# Bishop Creek Water Association

### Monthly Board Meeting Agenda October 12, 2021 7:00 pm Meeting To Be Conducted via Zoom

- 1. Opening and Introduction
- 2. Acceptance of the September 14, 2021 Monthly Board Mtg Summary
- 3. Approval of the September Financial Report
- 4. Bishop Creek Precipitation, Flow, and Storage Report
- 5. Old Business
  - a. Restriction in Nelligan Ditch at Norberg/ O'Brien
  - b. Leak at Nelligan Ditch Structure at Scotts
  - c. Inyo County Road Department policy regarding street culverts
  - d. Obstructed Diversion Structure at 2470 Sunrise Dr.
  - e. Water Obstruction to Cherry Lane (1347/1355 Macgregor Ave.)
  - f. Uncontrolled Diversion crossing Yaney St. near USFS
  - g. Watermaster Cell Phone Service Plan
  - h. Complaint of Ditch Obstruction (vegetation) at northeast end of Sunset Dr.
  - i. Membership Reconciliation (mapping)
  - j. Collection of Past Due Assessments
  - k. Ditch Diversion Box Repair/Rebuild Project
  - 1. Bishop Tribe BCWA Membership?
  - m. Plans for Low Winter Flows
- 6. Watermaster Report
- 7. New Business
  - a. Other (By Board or Members in Good Standing)
- 8. Next Monthly Board Meeting– November 9, 2021 at 7:00 p.m.
- 9. Adjournment

Bishop Creek Water Association Monthly Board Meeting Summary September 14<sup>th</sup>, 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. Also present were Melinda Scott, Stephanie Shultz, Keith Rainsville, Phil Anya, Angela Scott, and Angela Risen

#### 2. Acceptance of the August 10th, 2021 Monthly Meeting Summary

The August 10<sup>th</sup>, 2021 Monthly Meeting Summary was accepted as written once signed.

#### 3. Approval of the August Financial Report

The August Financial Report was approved by the Board unanimously.

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

Bishop Creek flows continued to be lower than expected through the month as SCE is maintaining outflow at plant 6 equal to the reservoir's inflow. The current flow is around 55 cfs and there is uncertainty as to what SCE's plans are for wintertime flow rates.

#### 5. Old Business

a. Restriction in Nelligan Ditch at Norberg/Scott/O'Brien - Gene signed off on the contract for property line survey work (see attached). Survey will take place next week and Gene has found a contractor willing to remove the debris. Time and materials for the job will cost an estimated \$700-\$900.

There is a new leak just outside the north abutment of the diversion structure. The contractor will be able to fix that issue while on site for an estimated \$2,500-\$3000. The Board will visit the site and evaluate the problem at the beginning of October.

- **b.** Inyo County Road Department policy regarding street culverts Chris Cash sent a draft MOU over to LADWP, who will comment prior to sending to BCWA.
- c. Obstructed Diversion Structure at 2470 Sunrise Dr. Don had a phone conversation with Dave Pratt to discuss possible fixes. Dave said he would complete a fix prior to property sale. The contractor has started working at the site.
- **d.** Water Obstruction at Cherry Lane (1347 Macgregor Ave) Gene will send letter to request that the ditch obstruction be removed.
- e. Uncontrolled Diversion crossing Yaney St near USFS The newly installed board was removed and vandalized. Eric will discuss with Ben Butler and look into this.
- f. Membership Reconciliation (mapping) On hold.
- g. Collection of Past Due Assessments On hold.
- h. Ditch Diversion Box Repair/Rebuild Project - On hold.
- i. Watermaster Cell Phone Service Plan

The phone has been paid off. Matt will look into a prepaid plan. The AT&T prepaid seems like a good option.

j. Bishop Tribe BCWA Membership Nothing new to update.

#### k. Plans for Winter Time Flows

Committee has been meeting. Eric will participate in the planning, representing LADWP interest for low flow operations.

#### 6. Watermaster Report

During the month Matt received 46 calls and 24 texts.

