due Assessments
 - h. Ditch Diversion Box Repair/Rebuild Project
 - i. Watermaster Cell Phone Service Plan
 - j. Bishop Tribe BCWA Membership?
 - k. Plans for Low Winter Flows
6. Watermaster Report
7. New Business
 - a. Complaint of Ditch Obstruction (vegetation) at northeast end of Sunset Dr.
 - b. Water District Pipe Construction at culvert crossing in Manor Area (3040 Laurel Rd.)
 - c. Ditch water leaving property flowing down s/s of Ranch Rd from 3556 Ranch Rd
 - d. CalTrans Sierra Hwy widening at No Fork of Bishop Creek and Coons Galley (C-1 Ditch)
 - e. Confrontation Regarding Water Regulation at NE corner of Sunrise Dr and Barlow Ln.
 - f. Other (By Board or Members in Good Standing)
8. Next Monthly Board Meeting– October 12, 2021 at 7:00 p.m.
9. Adjournment

Bishop Creek Water Association
Monthly Board Meeting Summary
August 10th, 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, Merry Armstrong, Eric Tillemans, Mark Frumkin and Don Kunze. Watermaster Matt Durkee was present and other attendees included Daris Moxley.

2. Acceptance of the July 13th, 2021 Monthly Meeting Summary

The July 13th, 2021 Monthly Meeting Summary was accepted as written.

3. Approval of the July Financial Report

The July Financial Report was approved by the Board unanimously.

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

Don Kunze, Merry Armstrong, Marlena Baker and Jan Hambleton were nominated to the Water and Arbitration Committee and were unanimously approved by the Board.

President Gene Coufal approved the appointments of Mark Frumkin, Merry Armstrong, Susan Kunze, Don Kunze and Gene to the BCWA Financial Committee.

5. Bishop Creek Precipitation, Flow, and Storage Report

SCE is currently matching outflow to the inflows into their system which is around 70 cfs. At this time SCE can say what wintertime flow releases will be. Gene stated that he made about a dozen unanswered calls to SCE to discuss future operations under the Chandler Decree.

6. Old Business

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

Gene received a draft agreement from Triad Engineering which will not exceed \$700 to perform the property line survey. All Board members expressed support for proceeding. If the survey proves that the Nelligan Ditch is on the O'Brien property, the BCWA will need to find a crew to remove the debris.

b. Inyo County Road Department policy regarding street culverts

No update

c. Membership Reconciliation (mapping)

Gene is reviewing and will then get the maps to Merry for review when done.

d. Collection of Past Due Assessments

On hold.

e. Ditch Diversion Box Repair/Rebuild Project

On hold.

f. Problem with diversion structure at 2470 Sunrise Dr.

Don will print pictures, draw possible fixes and talk to Mark.

g. Water to Cherry Lane

Matt has been able to get a little water to Cherry lane but there hasn't been any work done to this point. The board agreed that it is time to draft a letter.

h. Watermaster Cell Phone Service Plan

Matt said that the sim card can be transferred into a prepaid phone with a plan of \$30-\$40 / month. The board approved moving forward with getting out of the AT&T plan and moving forward with a more economical prepaid plan.

i. Bishop Tribe BCWA Membership

Nothing new to update.

7. Watermaster Report

During the month Matt received 44 calls and 13 texts.

8. New Business

- a) The Water and Arbitration Committee will meet to develop a plan in the event that winter water flows are not adequate to meet system needs.
- b) A diversion on the Yaney Ditch is being operated by a LADWP leassee, Calvin Johnson, unbeknownst to the Watermaster, diverting significant "stock water" to the north. Eric will follow up to get this corrected.

