

Bishop Creek Water Association

Monthly Board Meeting Agenda

March 8, 2022

7:00 pm

Meeting To Be Conducted via Zoom

1. Opening and Introduction
2. Acceptance of the January 31, 2022 Annual Mtg Summary and the February 24, 2022 Emergency Board Meeting
3. Approval of the January and February Financial Reports
4. Bishop Creek Precipitation, Flow, and Storage Report
5. 2022 Draft Budget
6. Old Business
 - a. Restriction in Nelligan Ditch at Norberg/O'Brien/Scott's
 - b. BCWA Policy for Handling of Plugged Street Culverts
 - c. Inyo County Road Department policy regarding Plugged/Deteriorated Street Culverts
 - d. Ditch Obstruction at 309 Grandview
 - e. Watterson Street Culvert
 - f. Filing for Water Rights
 - g. Membership Reconciliation (mapping)
 - h. Collection of Past Due Assessments
 - a. Members not paid up to date on assessments
 - i. Ditch Diversion Box Repair/Rebuild Project
 - j. Bishop Tribe BCWA Membership?
 - k. Plans for Low Flows due to Drought Conditions
7. Watermaster Report
 - a. N/S East Yaney
8. New Business
 - a. Lahonton RWQCB presentation on the Bishop Creek Vision Plan
 - b. Ditch Relocation at NW corner of Carol Ln. (parcel no 011-510-27)
 - c. Watermaster Evaluation
 - d. Letter from IC DA regarding alleged Violation of CADFG Code 1602(a)(1)
 - e. Election of Board Officers:
 - i. President
 - ii. Secretary
 - iii. Treasurer
 - f. Appointment of Finance, and Water and Arbitration Committee Chairpersons
 - g. Other (by Board or members in good standing)
9. Next Monthly Board Meeting– April 12, 2022 at 7:00 p.m. via Zoom Meetings
10. Adjournment

Bishop Creek Water Association
Annual Board Meeting Summary
January 31st, 2022
7:00 pm
Meeting Conducted via Zoom

1. Opening and Introduction

BWCA meeting called to order 7:02 pm. Trustees in attendance: Gene Coufal, Merry Armstrong, Mark Frumkin, Don Kunze and Eric Tillemans. Watermaster Matt Durkee was present. A quorum was present (see attendance list), so business could be conducted.

2. Acceptance of the January 11th, 2022 Monthly Meeting Summary

The January 11th, 2022 Monthly Meeting Summary was accepted as written.

3. Annual Report including discussion on the future direction of the Association)

Gene provided the following BCWA summary for 2021 (details can be found in the monthly meeting summaries – available on the BCWA website):

- Despite an extremely dry year SCE was able to maintain Chandler Decree flows through most of the summer.
- Typical culvert plugging problems with leaves in the fall. Board is working on a policy regarding maintenance of street culverts. The ICRD is no longer willing to participate.
- Typical ditch obstruction problems on 7 or 8 properties.
- Mapping project to identify irrigation ditches and an up-to-date data base of member properties should be completed this spring.
- Two projects are in the begin stages: 1) a plan for water distribution during periods of low flow; and 2) Water Rights filing with the SWRCB.
- With regards to the future direction of the BCWA, the Board has tried over and over to enforce the BCWA By-laws without taking legal action or incurring a lot of expense. Unfortunately, in the current times we have been dealing with increasing non-compliant hostile members and government agencies. Some examples of this are: 1) ICRD no is no longer willing to assist in dealing with obstructed/deteriorating street culverts despite their use the Bishop Creek irrigation ditches and culverts for storm runoff and CWC 4037; 2) The CADFG is investigating BCWA irrigation ditch practices for none compliance with CADFG Code Section 1602; 3) Members that are non-compliant due to unpaid assessments; 4) Members obstructing ditch flows and not abiding by by-laws, and threatening lawsuit. Attempts by the BCWA Board to get support from Inyo County have been unsuccessful, leaving the BCWA to fend for itself. The BCWA as the party responsible for the implementation of the court ordered Chandler Decree will have to deal with these problems and that is going to cost, either by taking on the obligations that others are trying to impose on the BCWA

or in fighting the actions. Unfortunately fighting will move the BCWA into the arena of having to deal with these situations in a legal setting.

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

Eric discussed the snowpack and precipitation status. He reported that 8 out of the last 10 years had been below normal. This year currently sits at 97% normal to date but only 58% of normal April 1st totals. There is a good chance that this year will end up below normal again.

5. 2021 Financial Report

Mark highlighted some items, the most significant being a big jump in attorney fees because of the issues facing the BCWA. Gene mentioned that as noted on the 2021 financial report there are currently 82 Non-Paying Members which accounted for \$12,326 in accounts receivables. (Attached)

6. Approval of 2022 Budget

Merry motioned for approval of the 2022 Budget (attached), Eric seconded it, and it passed unanimously.

7. Election of Trustees: (Merry Armstrong and Mark Frumkin terms expired)

- The nominating committee recommended Merry Armstrong and Mark Frumkin to fill the two vacant Trustee positions. No other nominations were received from the membership.
- Voting – Merry Armstrong was elected by a unanimous vote of the members present to a new two-year term as a Trustee.
- Voting – Mark Frumkin was elected by a unanimous vote of the members present to a new two-year term as a Trustee.

8. New Business

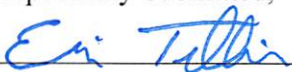
- a. Gerald Berry brought up the issue of a plugged culvert at 480 Watterson St. Gene said that we would go look at the situation in the field.
- b. Don asked if it was possible to provide an online payment option. Mark will follow up to see what options there may be.

9. Next Monthly Board Meeting– The Annual Meeting will take place on January 30, 2023 at 7:00 pm and next monthly meeting will be on March 8th, 2022 at 7:00 pm via Zoom.