#### 7. New Business

- a) Complaint of Ditch Obstruction (vegetation) at northeast end of Sunset Dr.: Letter was sent to property owner. The board will keep an eye on the situation to see if it gets resolved.
- b) Water District Pipe Construction at culvert crossing in Manor Area (3430 Laurel Rd.): A domestic water line is being installed. The street culvert will have to be bridged.
- c) Ditch water leaving property flowing down s/s of Ranch Rd from 3556 Ranch Rd: Gene and Merry spoke to the property owner and on 9/14 provided her with a copy of past letters that the BCWA sent to the owner that addressed the problem. Matt will keep an eye on water usage on the property.
- d) Cal Trans Sierra Hwy widening at N Fork of Bishop Creek and Coons Gallery (C-1 Ditch): Gene spoke with Matt Schober of Caltrans. They are in the planning phase for the widening project and will consult with the BCWA when they have something to look at.
- e) Confrontation Regarding Water Regulation at NE corner of Sunrise Dr and Barlow Ln: Neighbors complained of tampering/vandalism with the 4X diversion structure on the east side of Barlow Ln.: Gene talked to and provided a copy of the BCWA Articles and By-Laws to the person identified as allegedly doing the tampering/vandalism.
- f) Other (By Board or Members in Good Standing): Gene bought a new BCWA Watermaster hat for Matt.

#### 8. Next Monthly Board Meeting- October 12th, 2021 at 7:00 p.m. via Zoom

#### 9. Adjournment

Meeting adjourned at 8:12 pm

Respectfully Submitted,

Eric Tillemans

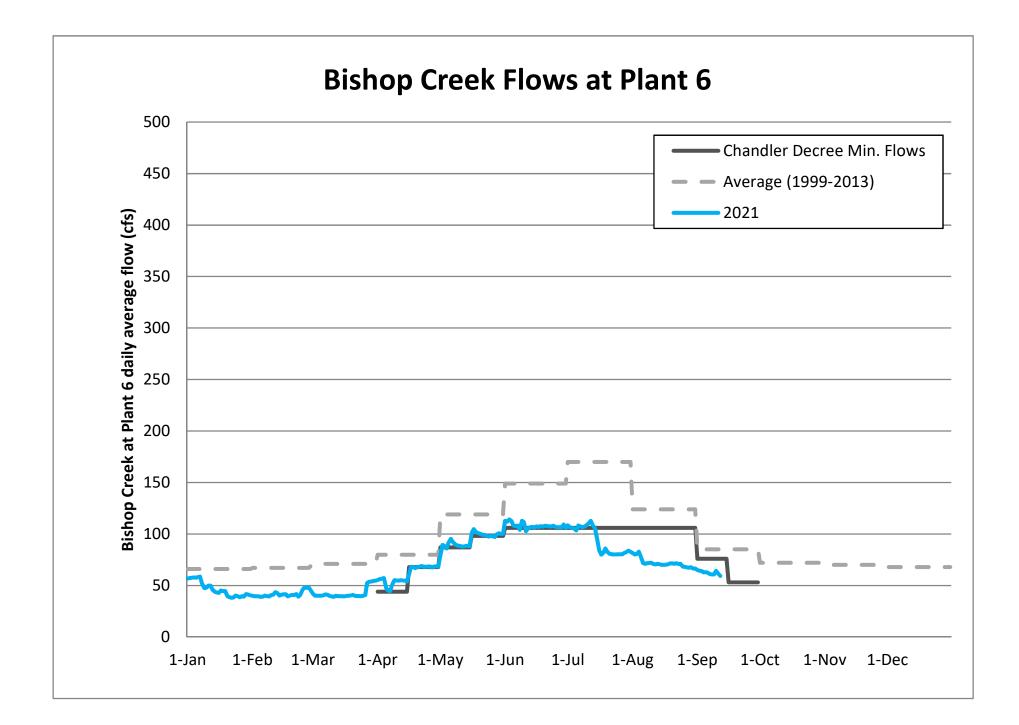
Secretary Bishop Creek Water Association

