

Bishop Creek Water Association

Monthly Board Meeting Agenda

November 9, 2021

7:00 pm

Meeting To Be Conducted via Zoom

1. Opening and Introduction
2. Acceptance of the October 12, 2021 Monthly Board Mtg Summary
3. Approval of the September and October 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. Water Obstruction to Cherry Lane (1347/1355 Macgregor Ave.)
 - e. Membership Reconciliation (mapping)
 - f. Collection of Past Due Assessments
 - g. Ditch Diversion Box Repair/Rebuild Project
 - h. Bishop Tribe BCWA Membership?
 - i. Plans for Low Flows due to Drought Conditions
6. Watermaster Report
7. New Business
 - a. Request to shut off water at 802 S. Barlow for maintenance/repair
 - b. Other (By Board or Members in Good Standing)
8. Next Monthly Board Meeting– December 14, 2021 at 7:00 p.m.
9. Adjournment

Bishop Creek Water Association
Monthly Board Meeting Summary
October 12th, 2021
7:00 pm
Meeting Conducted via Zoom

1. Opening and Introduction

BWCA meeting called to order 7:04 pm. Trustees in attendance: Gene Coufal, Merry Armstrong, Eric Tillemans, Mark Frumkin and Don Kunze. Watermaster Matt Durkee was present.

2. Acceptance of the September 14th, 2021 Monthly Meeting Summary

The September 14th, 2021 Monthly Meeting Summary was accepted as written.

3. Approval of the September Financial Report

Mark reported that there should be an additional \$2,700 in the account that isn't reflected in the report. Mark will investigate the discrepancy. The September Financial Report was tabled until next meeting.

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. Matt has been able to manage flows in the system with the low flows but it has been tough. There has been no further input from SCE.

5. Old Business

- a. Restriction in Nelligan Ditch at Norberg/Scott/O'Brien** – The initial survey results revealed that the Norberg deck structure did in fact encroach onto the O'Brien property and that the diversion structure is on O'Brien/Scott property, but the board is waiting to receive the final report. Gene scheduled a meeting with Peter Tracy to discuss him writing a letter to Dee Norberg's attorney. The board discussed assessing Dee Norberg for the survey, legal and removal costs.
- b. Leak at Nelligan Ditch at Norberg/O'Brien**
Mark, Gene and Eric met at the site to access the work. Gene talked to contractor regarding doing the work who wanted to do the work by the hour. Gene guessed that the repair would cost around \$3,000. The board unanimously approved moving forward with the repair work and limited the expenditure to \$4,000.
- c. Inyo County Road Department policy regarding street culverts** – LADWP is reviewing the draft language provided by Chris Cash of the ICRD.
- d. Obstructed Diversion Structure at 2470 Sunrise Dr.** – Correction has been made by the property owner.
- e. Water Obstruction at Cherry Lane (1347 Macgregor Ave)**
Letter was sent late last week and specified that work must be done by November 1st.
- f. Uncontrolled Diversion crossing Yaney St near USFS**
There have been no issues over the last week.

- g. Watermaster Cell Phone Service Plan**
Matt ordered the AT&T sim card.
- h. Complaint of Ditch Obstruction (vegetation) at Northeast end of Sunset Dr.**
A letter was sent, and the obstructing vegetation has been removed.
- i. Membership Reconciliation (mapping)**
No Updates
- j. Collection of Past Due Assessments**
On Hold
- k. Ditch Diversion Box Repair/Rebuild Project**
No Updates
- l. Bishop Tribe Membership?**
No Updates
- m. Plans for Low Flows** – Merry has been meeting with the committee. The plan is a work in progress.

6. Watermaster Report

During the month Matt received 47 calls and 26 texts.