9. Next Monthly Board Meeting– September 14th, 2021 at 7:00 p.m. via Zoom

10. Adjournment

Meeting adjourned at 8:12 pm

Respectfully Submitted,

Eric Tillemans

Secretary

Bishop Creek Water Association

BISHOP CREEK WATER ASSOCIATION

FINANCIAL REPORT FOR THE MONTH

JULY 2021

	\$	22,068.06
CHECKING ACCOUNT BALANCE		<u>56,631.79</u>
SAVINGS ACCOUNT BALANCE		78,699.85

TOTAL BANK BALANCES - June 30, 2021

DEPOSITS:

	\$	-	
Customer Deposits - Into Checking		-	
Customer Deposits - Into Savings		-	
Misc Refund		2.31	
Interest Income		<u>-</u>	
Transfer from Savings			2.31

TOTAL DEPOSITS

CHECKS WRITTEN:

		\$	1,745.52
Water Master Pay - 872.76 x 2			400.00
Truck Allowance - 200.00 x 2			-
Additional Pay - Area Mapping			76.03
Telephone			1,120.74
Payroll Taxes - IRS			116.06
Payroll Taxes - State			-
Payroll Taxes - IRS Unemployment			-
Alex Printing			192.50
Peter Tracy - Legal Fees			-
Cal Rural Water Assoc Ins			518.75
State Fund - Worker's Comp Insurance			-
Holland & Allred - Quarterly Accounting			146.00
US Post Office - Box Rental			-
Brown's			<u>-</u>
Transfer to Savings			<u>(4,315.60)</u>