FINANCIAL REPORT FOR THE MONTH

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### AUGUST 2021

CHECKING ACCOUNT BALANCE SAVINGS ACOUNT BALANCE			\$ -	17,752.46 56,634.10
TOTAL BANK BALANCES - July 3	31, <b>2021</b>			74,386.56
DEPOSITS: Customer Deposits - Into Check Customer Deposits - Into Saving Workers Comp Refund Interest Income Transfer from Savings		\$ 1,129.40 - 200.20 2.00 -	-	
TOTAL DEPOSITS				1,331.60
CHECKS WRITTEN: Water Master Pay - Truck Allowance - Additional Pay - Area Mapping Telephone Payroll Taxes - IRS Payroll Taxes - IRS Payroll Taxes - State Payroll Taxes - IRS Unemploym Alex Printing Peter Tracy - Legal Fees Cal Rural Water Assoc Ins State Fund - Worker's Comp Ins Holland & Allred - Quarterly Acc US Post Office - Box Rental Brown's Transfer to Savings	surance	\$ 1,745.52 400.00 76.03 - - - - - - - - - - - - - - - - - - -		
TOTAL CHECKS WRITTEN			_	(2,221.55)
UNION CHECKING ACCOUNT			\$	16,860.51
UNION BANK SAVINGS			_	56,636.10
TOTAL BANK BALANCES - Augus	st 31, 2021		\$	73,496.61



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#### 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		
Addre				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

Post Office Box1273 Bishop, California 93515

June 10, 2020

TC

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 20<sup>th</sup>, 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.

Post Office Box1273 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 CONFAL

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<u>Board of Trustees</u> Gene Coufal - President Merry Armstrong Don Kunze Mark Frumkin Adam Perez

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Cc: BCWA Watermaster Board members

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Post Office Box1273 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,

Board of Trustees Gene Coufal - President Merry Armstrong Rock Baker Henry Means Greg Loveland

Enclosure cc: BCWA Watermaster Board members

Post Office Box1273 Bishop, California 93515

Mr. and Mrs. Don Reid 2941 Indian Creek Dr Bishop CA 93514 September 3, 2021

7a

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, me Coulat

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

Post Office Box1273 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 emphasis 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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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, <u>www.BishopCreekWater.org</u>), 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 30<sup>th</sup>, 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,

<u>Board of Trustees</u> 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

# Bishop Creek Water Association Monthly Meeting Date <u>9/14/21</u> via 200M

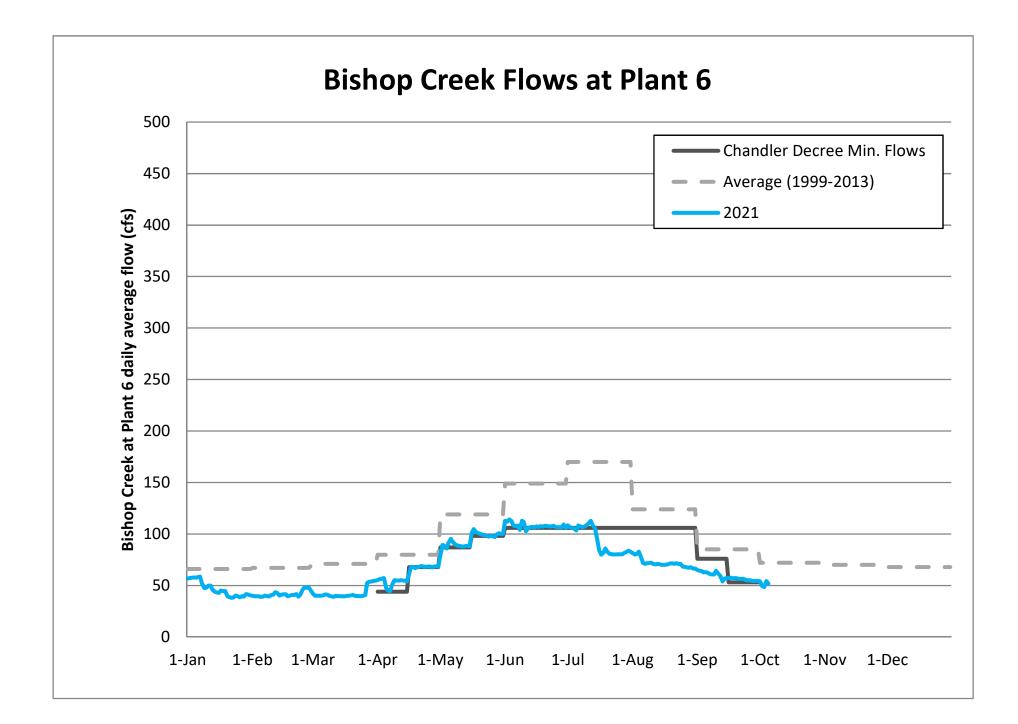
### Attendance Sheet

Name	Address	Email
Angela Scott Daris Moxley Stephanic Shaltz Angela Reisen Keith Rainville		
Daris Moxley		
Stephanie Shultz		
Angela Reisen		
Keith Rainville		