7. New Business

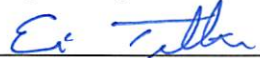
None

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

9. Adjournment

Meeting adjourned at 7:45 pm

Respectfully Submitted,



Eric Tillemans

Secretary

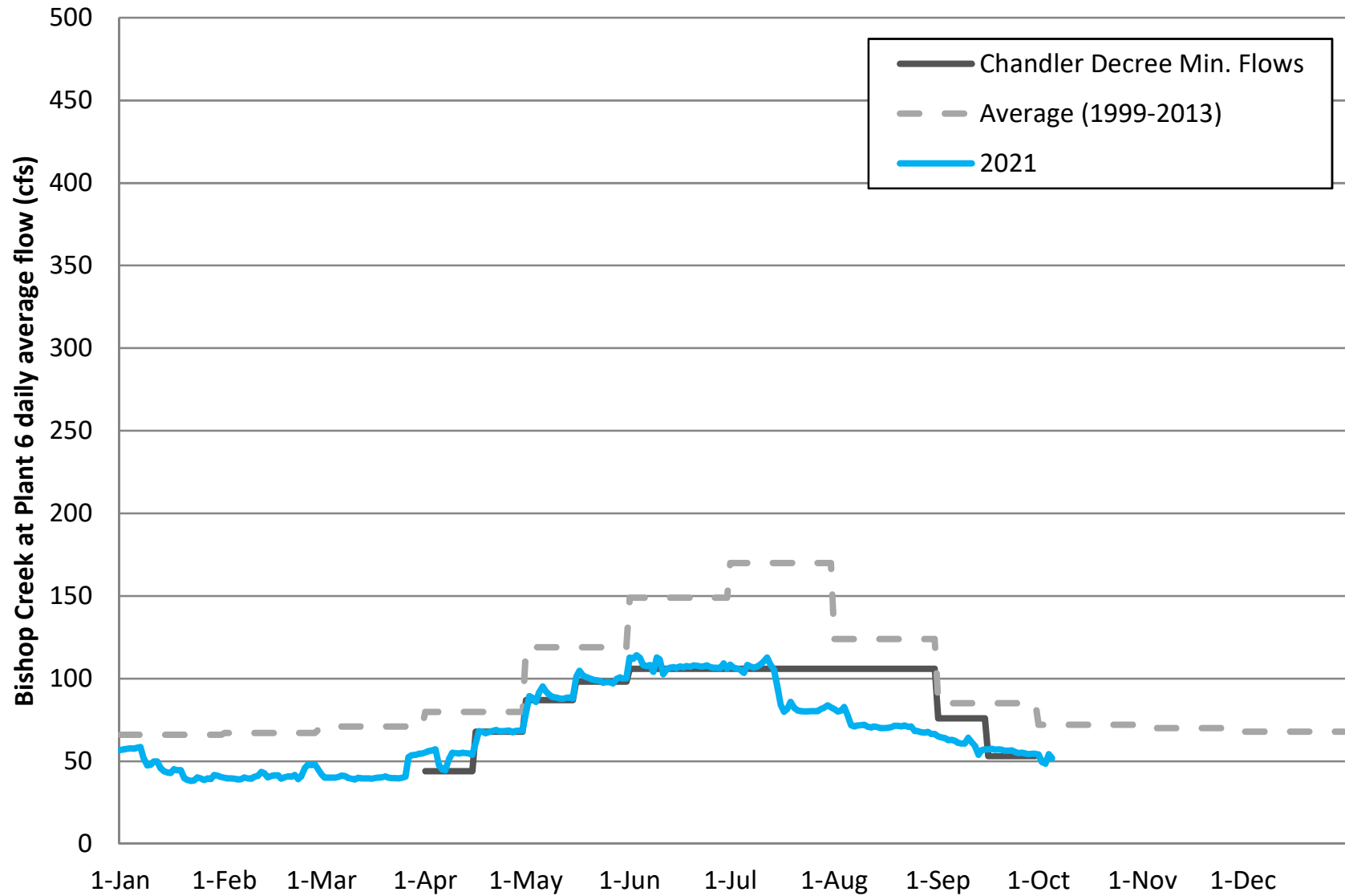
Bishop Creek Water Association

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

SEPTEMBER 2021

CHECKING ACCOUNT BALANCE		\$	16,860.51	
SAVINGS ACCOUNT BALANCE			<u>56,636.10</u>	
TOTAL BANK BALANCES - August 31, 2021				73,496.61
DEPOSITS:				
Customer Deposits - Into Checking		\$	-	
Customer Deposits - Into Savings			-	
Workers Comp Refund			-	
Interest Income			2.00	
Transfer from Savings			<u>-</u>	
TOTAL DEPOSITS				2.00
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			62.69	
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			1,712.55	
US Post Office - Box Rental			-	
Brown's			19.56	
Transfer to Savings			<u>-</u>	
TOTAL CHECKS WRITTEN				<u>(3,940.32)</u>
UNION CHECKING ACCOUNT		\$	12,920.19	
UNION BANK SAVINGS			<u>56,636.10</u>	
TOTAL BANK BALANCES - September 30, 2021		\$		69,558.29

Bishop Creek Flows at Plant 6



BISHOP CREEK WATER ASSOCIATION

Post Office Box 1273
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

BISHOP CREEK WATER ASSOCIATION

Founded in 1897

BISHOP CREEK WATER ASSOCIATION

Post Office Box 1273
Bishop, California 93515

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 1st.