TOTAL CHECKS WRITTEN

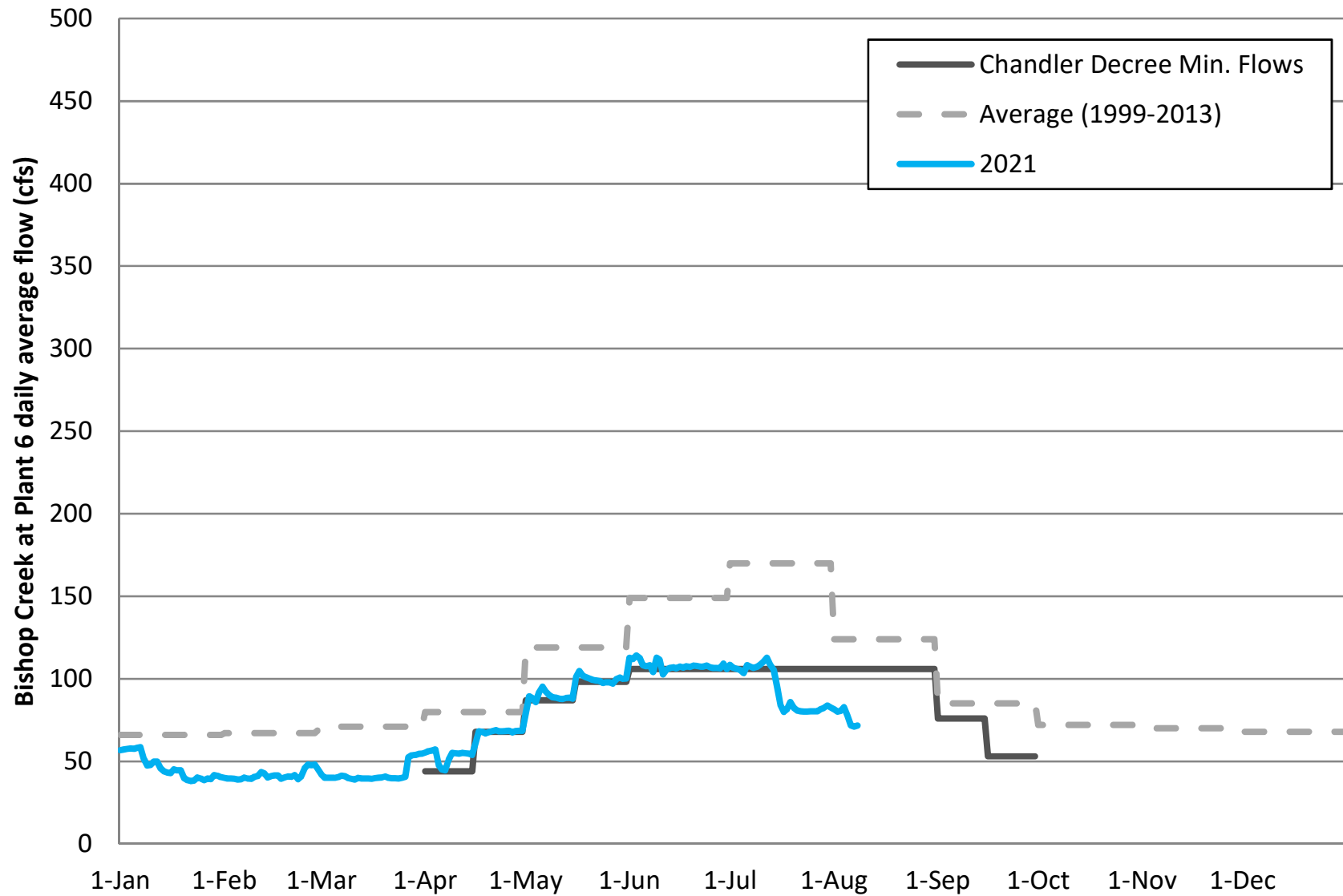
UNION CHECKING ACCOUNT

UNION BANK SAVINGS

TOTAL BANK BALANCES - July 31, 2021

	\$	17,752.46
		<u>56,634.10</u>
		74,386.56

Bishop Creek Flows at Plant 6



**BISHOP CREEK WATER ASSOCIATION
FINANCIAL REPORT FOR THE MONTH****AUGUST 2021**

CHECKING ACCOUNT BALANCE	\$	17,752.46
SAVINGS ACCOUNT BALANCE		<u>56,634.10</u>

TOTAL BANK BALANCES - July 31, 2021	74,386.56
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DEPOSITS:

Customer Deposits - Into Checking	\$	1,129.40
Customer Deposits - Into Savings		-
Workers Comp Refund		200.20
Interest Income		2.00
Transfer from Savings		<u>-</u>

TOTAL DEPOSITS	1,331.60
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CHECKS WRITTEN:

Water Master Pay -	872.76 x 2	\$	1,745.52
Truck Allowance -	200.00 x 2		400.00
Additional Pay - Area Mapping			-
Telephone			76.03
Payroll Taxes - IRS			-
Payroll Taxes - State			-
Payroll Taxes - IRS Unemployment			-
Alex Printing			-
Peter Tracy - Legal Fees			-
Cal Rural Water Assoc Ins			-
State Fund - Worker's Comp Insurance			-
Holland & Allred - Quarterly Accounting			-
US Post Office - Box Rental			-
Brown's			-
Transfer to Savings			<u>-</u>