10. Adjournment

Meeting adjourned at 8:02 pm

Respectfully Submitted,



Eric Tillemans

Secretary

Bishop Creek Water Association

BISHOP CREEK WATER ASSOCIATION
FINANCIAL REPORT FOR THE MONTH

DECEMBER 2021

CHECKING ACCOUNT BALANCE	\$	3,552.22
SAVINGS ACOUNT BALANCE		<u>59,421.05</u>
TOTAL BANK BALANCES - November 30, 2021		62,973.27

DEPOSITS:

Customer Deposits - Into Checking	\$	424.00
Customer Deposits - Into Savings		-
Workers Comp Refund		-
Interest Income		3.00
Transfer from Savings		<u>-</u>

TOTAL DEPOSITS		427.00
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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			-
Payroll Taxes - State			-
Payroll Taxes - IRS Unemployment			-
Alex Printing			-
Peter Tracy - Legal Fees			-
Gene Coufal - AFS Printing			-
Gene Coufal - ATT			-
Holland & Allred - Quarterly Accounting			653.66
Kinzy Concrete Construction			-
Brown's			-
Transfer to Savings			<u>-</u>

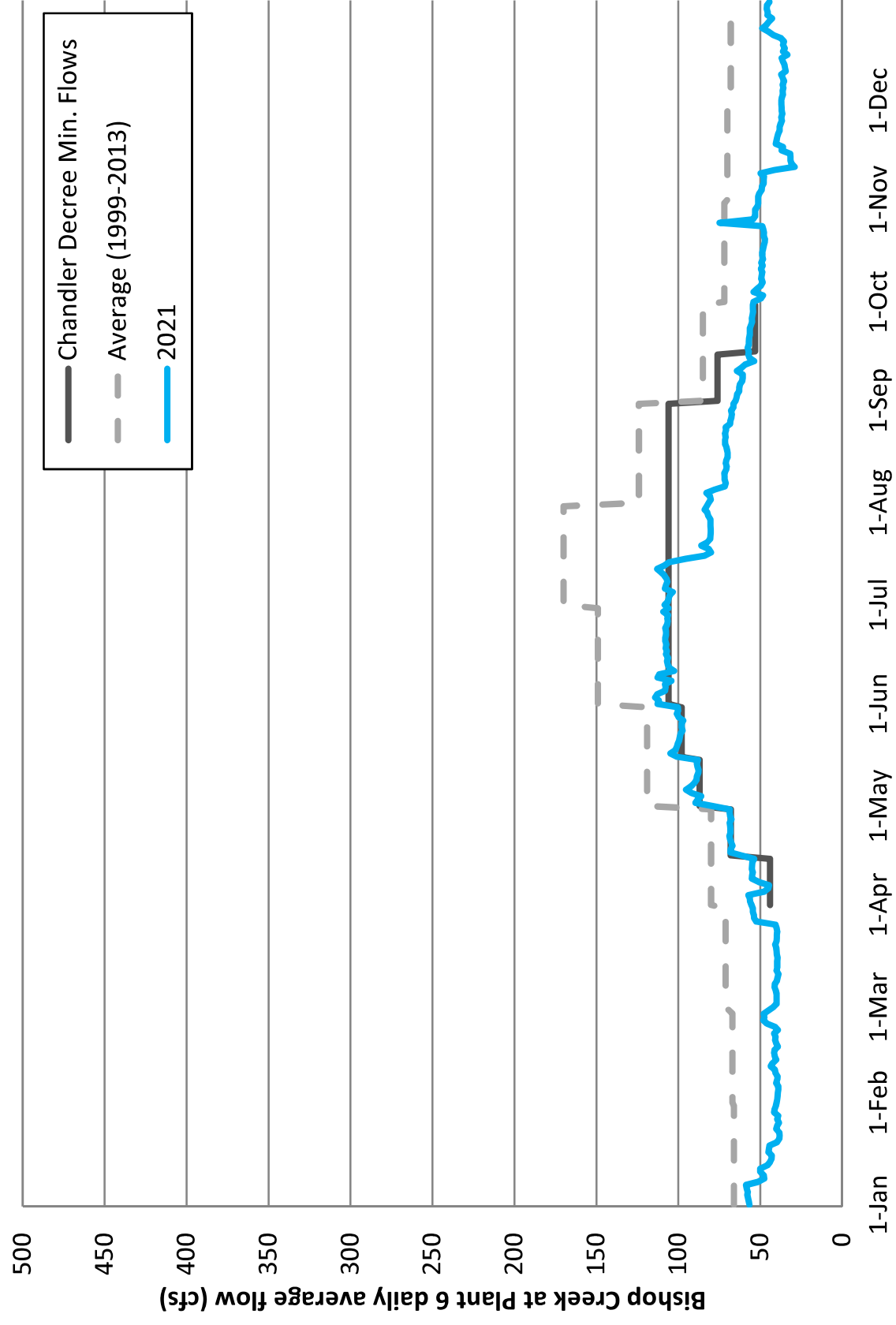
TOTAL CHECKS WRITTEN		<u>(2,861.64)</u>
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UNION CHECKING ACCOUNT	\$	1,114.58
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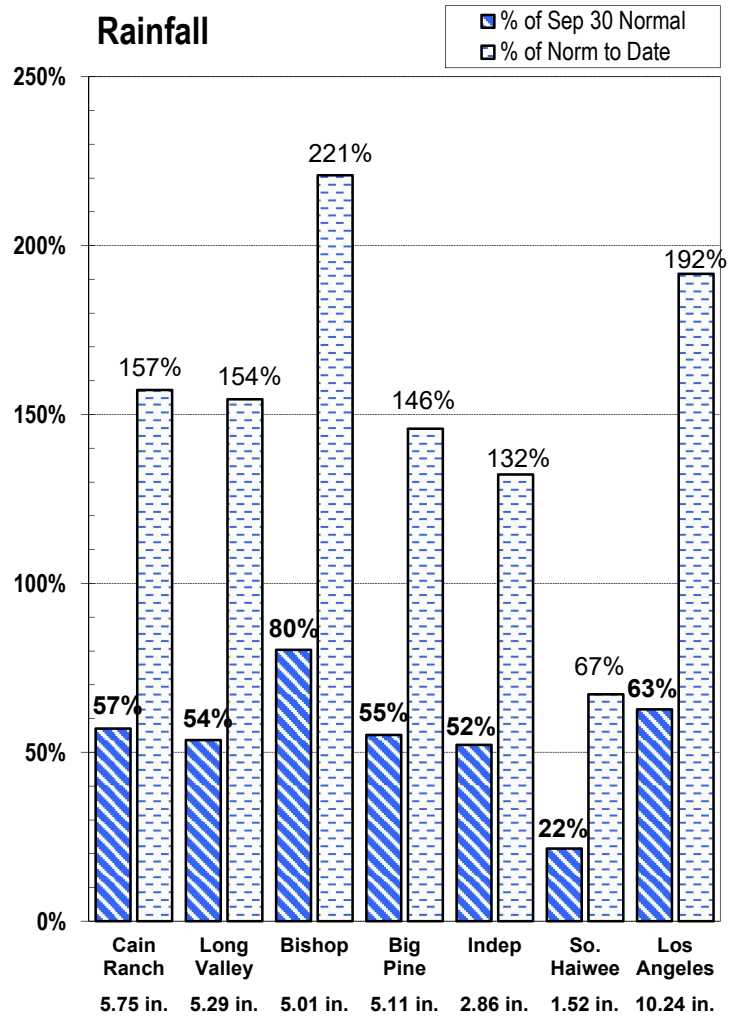
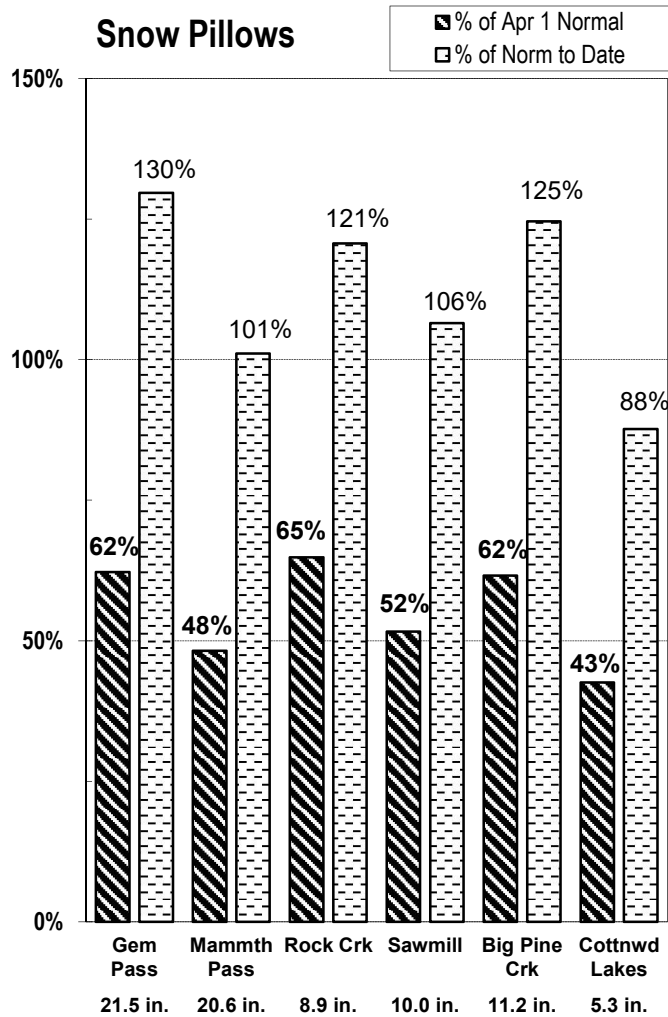
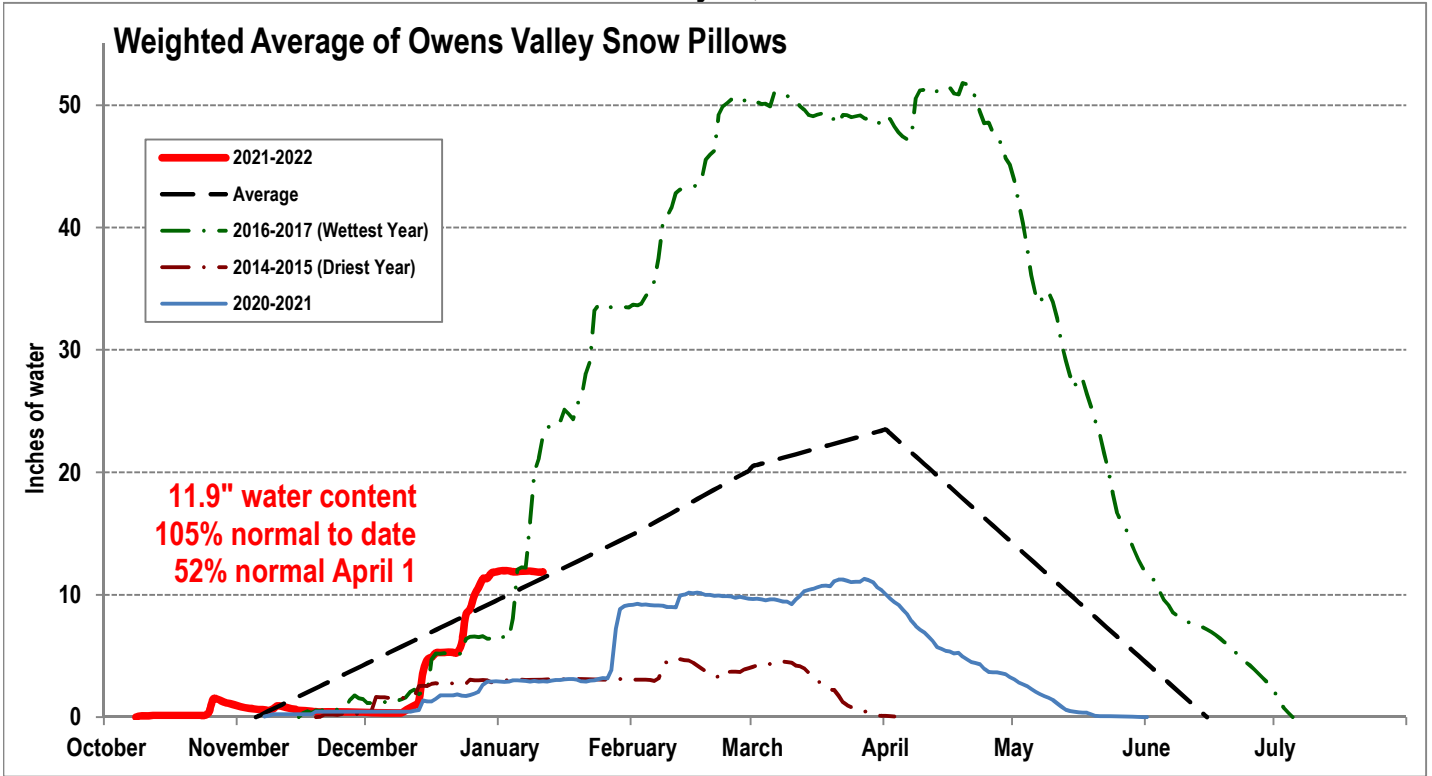
UNION BANK SAVINGS		<u>59,424.05</u>
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TOTAL BANK BALANCES - December 31, 2021	\$	60,538.63
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Bishop Creek Flows at Plant 6