FINANCIAL REPORT FOR THE MONTH

### SEPTEMBER 2021

CHECKING ACCOUNT BALANCE SAVINGS ACOUNT BALANCE TOTAL BANK BALANCES - August 31, 2021		\$	16,860.51 56,636.10 73,496.61
DEPOSITS: Customer Deposits - Into Checking Customer Deposits - Into Savings Workers Comp Refund Interest Income Transfer from Savings	\$ 2.00	_	
TOTAL DEPOSITS			2.00
CHECKS WRITTEN: Water Master Pay - 872.76 x 2 Truck Allowance - 200.00 x 2 Additional Pay - Area Mapping Telephone Payroll Taxes - IRS Payroll Taxes - State 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	\$ 1,745.52 400.00 62.69 - - - - - - - - - - - - - - - - - - -		
TOTAL CHECKS WRITTEN		_	(3,940.32)
UNION CHECKING ACCOUNT		\$	12 <b>,92</b> 0.19
UNION BANK SAVINGS		_	56,638.10
TOTAL BANK BALANCES - September 30, 2021		\$	69,558.29



Post Office Box1273 Bishop, California 93515

October 6, 2021

Bishop Highlands Limited 8725 Technology Way C-1 Reno Nevada CA 89521

To: Mr. John Deeter

As a result of complaints of lack of water to downstream users on the ditch that conveys water through the Highlands Mobile Home Park an inspection of the ditch that crosses the property was conducted. The field check of the ditch system shows a bottle neck in the ditch that flows between 1347 and 1355 MacGregor Ave. The ditch has been constricted in an approximately 10-foot length section of the ditch by a tree trunk and root system (see attached 2 pictures). The narrowing of the ditch has significantly reduced the ability of the ditch to convey the necessary and historic volume of water to downstream properties. BCWA Watermaster attempts to increase the ditch flow results in flooding of the property to the west.

The Bishop Creek Water Association (BCWA) has the responsibility for the equitable apportioning all waters diverted from Bishop Creek. The BCWA Articles and By-Laws describe the responsibilities of association members and provide guidance for operating the system. By virtue of having waters diverted from Bishop Creek on your property you are a member of the BCWA (Article VII, Section 2).

The above type of flow impedance is a violation of the BCWA Articles and By-Laws (available on the BCWA website, www.bishopcreekwater.org). 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. "

As you can see from the above referenced sections, as a member of the BCWA it is your responsibility to maintain a clean clear ditch to convey water, and if it is not done the BCWA will be required to have the work completed and bill you for it. You will need to have the constriction obstructing flow removed. We request that in consideration of your neighbors that the work on your ditch be

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completed as soon as possible. The BCWA Board prefers not to interfere with ditches on private property and as such, want you as the property owner make the appropriate repairs needed to the ditch system on your property. To avoid any further action, we request that the work be completed no later than by November 1<sup>st</sup>.

If there is a need to adjust the flows while the ditch work is being conducted, please contact the BCWA Watermaster at (760) 920-7981. If you have any questions regarding this, you can call me at (760) 873-6209. If you would like to address the BCWA Board, monthly meetings are on the second Monday of each month at 7:00 pm. Currently meetings are being conducted via Zoom (instructions are provided on the BCWA website, BishopCreekWater.org).

Sincerely,

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<u>Board of Trustees</u> Gene Coufal - President Merry Armstrong Don Kunze Mark Frumkin Eric Tillemans

Attachments Cc: BCWA Board members Matt Durkee, BCWA Watermaster Highlands Mobile Home Community 1440 MacGregor Ave Bishop Ca 93514