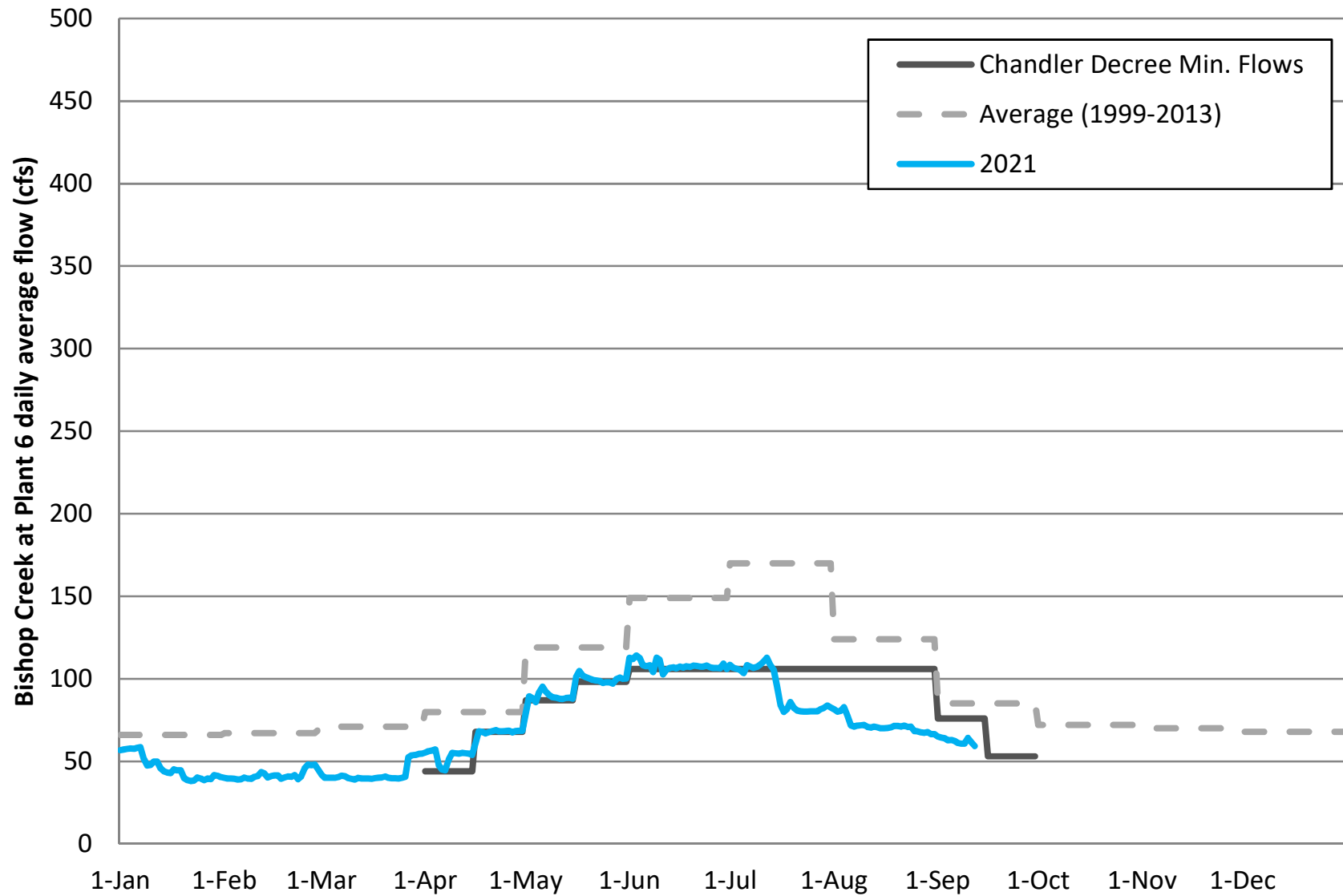
TOTAL CHECKS WRITTEN	(2,221.55)
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UNION CHECKING ACCOUNT	\$	16,860.51
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UNION BANK SAVINGS	<u>56,636.10</u>
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TOTAL BANK BALANCES - August 31, 2021	\$	73,496.61
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Bishop Creek Flows at Plant 6





triad/holmes associates

civil engineering
land surveying

mammoth lakes • bishop • redwood city

549 Old Mammoth Rd
P.O. Box 1570
Mammoth Lakes, CA
93546

EXHIBIT A

REVISED Proposal Letter

Date:	8/9/2021			Job No.	4-0466.1
TO:	Bishop Creek Water Association Gene Coufal			Email:	nc3e@aol.com
Address:				PHONE:	760-920-7592
City:	Bishop	State:	CA	Zip:	

Triad/Holmes Associates, Inc. offers to perform consulting services for the following project:

Project Description: Boundary Survey of Property Line

Project Address: 210 S Mountain View Rd & 299 McLaren Ln

Scope of Services and Costs for Surveying

Boundary Survey to recover or reestablish property corners of a partial property line in the area of the creek between the two subject properties as highlighted on attached map and as shown on Record of Survey No 8-004 RSMB 17/61. A line point will also be set on the property line between the O'Brien/Scott properties in the area of the creek.

Line points will also be set on the property line between the property corners. These line points will be 60D Nails 6" long set in the ground with a 4' Wooden Marker Lathe placed next to them. I will also place a metal T-post next to ones that we think may get disturbed or vandalized although there is no guarantee of what happens once we leave the site. Photographs will be taken.

Billed at Time and Materials at our standard rates.