EASTERN SIERRA CURRENT PRECIPITATION CONDITIONS January 11, 2022



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

INCOME

	2019 Actual	2020 Actual	2021 Approved	2022 Proposed
Assessment Rates	\$40/\$2.90	\$40/\$2.90	\$40/\$2.90	\$40/\$2.90
Parcels	\$32,960.00	\$33,840.00	\$33,840.00	\$33,840.00
DWP (6473.16)	\$18,772.00	\$18,772.00	\$18,772.00	\$18,772.00
City of Bishop	\$580.00	\$580.00	\$580.00	\$580.00
John Deerter Highland Trailer Park (96)	\$278.00	\$278.00	\$278.00	\$278.00
Yany LLC - Cottonwood Plaza (40.8)	\$282.00	\$282.00	\$118.00	\$282.00
Workers Comp. Refund		\$638.00		
Culvert Repair Reimbursement		\$ 2,207.45		
Past Due Assessments	\$2,594.00	\$2,533.00	\$1,500.00	
Late Fee Payment	\$447.00	\$617.22	\$400.00	
Interest Income	\$22.00	\$29.65	\$20.00	\$20.00
Total Income	\$55,935.00	\$59,777.32	\$55,508.00	\$53,772.00

EXPENSES

Watermaster Cost - Wage	\$20,398.00	\$20,626.80	\$21,375.00	\$22,500.00
Payroll Taxes	\$3,802.00	\$3,822.35	\$4,689.00	\$3,850.00
Workers Comp. Ins.	\$2,182.00	\$2,070.52	\$2,250.00	\$2,400.00
Truck Allowance	\$4,800.00	\$4,800.00	\$4,800.00	\$4,800.00
Phone	\$660.00	\$906.00	\$950.00	\$750.00
Temp. Watermaster - wage		\$877.00	\$1,754.00	\$1,754.00
Accounting - Holland & Allred	\$3,555.00	\$3,503.00	\$3,420.00	\$3,420.00
Insurance CRWRMA	\$4,335.00	\$4,684.00	\$4,700.00	\$4,700.00
Printing	\$1,009.00	\$922.00	\$1,400.00	\$1,400.00
U.S.P.S.	\$106.00	\$613.00	\$700.00	\$1,400.00
Bank Service Charge	\$31.00	\$14.00	\$100.00	\$25.00
Website	\$443.00	\$443.00	\$450.00	\$450.00
Annual Board/Employees Dinner		\$0	\$850.00	\$850.00
Attorney Fees		\$2,256.00	\$1,000.00	\$ 1,000.00
Ditch cleaning & Gate repair		\$6,532.89	\$4,000.00	\$4,000.00
One Time Map updates			\$863.26	\$ 1,319.45
Zoom		\$180.00	\$180.00	\$180.00
Improvement Projects		\$5,760.00	\$26,000.00	
TOTAL EXPENSES	\$43,577.00	\$55,754.56	\$79,481.26	\$53,479.00

YEAR END BANK BALANCE \$46,893.00 \$51,972.00 \$27,999.00 \$51,972.29 \$77,452.29

January 10, 2022

Mr. Lampi,

I hope you have had a happy and healthy holiday season. I wanted to follow up with you on your most recent communications (letter of September 21, 2021 and email from September 22, 2021) as new information has come to light. This is not a complete response to all the points in your letter and email but to provide some pertinent information that you should be aware of.

- 1) I have attached three dated pictures, one from September 2013, one from June 2018 and one from April 2019 that show the open channel with generally a lack of debris in 2013, then the of accumulation of debris that had occurred by 2018 and again more by 2019. This conflicts with what has been portrayed as a “protrusion” that existed in 2013.
- 2) A survey conducted in October 2021 by Triad/Holmes Associates of the property line between the Norberg and O’Brien properties. The survey reestablished the points from the 2008 Survey conducted by Andrew Holmes in 2008 (ROS 08-004). The survey shows that the debris that Ms. Norberg has caused to be put in the Nelligan Ditch and the deck that Ms. Norberg has constructed is on the property of Terry O’Brien (sketch enclosed).
- 3) Your communications state that the Bishop Creek Water association (BCWA) does not have authority under Article IX, Section 5, as it only applies to situations where the waterflow is impeded or interfered with. Among other evidence, I am attaching a copy of a December 2021 letter from the Los Angeles Department of Water and Power which describes the impact of the obstructed Nelligan Ditch on their operations and water delivery obligations. And
- 4) Also, attached is the invoice/statement the BCWA received from the contractor that the BCWA had to hire to repair the north embankment of the structure that was compromised by the flow pattern change due to the instream obstructions upstream of the diversion structure.

As the BCWA has been given permission from Mr. Terry O’Brien to clear the obstructed Nelligan ditch channel on his property, the BCWA request that your client, Ms. Norberg, reconsider the threat of legal action in Inyo County Superior

Court and that Ms. Norberg comply with the By-Laws of the BCWA (of which she is an obligated member) and remove the debris, rocks, wood, fencing material, decking, etc. from the channel and Mr. O'Brien's property. The refusal to do so will result in the BCWA having to have the debris removed.

Gene Coufal







PRIMOS
HUNTING

Speak The Language™

1-1



084F

12:02:37

PM

09-01-13

SUN

CAM35
ULTRA

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(b)(4): 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:

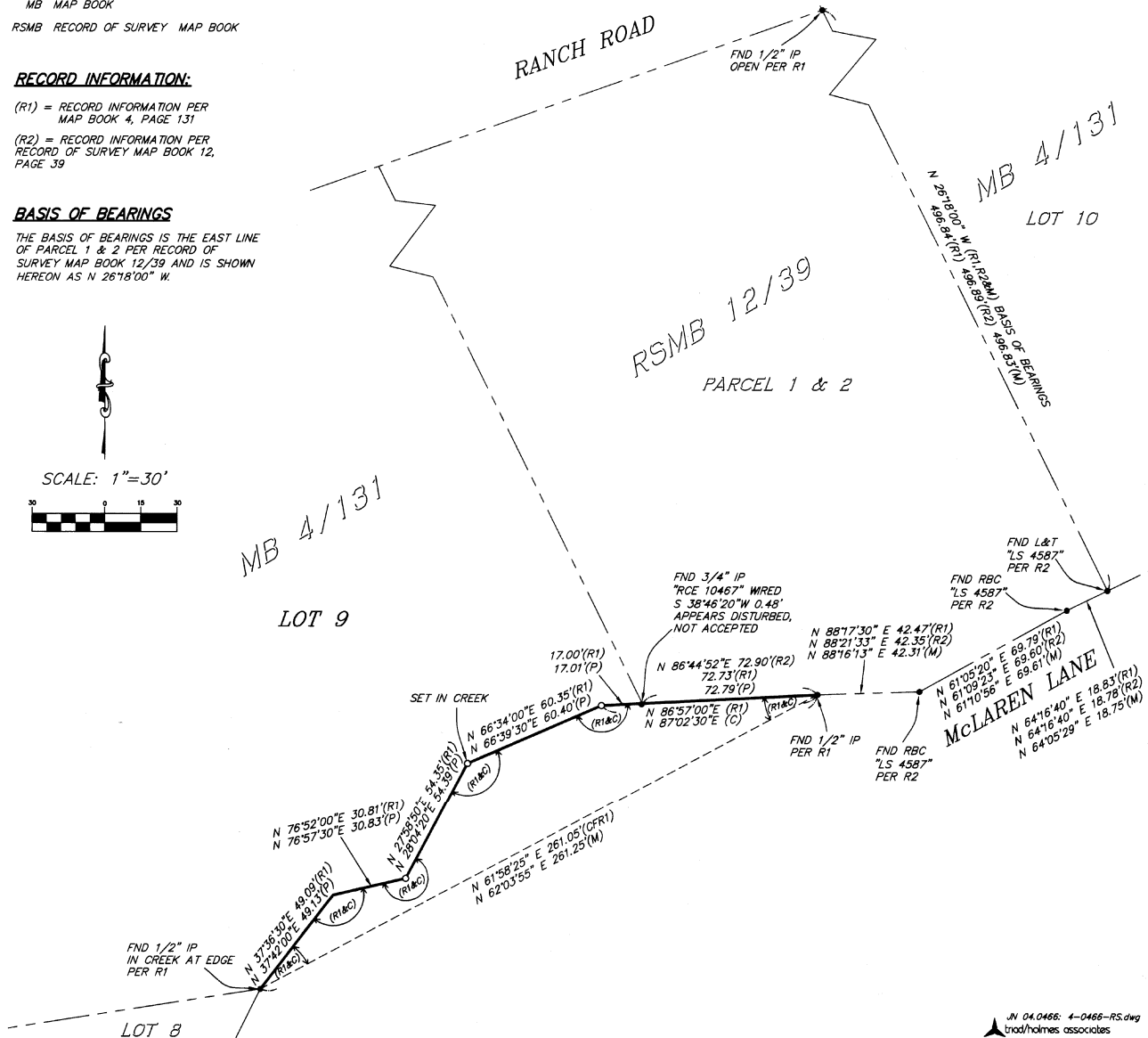
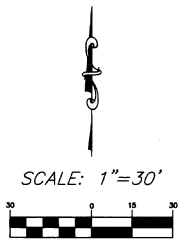
- FOUND MONUMENT AS NOTED
- SET 5/8" REBAR W/CAP "LS 4428"
- (R) RECORD
- (M) MEASURED
- (C) CALCULATED
- (CFR) CALCULATED FROM RECORD
- FND FOUND
- RBC REBAR & CAP
- L&T LEAD & TAG
- IP IRON PIPE
- MB MAP BOOK
- RSMB RECORD OF SURVEY MAP BOOK

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)

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

LANDS OF NORBERG

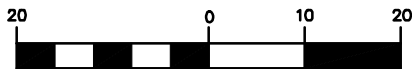
N 61°58'25" E 261.05'(CFR1)
N 62°03'55" E 261.25'(M)

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



BUILDING A STRONGER L.A.

Eric Garcetti, Mayor

Board of Commissioners
Cynthia McClain-Hill, President
Susana Reyes, Vice President
Jill Banks Barad-Hopkins
Mia Lehrer
Nicole Neeman Brady
Yvette L. Furr, Acting Secretary

December 22, 2021

Martin L. Adams, General Manager and Chief Engineer

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

Dear Bishop Creek Water Association:

Subject: Water Flow in Nelligan Ditch south of Norberg Diversion

The purpose of this letter is to inform the Bishop Creek Water Association (BCWA) of the effects on the downstream flow of the ditch known as the "Nelligan Ditch" due to the structure blockage in the ditch at the diversion located adjacent to the property owned by Dee Norberg.

An analysis of flows in the Nelligan Ditch downstream of diversion located at the Norberg property, reveals a significant reduction in average flows and maximum capacity when comparing recent flows (2018-2021) to historical flows (2008-2011). This reduction is likely attributed to the blockage in the ditch just upstream of the Norberg diversion, which impedes the ability to move adequate flows through the ditch system.

Inadequate flows in the Nelligan ditch as a result of the blockage puts the City of Los Angeles (City) in a difficult position as there are obligations associated with the Inyo and Los Angeles Long Term Water Agreement to irrigate lands supplied by the Nelligan Ditch. A flow reduction in the Nelligan Ditch impairs the City's ability to properly irrigate lands supplied by the Nelligan Ditch.

A resolution of the flow issue in the Nelligan Ditch that allows full adequate flows to reach City lands through this ditch would be greatly appreciated. Please contact Mr. Eric Tillemans, Manager of Aqueduct Operations and Conservation, at (760) 873-0256 if you have any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Adam', with a long horizontal flourish extending to the right.

Adam Perez
Manager of Aqueduct

ET:fj
c: Eric Tillemans

Kinzy Concrete Construction

CA 1079796
kinzyconcrete@gmail.com



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

Invoice

Invoice #0101

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.

-----Original Message-----

From: WILLIAM LAMPI <wrlampilaw@verizon.net>

To: nc3e@aol.com

Cc: merrytarmstrong@gmail.com; markfrumkin@sbcglobal.net; kunze.don@gmail.com;
eric.tillemans@ladwp.com

Sent: Mon, Jan 10, 2022 2:21 pm

Subject: Re: Norberg-BCWA

Hi Mr. Coufal,

Thank you for your email of 01/10/2022. We will review the contentions in your email with the original surveyor and Ms. Norberg and respond to you as soon as we can.

Can you provide us with a copy of the "analysis of flows" referred to in the letter from Adam Perez. Please include as much of the raw data that you can including when and where the measurements were taken.

Bill

From: rollinon3014@gmail.com,

To: nc3e@aol.com,

Subject: Properties that have street culverts

Date: Mon, Jan 10, 2022 12:37 pm

207 S. Mountain View
101 S. Mountain view
283 S. Mountain view
3780 Ranch Rd.
255 Mt. Tom
3656 Ranch Rd
371 Ranch Rd
301 Ranch Rd.
186 McLaren In.
249 McLaren In
329 McLaren In.
3905 W Line
480 Watterson Rd .
777 Orinda
747 Orinda
723 Orinda
2727 Sierra Vista
807 Sarah View
817 Barlow
852 Barlow
2511 Longview
807 Barlow
800 Sunrise
625 Barlow
628 Barlow
2766 Sunset
2594 Highland Dr
118 Desiderata
3011 Morningside
366 Wildrose
234 Wildrose
218 Yaney
401 Hanby

BISHOP CREEK WATER ASSOCIATION

Post Office Box 1273
Bishop, California 93515

DRAFT

January 11, 2022

Scott & Casey Hanenkrat

283 So. Mountain View Road

Bishop CA 93514

SUBJECT: Street Culvert Responsibility

Dear Bishop Creek Water Association Member,

Beginning about two years ago the Inyo County Road Department (ICRD) took the position that they can no longer assist the Bishop Creek Water Association (BCWA) in unplugging and replacing deteriorated street culverts. Previously these problems were dealt with cooperatively. This new position has left the Water Association in a quandary. The BCWA does not own assets in the water distribution system, other than structures for water control purposes. Control structures are deemed and considered the property of the association. The BCWA By-Laws Article X, Section 3 provides:

“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...”