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,



Board of Trustees

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

BISHOP CREEK WATER ASSOCIATION

Founded in 1897





BISHOP CREEK WATER ASSOCIATION
FINANCIAL REPORT FOR THE MONTH

OCTOBER 2021

CHECKING ACCOUNT BALANCE		
SAVINGS ACCOUNT BALANCE	\$	12,920.19
		<u>56,638.10</u>
TOTAL BANK BALANCES - September 30, 2021		69,558.29

DEPOSITS:

Customer Deposits - Into Checking	\$	925.40
Customer Deposits - Into Savings		2,777.00
Workers Comp Refund		-
Interest Income		1.01
Transfer from Savings		-
		<u>-</u>

TOTAL DEPOSITS		3,703.41
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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			62.46
Payroll Taxes - IRS			878.99
Payroll Taxes - State			68.94
Payroll Taxes - IRS Unemployment			-
Alex Printing			-
Peter Tracy - Legal Fees			-
Cal Rural Water Assoc Ins			-
State Fund - Worker's Comp Insurance			518.75
Holland & Allred - Quarterly Accounting			-
US Post Office - Box Rental			-
Brown's			-
Transfer to Savings			19.56
			<u>-</u>

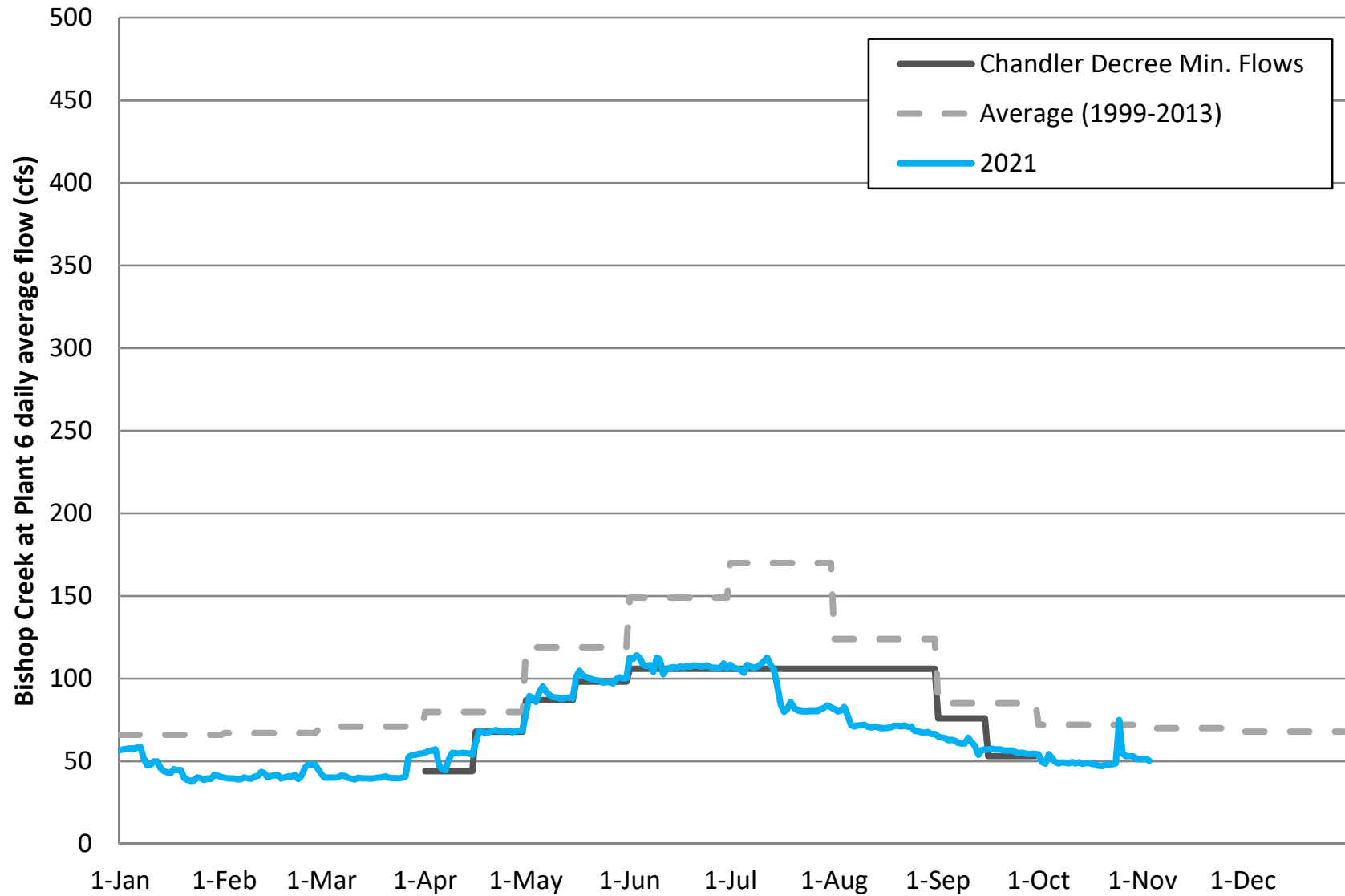
TOTAL CHECKS WRITTEN		<u>(3,694.22)</u>
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UNION CHECKING ACCOUNT	\$	10,151.37
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UNION BANK SAVINGS		<u>59,416.11</u>
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TOTAL BANK BALANCES - October 31, 2021	\$	69,567.48
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Bishop Creek Flows at Plant 6