Not to Exceed: \$700

Thank you for the opportunity to provide this proposal. If you have any questions, please feel free to contact me to discuss this further

Sincerely,

Todd Buchholz

7c

BISHOP CREEK WATER ASSOCIATION

Post Office Box 1273
Bishop, California 93515

June 10, 2020

Ms. Mary Core
3556 Ranch Road
Bishop CA 93514

Dear Ms. M Core,

In our letter dated November 18, 2016 you were notified that discharging ditch water off your property other than the through the ditch that runs on the northwest corner of your property is a violation of the Bishop Creek Water Association (BCWA) ARTICLES and By-Laws. A visit to the neighborhood by the BCWA Board on May 20, 2020 discovered water running down the south side of Ranch Rd from your property. More specifically water was being diverted from the ditch that runs on the northwest corner of your property through the fully opened diversion gate in front of your house. Use of the ditch water for irrigation on your property is a benefit of being a member of the association, however letting the water run from your property into the street or onto a neighbor's property is a violation of the Bishop Creek Water Association ARTICLES and By-Laws.

Pertinent Sections are: ARTICLE IX, Section 5

"In the event the equitable distribution of water is impeded or interfered with causing flooding, wastage or other detriment to the flow of water to occur by reason of the refusal, inability or neglect of any member or members to remedy the same, the association may, after due notice, have the remedial work performed and the responsible member or members shall be billed therefor, at the cost of the work." And

ARTICLE XII, Section 2, number 11.

"After you re-route a ditch or construct a new ditch, the water needs to be discharged at your property line at the same place and elevation, and with the same flow characteristics it had prior to the re-routing or diversion."

Whatever the reason for what the BCWA Board witnessed on May 20th, it is a practice that is in violation of the BCWA ARTICLES and By-Laws and needs not to occur in the future. If it does occur, you will be required to install a lockable diversion structure or the BCWA will do so at your expense. The structure will be locked with a BCWA lock. You would continue to have access to the ditch water for use on your property by contacting the Watermaster. This would be necessary so that the Watermaster can manage ditch flows for downstream users and to prevent wasting of water.

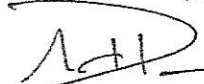
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Post Office Box 1273
Bishop, California 93515

If you have any questions you can communicate with us at the above address or call
Gene Coufal at (760) 873-6209.

Sincerely,

 for GENE COUFAL

Board of Trustees

Gene Coufal - President

Merry Armstrong

Don Kunze

Mark Frumkin

Adam Perez

Cc: BCWA Watermaster
Board members

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BISHOP CREEK WATER ASSOCIATION

Post Office Box 1273
Bishop, California 93515

November 18, 2016

Ms. Mary Core
3652 Ranch Road
Bishop CA 93514

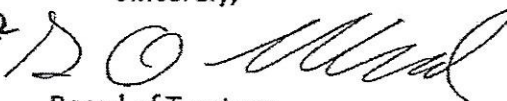
Dear Ms Core,

A concern was recently brought to our attention regarding the addition of a diversion structure at your new house on Ranch Road within the Bishop Creek Water Association (BCWA) boundary. It appears that the diversion structure has been constructed to divert water into a newly constructed ditch that runs eastward across the front of the property.

Water managed by the BCWA can be used for various beneficial uses such as irrigation, ponds, water for animals, etc. Any water that remains after the use must be returned on your property to the same ditch which the water was originally diverted from. This is to ensure that BCWA members downstream of your property will have an equal chance to use the water for their purposes and the benefit of the general membership. The BCWA Articles and By-Laws, Article XII, Section 2, number 11 states *"After you re-route a ditch or construct a new ditch, the water needs to be discharged at your property line at the same place and elevation, and with the same flow characteristics it had prior to the re-routing or diversion."* The return of the water to "same place and elevation" could be accomplished by various methods such as installation of a pump back system, construction of a return ditch, or only operate the new ditch for irrigating on your property. Presently, the new ditch discharges directly on to the lot east of your property. This is in violation of the BCWA Articles and by-laws. Please let us know the direction you plan to take to alleviate this potential problem.

If you have any questions, you can communicate with us at the above address or call Mr. Gene Coufal, Bishop Creek Water Association President, at (760) 873-6209.