In the past, recognizing the need to provide water to upstream and downstream water using members, the BCWA worked cooperatively with the ICRD to unplug and replace culverts. Despite numerous attempts by the BCWA Board of Trustees, Inyo County has not been willing to change from this newly taken position. This has been discussed at the highest levels of Inyo County government.

At this time, since the ICRD will no longer cooperatively participate, it is going to fall on the BCWA and its members to resolve issues with culverts in order to keep water flowing in ditches as required by the court ordered Chandler Decree. The details have yet to be worked out, but it appears that for now, the BCWA will have to be entirely responsible for replacement of culverts conveying Bishop Creek water. With regards to plugged street culverts, regardless of Inyo County's position on assisting with plugged street culverts, the BCWA By-Laws make it clear that the responsibility for keeping

BISHOP CREEK WATER ASSOCIATION

Founded in 1897

BISHOP CREEK WATER ASSOCIATION

Post Office Box 1273
Bishop, California 93515

ditches clean and clear of debris is the responsibility of the property owner. With the above exception, property owners are responsible for all effects, operations, and maintenance of the ditches on their property. The result of this is the keeping of debris from entering and plugging downstream street culverts. Below are some of the pertinent sections from the BCWA By-Laws that apply in this situation. Article IX, Sections 4 and 5 provides:

“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. “

“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.”

ARTICLE XII, Section 2, items 3-6 provide:

“As a homeowner and member of the BCWA you are responsible for the impact of your own action or lack of action in managing water flowing on your property.”

“As a member of the BCWA you are responsible to maintain the ditches and pipes on your property. This maintenance includes the removal of weeds, leaves, and trash ...”

“If you do not properly maintain the ditches and pipes on your property, the BCWA may arrange to have the work done at your expense...”

“Be aware that many factors, including runoff, freezing, irrigation patterns, and fall leaves, can significantly affect the amount of water flowing to your property. You should expect the flow in your ditches to vary, and your ditches and pipes should be sized, designed, and maintained to carry the maximum possible flows without flooding.”

It appears that the greatest problem with plugged street culverts occurs during the fall and winter when leaves and ice get into the system, entering the street culverts. In order to keep culverts clear of debris the most effective method is a grate at the street culvert inlet. Of course, this will create additional work, but it should alleviate a lot of

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headaches, work, and cost due to plugged street culverts. But for the purpose of keeping debris from plugging street culverts it is imperative that members upstream of street culverts install and maintain clear grates on inlets to street culverts. The BCWA cannot be held responsible for the installing, operation, and maintenance of grates on private property and as such the impact to street culverts. As is the case with any ditch, the BCWA must rely on each property owners to maintain a clear unencumbered channel at property boundaries and to not effect property owners immediately upstream and downstream. Street culverts are not any different.

As provide in the BCWA By-Laws, if a street culvert becomes plugged, it is the responsibility of the upstream property owner if it is plugged with leave/debris and there is no mechanism in place to catch the debris. As provided in Article IX, Section 5 (see above) in order to ensure an equitable distribution of water to all members, if the BCWA has to get involved in clearing a downstream culvert, the upstream property owner would be assessed the cost of the culvert clearing.

If you have an issue with water in your ditch, please contact the BCWA Watermaster at (760) 920-7981. You may also contact any one of the Board members for any issue related to the Water Association. Or you may bring your questions to the BCWA Board of Trustees at the monthly meeting. The BCWA Board of Trustees meets on the 2nd Tuesday of each month at 7:00pm to discuss water association business. Currently meetings are being conducted via zoom due to COVID issues – information for participating is on the BCWA website, BishopCreekWater.org.

A copy of the BCWA Articles and By-Laws is attached. Also, a copy can be found on the BCWA website. If you have any questions regarding this, please contact me at (760) 873-6209.

Sincerely,

Board of Trustees
Gene Coufal - President
Merry Armstrong
Don Kunze
Mark Frumkin
Eric Tillemans

enclosure
Cc: BCWA Board Members
BCWA Watermaster

BISHOP CREEK WATER ASSOCIATION
Founded in 1897

Bishop Creek Water Association
December 21, 2021

Resident
309 Grand View Lane
Bishop, CA 93514

Sirs,

This morning, @ 10:00 am, Matt Durkee, Watermaster for the Bishop Creek Water Association and myself, Donald Kunze, Trustee for the Bishop Creek Water Association visited your property to investigate complaints from surrounding neighbors of flooding of their property due to changes you have made in the ditch running through your property. After knocking and ringing your doorbell to no avail, and along with the two large vicious dogs located in your back yard, making access to the rear of your property was made impossible to inspect what was happening to cause the ditches upstream of you to overflow. With the permission of your neighbor, we were able to look through the fence and see that you have completely filled in the ditch with gravel blocking the water from continuing to flow and causing the upstream properties to flood

Modifications such as this to the ditch system are expressly forbidden and are spelled out in the BCWA bylaws which along with this letter I am leaving for you to review. We have been forced to cut the flow of water to this ditch, drying up your neighbors both upstream and downstream of your property. Please remove this obstruction so we may again restore the flow to this ditch and the people who depend on it. Failure to do so will result in the Board of the Bishop Creek Water Association to seek a remedy that will restore the water and pass any costs on to you to accomplish this result.

You are welcome to contact any BCWA board member, whose phone numbers you will find on the Bishop Creek Water Association website bishopcreekwater.org. On this site you will also find links to board meetings, where you are welcome to address the association. Meetings are held the second Tuesday of each month, currently through the Zoom format. The Zoom link for each meeting, as well as meeting agendas, are found on the website.

We appreciate your prompt attention to remedying the obstruction in the ditch on your property.