Todd Buchholz (tbuchholz@thainc.com) To: you [Details](#)

Gene,

To answer your questions, See highlight below

I do wish at the time I could have mapped more features to aid you but it was a tense situation as I tried to maintain a friendly encounter with Dee, not sure if at any time she was going to consider me a threat and ask me to leave, call the sheriff, or worse – I certainly didn't want to push my luck. That being said she was outwardly kind to me and accommodating – I fear a return visit may not go so well.

Todd D Buchholz

Survey Department
Triad/Holmes Associates
873 N. Main Street
Bishop, CA 93514
760-873-4273
760-934-7588 (Mammoth Office)

From: GENE COUFAL [<mailto:nc3e@aol.com>]
Sent: Thursday, November 4, 2021 4:09 PM
To: tbuchholz@thainc.com
Subject: Re: Norberg Lampi Survey Document_2021-04-12_092402.pdf

Todd, thanks, the exhibit is awesome. A couple of questions:
Without pictures or visibly able to see the stakes in Norbergs yard I am having a hard time relating to the lines/points on the ground. Is the point on the mid south side of the deck staked? **Yes, the deck edge is built right to the edge of the property corner as shown as an open circle on the exhibit.** Is it coincidence that the midpoint of the south edge of the deck falls on the survey angle point? **Hard to say if coincidence or not? I found that monument that was set in 2008 slightly subsurface at the edge of the newer deck, it was not obvious that anyone knew it was there.** Is it the monument that you said was buried about a foot deep (or was that the monument to the East that is noted as "appears disturbed, not accepted". And was referred to "an old pipe in the Norberg rose garden" by Dave Lavery in 2013) **The monument by the deck is the open circle – the Rose Garden/ Disturbed pipe is the one 17' easterly and is still there – not really a rose garden anymore and falls behind a small landscape fence she put up.** How does the property line relate to the house? **I do not have any locations of the house but as you see her house to the east of the weir it is 3-4' approx. south of the bank then it angles back away from the creek as you go southwest. The closest it is to the property line is east of the weir and then angles away from the property line so it doesn't really come into play –thankfully**

Gene

On Nov 3, 2021, at 12:04 PM, tbuchholz@thainc.com wrote:

Hi Gene,

Attached is the exhibit showing the deck location in relation to the property line.

Thank you for your patience,

Todd D Buchholz

Survey Department

RECORD OF SURVEY NO. 08-004

1 SHEET ONLY

IN THE INCORPORATED CITY OF BISHOP, STATE OF CALIFORNIA, BEING A SURVEY OF A PORTION OF LOT 9, SHOWN ON MAP BOOK 4, PAGE 131, IN THE OFFICE OF THE COUNTY RECORDER, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 3, T.7S., R.32E., MOUNT DIABLO BASE AND MERIDIAN.

SURVEYOR'S STATEMENT:

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT AT THE REQUEST OF GARY NORBERG IN APRIL 2007.