Sincerely,

FOR 

Board of Trustees

Gene Coufal - President

Merry Armstrong

Rock Baker

Henry Means

Greg Loveland

Enclosure

cc: BCWA Watermaster

Board members

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Post Office Box 1273
Bishop, California 93515

Mr. and Mrs. Don Reid
2941 Indian Creek Dr
Bishop CA 93514

September 3, 2021

Subject: Obstructed Ditch Flow on APN Parcel 11-530-01 (vacant lot at East end of Sunset Dr.)

To: Mr. and Mrs. Don Reid,

It has been brought to the attention of the Bishop Creek Water Association (BCWA) Board that the ditch on the east and northeast boundary of APN Parcel 11-530-01 is obstructed with vegetation causing a swampy area on your property and ditch water is breaching the north embankment flowing to the property to the north. In addition to creating a health hazard, the breach and vegetation growth is restricting the delivery of water to downstream users and is resulting in a waste of water.

The Bishop Creek Water Association has the responsibility for the equitable apportioning and delivering all waters diverted from Bishop Creek and seeing that water from the creek is used responsibly and appropriately. The BCWA Articles and By-Laws describe the responsibilities of its members and provides guidance for operating the system. By virtue of having water diverted from Bishop Creek on the subject property you are automatically a member of the BCWA (Article VII, Section 2). It is the responsibility of each member/property owner to maintain the water conveyance facilities on their property in clean working condition so that equitable flows can be maintained.

The above type of impedance of flow is explicitly in violation of the BCWA Articles and By-Laws. Specifically Article IX, Sections 4 and 5 say:

"Section 4

Each member shall keep his ditches free and clear of debris (sand, silt, rocks, grass, weeds, and trash) so that water, including waste water, may move for the beneficial use of members below.

Section 5

In the event the equitable distribution of water is impeded or interfered with causing flooding, wastage or other detriment to the flow of water of water to occur by reason of the refusal, inability or neglect of any member or members to remedy the same, the association may, after due notice, have the remedial work performed and the responsible member or members shall be billed therefor, at the cost of the work. "

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The BCWA Articles and By-Laws is available on the BCWA website (www.bishopcreekwater.org).

You will need to: 1) have any vegetation/debris obstructing the flow of water removed so that water flows freely from where it enters your property to where it exits; and 2) repair the ditch so that water does not leak onto the property bordering the parcel to the north. To resolve this problem it is requested that work on your ditch be completed as soon as possible but no later than by October 1, 2020.

If there is a need to adjust the flows while the ditch work is being conducted, please contact the BCWA Watermaster Matt Durkee, at (760) 920-7981. Please notify the BCWA Watermaster when the work is completed so that he may inspect it. If you have any questions regarding this or if any of the above is inaccurate, please contact me at the phone number below.

Sincerely,



Board of Trustees

Gene Coufal – President (760) 873-6209

Merry Armstrong (760) 873-6519

Don Kunze (760) 873-3375

Mark Frumkin (818) 590-0554

Eric Tillemans (760) 873-0256

Cc: BCWA Board Members
BCWA Watermaster

BISHOP CREEK WATER ASSOCIATION

Post Office Box 1273
Bishop, California 93515

August 24, 2021

Mr. David Pratt
2470 Sunrise Dr.
Bishop CA 93514

Dear Mr. Pratt,

Subject: Obstruction in Main Ditch at 2470 Sunrise Drive

It has been brought to the attention of the Bishop Creek Water Association (BCWA) Board that you have had constructed in the ditch in the south portion of your property at 2470 Sunrise Dr., a diversion structure consisting of a butterfly valve in the main channel as well as one in the diversion to the front of your property, without consulting with or getting approval from the BCWA. This diversion structure arrangement as built has no bypass capability, and the butterfly valves used are subject to plugging (see attached pictures). With this design, when plugged the water has no place to go but to flood upstream properties and disrupting distribution of water downstream. This is not an acceptable situation and needs to be corrected. There needs to be an ability for the ditch water to bypass the structure in the event of plugging of one or both butterfly valves. The use of an overflow structure with boards to adjust the elevation and flow is how diversion structures are typically designed and built throughout the Bishop area.