Sincerely,

Don Kunze, BCWA board member
BCWA arbitration committee member



BISHOP CREEK WATER ASSOCIATION

Post Office Box 1273
Bishop, California 93515

DRAFT

January 11, 2022

Member name

address

Bishop CA 93514

Dear Bishop Creek Water Association Member,

It has recently been brought to our attention that due to an administrative error you have been left off the Bishop Creek Water Association (BCWA) rolls. This is to notify you that you will be put on the roll and will be entitled to the benefits and obligations of the Water Association. If you are not familiar with the Bishop Creek Water Association, it was formed in 1905 by the users and appropriators of the waters of Bishop Creek for use on lands located on the Bishop Cone in the County of Inyo, State of California, for: 1) the purpose of protecting their rights to the waters of said Bishop Creek; and 2) to apportion said waters among the several users. In 1922 the court ordered Chandler Decree adjudicated the waters of Bishop Creek and the diversions by the Association of Bishop Creek waters from the main canals. This caused the members of this Association to amend the Articles of the Association to conform to the changes. A copy of the amended BCWA Articles and By-Laws is attached. A copy can also be found on the BCWA website, BishopCreekWater.org.

Provisions for membership are found in Article VIII, Sections 1-3 (pages 6-7) of the By-Laws. Following is a key applicable provision:

Section 2 – “ Any owner of real property whose property is traversed by, borders on, or has access to any stream, canal, or ditch carrying the water of Bishop Creek, and located within the boundaries as shown on Exhibit A, shall automatically be a member of this Association and shall be entitled to the benefits and burdened by the duties imposed herein. Any question of membership shall be referred to the Arbitration Committee, shall be binding upon all parties. “

The general rules, responsibilities, and practices regarding care of ditches and ponds are found in Articles IX, XI and XII (pages 7-13). Provisions regarding assessments are found in Article XIV, Sections 1-4 (pages 14-15).

BISHOP CREEK WATER ASSOCIATION

Founded in 1897

BISHOP CREEK WATER ASSOCIATION

Post Office Box 1273
Bishop, California 93515

The BCWA Board of Trustees conducts a monthly meeting on the 2nd Tuesday of each month at 7:00 pm to discuss association business. Currently meetings are being conducted via zoom due to COVID issues – information for participating is on the BCWA website. An annual membership meeting is conducted on the last Monday in January at 7:00 pm. Your participation at any of the meetings is welcome. You will begin receiving future communications to membership.

If you have an issue with water in your ditch, please contact the BCWA Watermaster at (760) 920-7981. You may also contact any one of the Board members for any issue related to the Water Association. If you have any questions regarding this, please call me at (760) 873-6209.

Sincerely,

Board of Trustees

Gene Coufal - President

Merry Armstrong

Don Kunze

Mark Frumkin

Eric Tillemans

enclosure

Cc: Holland and Allred CPA's
BCWA Board Members
BCWA Watermaster

DRAFT

BISHOP CREEK WATER ASSOCIATION

Founded in 1897

BISHOP CREEK WATER ASSOCIATION
FINANCIAL REPORT FOR THE MONTH

JANUARY 2022

CHECKING ACCOUNT BALANCE		\$	1,114.58
SAVINGS ACCOUNT BALANCE			<u>59,424.05</u>

TOTAL BANK BALANCES - December 31, 2021			60,538.63
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DEPOSITS:

Customer Deposits - Into Checking	\$	352.00
Customer Deposits - Into Savings		-
Workers Comp Refund		-
Interest Income		1.08
Transfer from Savings		<u>10,000.00</u>

TOTAL DEPOSITS		10,353.08
----------------	--	-----------

CHECKS WRITTEN:

Water Master Pay -	873.72 x 2	\$	1,747.44
Truck Allowance -	200.00 x 2		400.00
Additional Pay - Area Mapping			-
Telephone			62.14
Payroll Taxes - IRS			878.99
Payroll Taxes - State			68.94
Payroll Taxes - IRS Unemployment			45.14
Alex Printing			-
Peter Tracy - Legal Fees			-
Eastern Sierra Community Service District			300.00
State Fund Insurance			791.78
Holland & Allred - Quarterly Accounting			-
Kinzy Concrete Construction			-
Brown's			-
Transfer to Savings			-

TOTAL CHECKS WRITTEN			<u>(4,294.43)</u>
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UNION CHECKING ACCOUNT	\$	7,172.15
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UNION BANK SAVINGS		<u>49,425.13</u>
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TOTAL BANK BALANCES - January 31, 2022	\$	56,597.28
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**BISHOP CREEK WATER ASSOCIATION
FINANCIAL REPORT FOR THE MONTH**

FEBRUARY 2022

CHECKING ACCOUNT BALANCE		\$	7,172.15
SAVINGS ACCOUNT BALANCE			<u>49,425.13</u>
TOTAL BANK BALANCES - January 31, 2022			56,597.28

DEPOSITS:

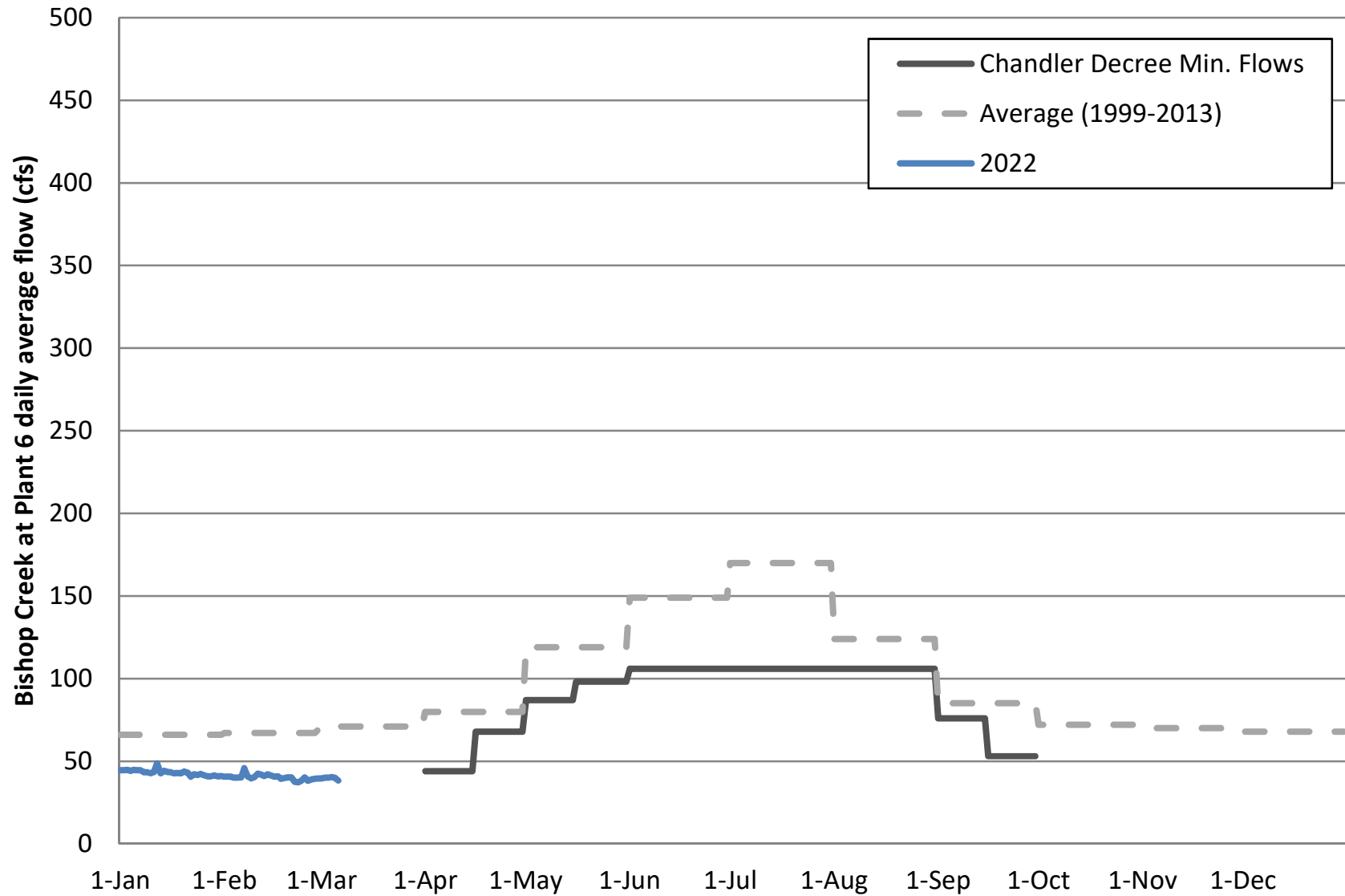
Customer Deposits - Into Checking	\$	-
Customer Deposits - Into Savings		-
Workers Comp Refund		-
Interest Income		1.12
Transfer from Savings		<u>10,000.00</u>