Andrew K. Holmes
 ANDREW K. HOLMES DATE
 L.S. 4428 LIC. EXP. 9-30-09



COUNTY SURVEYOR'S STATEMENT:

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8766 OF THE PROFESSIONAL LAND SURVEYOR'S ACT THIS 6th DAY OF September 2008.

INYO COUNTY SURVEYOR
John S. Parrish
 JOHN S. PARRISH DATE
 L.S. NO. 5050 LIC. EXP. 06-30-10



RECORDER'S STATEMENT:

INSTRUMENT NO. : 2008-0003179

FILED THIS 10 DAY OF SEPT 2008.
 AT 9:28 A.M. IN BOOK 17 OF RECORD OF SURVEY MAPS AT PAGE 61 AT THE REQUEST OF TRIAD HOLMES ASSOCIATES.

MARY ROPER
 INYO COUNTY RECORDER
 BY: *Mary Roper*
 DEPUTY COUNTY RECORDER

PURPOSE OF SURVEY:

THE REASON FOR THIS RECORD OF SURVEY IS AS SET FORTH IN THE PROFESSIONAL LAND SURVEYOR'S ACT, ARTICLE 5, 8762(d4): THE ESTABLISHMENT OF ONE OR MORE POINTS OR LINES NOT SHOWN ON ANY SUBDIVISION MAP, OFFICIAL MAP, OR RECORD OF SURVEY, THE POSITIONS OF WHICH ARE NOT ASCERTAINABLE FROM AN INSPECTION OF THE SUBDIVISION MAP, OFFICIAL MAP, OR RECORD OF SURVEY.

LEGEND:

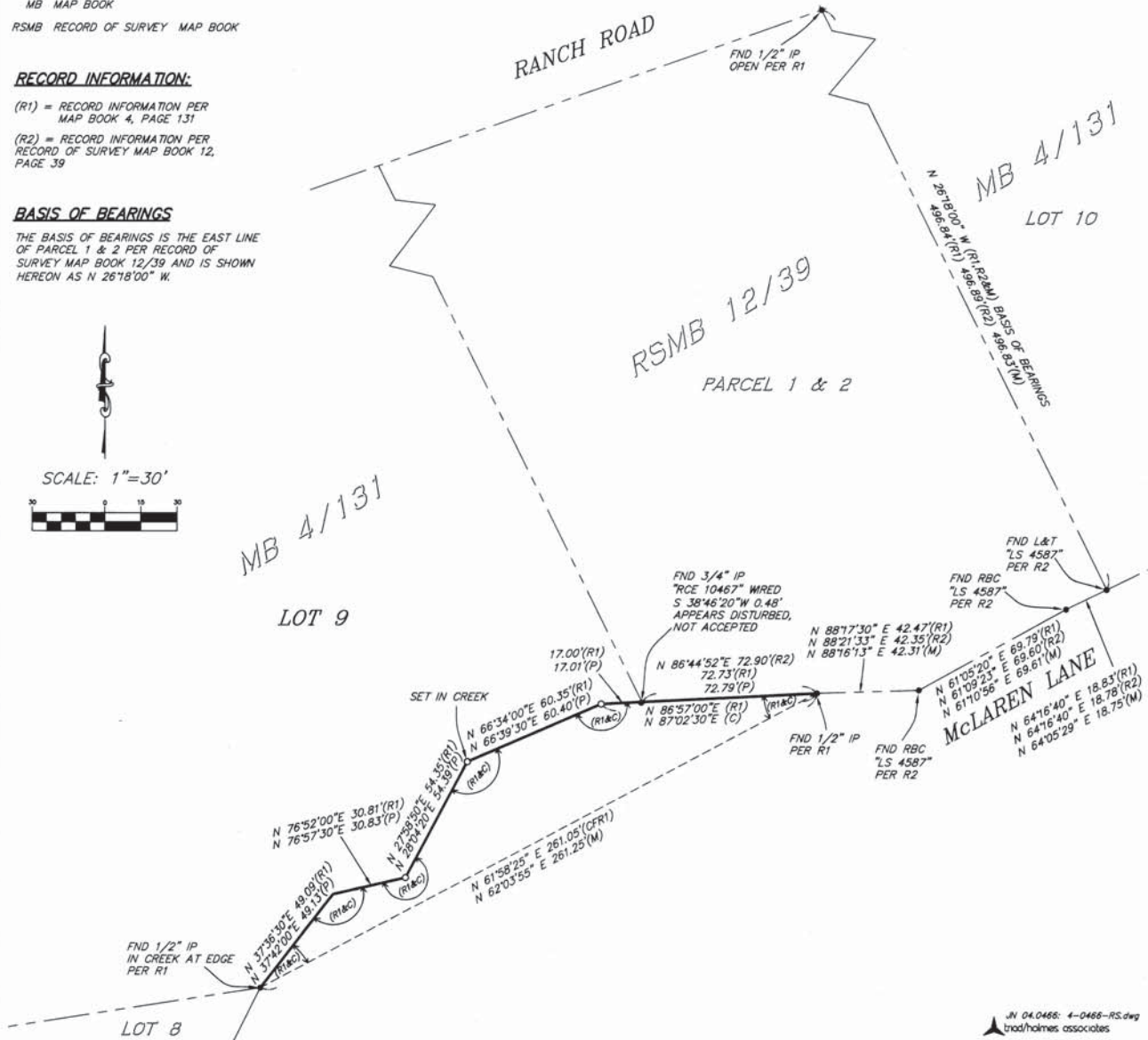
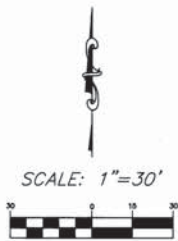
- FOUND MONUMENT AS NOTED
- SET 5/8" REBAR W/CAP "LS 4428"
- (R) RECORD
- (M) MEASURED
- (C) CALCULATED
- (CFR) CALCULATED FROM RECORD
- FND FOUND
- RBC REBAR & CAP
- L&T LEAD & TAG
- IP IRON PIPE
- MB MAP BOOK
- RSMB RECORD OF SURVEY MAP BOOK