In addition, we have been made aware you are currently planning to sell your 2470 Sunrise Dr. and 2458 Sunrise Dr. properties. This creates an additional issue for the BCWA because the water diverted at the subject diversion structure is used to deliver water not only to your 2470 Sunrise Dr. property, but also the 2458 Sunrise Dr. property immediately to the east. With the potential sale of one or both of your properties, this situation will require the BCWA Watermaster to control the diversion because the diverted water serves more than one property (which is in violation of the BCWA By-Laws). Upon sale of one or both of your properties, you will need to make arrangements with the BCWA Watermaster to secure the subject diversion structure.

We want to emphasize the main responsibility of the Bishop Creek Water Association (BCWA) is to have the equitable apportionment of water diverted from Bishop Creek and to see the water is responsibly and appropriately used. As such the Water Association must maintain diversion structures in a functional operating condition and ensure ditches are maintained in a clear free flowing condition. Also, as I am sure you are aware, as a member of the BCWA it is each

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Bishop, California 93515

property owner's responsibility to keep water conveyances free of obstructions (BCWA By-Laws, Article XII, Section 2-3). To responsibly meet the needs of the BCWA membership, the above-described work will need to be completed to ensure there is always a clear free unobstructed ability to move water through the ditch and diversion structure section so as to not obstruct the BCWA's ability to distribute water to its members.

The BCWA Articles and By-Laws describe the responsibilities of the Water Association and its members and provides direction for operating the system. The following sections from the BCWA Articles and By-Laws (available on the BCWA website, www.BishopCreekWater.org), describe the obligations and authorities which are pertinent to this situation:

Article IX

"Section 4

Each member shall keep his ditches free and clear of debris (sand, silt, rocks, grass, weeds, and trash) so that water, including waste water, may move for the beneficial use of members below.

Section 5

In the event the equitable distribution of water is impeded or interfered with causing flooding, wastage or other detriment to the flow of water of water to occur by reason of the refusal, inability or neglect of any member or members to remedy the same, the association may, after due notice, have the remedial work performed and the responsible member or members shall be billed therefor, at the cost of the work."

ARTICLE X

"Section 1

The trustees of this association are empowered and authorized to employ one or more men as needed to divert from the main canals said waters for the use of the members of this association and to divide the same between the members hereof as nearly as may be in the proportion set forth in the report of the Committee on Water and Arbitration.

Section 3

All boxes, headgates or diversion works diverting water from any main ditch or channel, regardless of by whom installed, shall for all water control purposes be deemed and considered the property of the association. The association reserves the right to exclusively control and regulate water at all boxes, regardless of by whom the same may have been installed, ..."

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This work needs to be done in order for the water to always flow freely from where it enters and exists your property. With the rapidly approaching fall season and dropping of leaves, the obstruction needs to be removed by September 30, 2021. As provided in the BCWA By-Laws, Article IX, Section 5 (see above), if you are unable to get these corrections made by September 30th, the BCWA will be required to have the work completed and bill you for it.

BCWA Trustees Mr. Don Kunze and Mr. Mark Frumkin have visited the site and can assist you with a design that meet the requirements of the BCWA By-Laws. You may also address the entire BCWA Board at its monthly Board meeting scheduled for September 14, 2021. Due to Covid-19 restrictions it has not been possible to meet in person, however, the monthly Board meetings are currently being conducted via Zoom. Instructions on how to participate will be posted on the BCWA website (www.BishopCreekWater.org) prior to the meeting. If you have any questions, please contact either Mr. Don Kunze at (760) 937-0128 or Mr. Mark Frumkin at (818) 590-0554.

Sincerely,



Board of Trustees

Gene Coufal - President

Merry Armstrong

Don Kunze

Mark Frumkin

Eric Tillemans

Attachment (2 pictures)

Cc: Vanessa Jacinto, Coldwell Banker Realty (7020 Avenida Encinas Carlsbad CA 92011)

BCWA Board Members

BCWA Watermaster

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