RECORD INFORMATION:

(R1) = RECORD INFORMATION PER MAP BOOK 4, PAGE 131
 (R2) = RECORD INFORMATION PER RECORD OF SURVEY MAP BOOK 12, PAGE 39

BASIS OF BEARINGS

THE BASIS OF BEARINGS IS THE EAST LINE OF PARCEL 1 & 2 PER RECORD OF SURVEY MAP BOOK 12/39 AND IS SHOWN HEREON AS N 26°18'00" W.



BOOK 17 OF RECORD OF SURVEY MAPS AT PAGE 61

LANDS OF O'BRIEN

EXISTING DECK

SET IN CREEK

FND 3/4" IP
"RCE 10467" WIRED
S 38°46'20"W 0.48'
APPEARS DISTURBED,
NOT ACCEPTED

N 86°44'52"E
72.90'(R2)
72.73'(R1)
72.79'(P)

17.00'(R1)
17.01'(P)

6.2'

N 86°57'00"E (R1)
N 87°02'30"E (C)

N 66°34'00"E 60.35'(R1)
N 66°39'30"E 60.40'(P)

LANDS OF NORBERG

N 27°58'50"E 54.35'(R1)
N 28°04'20"E 54.39'(P)

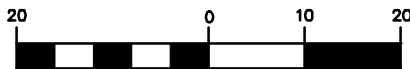
N 61°58'25" E 261.05'(CFR1)
N 62°03'55" E 261.25'(M)

BOUNDARY NOTE

RECORD AND MEASURED
DIMENSIONS SHOWN ARE PER
RECORD OF SURVEY 08-004
RSMB 17/61 AND VERIFIED PER
FIELD SURVEY OCTOBER 2021.



GRAPHIC SCALE



(IN FEET)

1 inch = 20 ft.

BISHOP CREEK WATER ASSOCIATION

EXHIBIT

JOB NO.
04.0466.1
DWG
JAS

triad/holmes associates

11/03/2021

Kinzy Concrete Construction

CA 1079796
kinzyconcrete@gmail.com

Invoice

Invoice #0101



**KINZY CONCRETE
CONSTRUCTION**
760-937-1908

CA
1079796

NATHAN KINZY
KINZYCONCRETE@GMAIL.COM
Adobe Spark

PREPARED FOR

Bishop Creek Water Association

Attn: Gene Coufal

Location
Neligan Ditch (Northside on Roary Scotts Property)
Bishop, CA 93514

PREPARED DATE

Nov 04, 2021

ITEM	QTY	PRICE	TOTAL
Description of Work Excavate and identify where water was undermining concrete. A rich cement grout mixture was pumped underneath the wall to fill the void.			
Total			\$4000.00



THANK YOU

Additional Information:

In my professional opinion the headwall located at the Neligan ditch will continue to degrade unless all man made structures and earthen materials are removed from the southside of the waterway.