TOTAL DEPOSITS		10,001.12
-----------------------	--	------------------

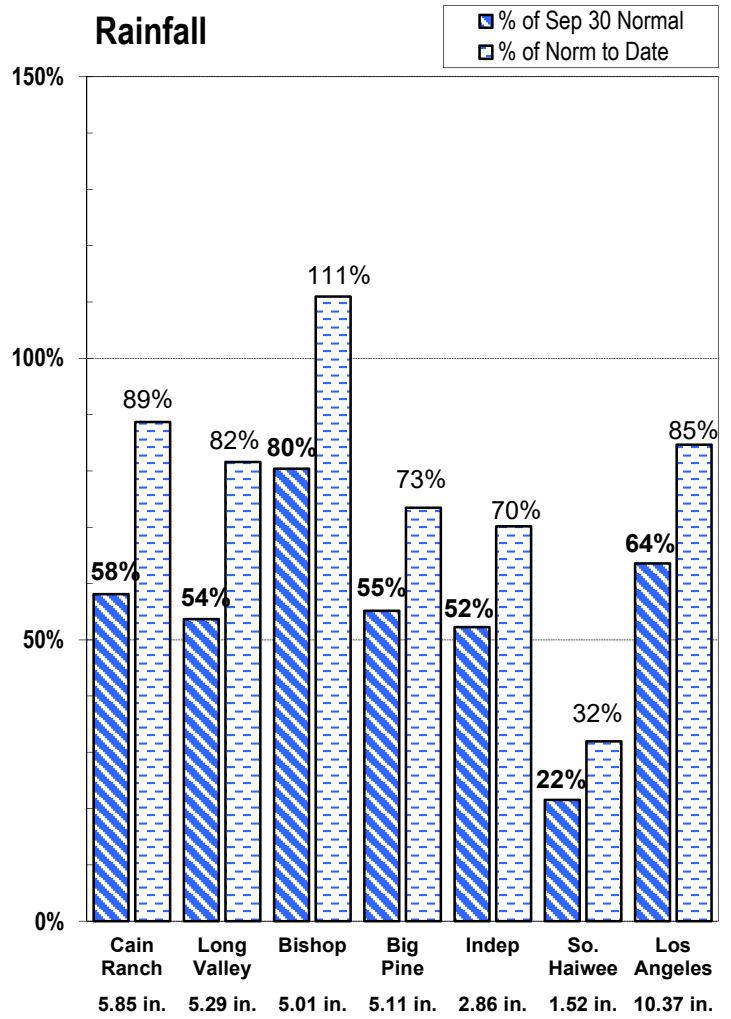
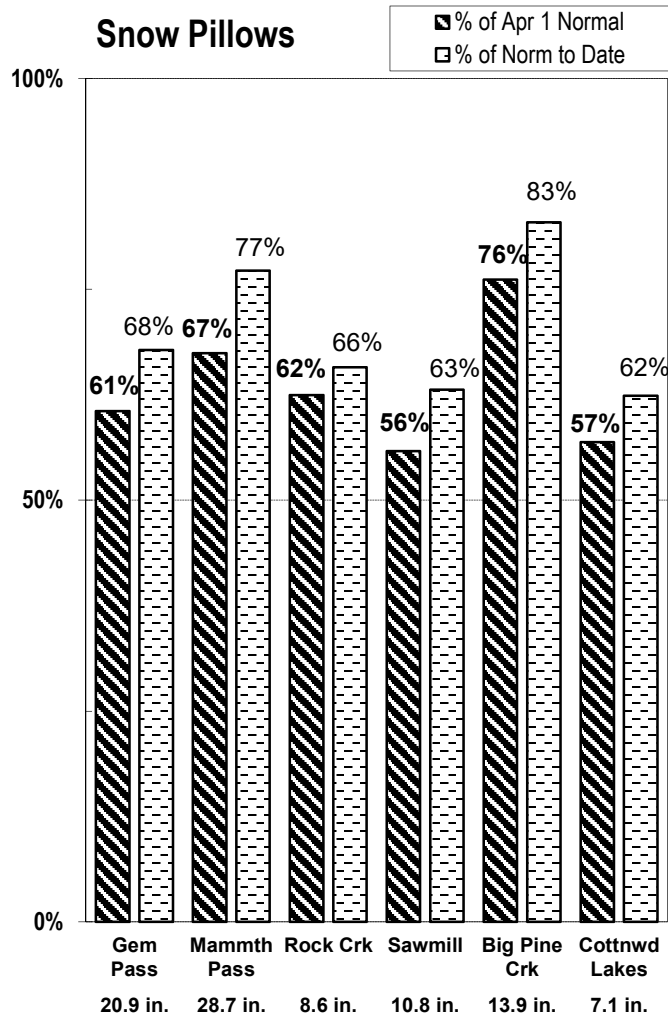
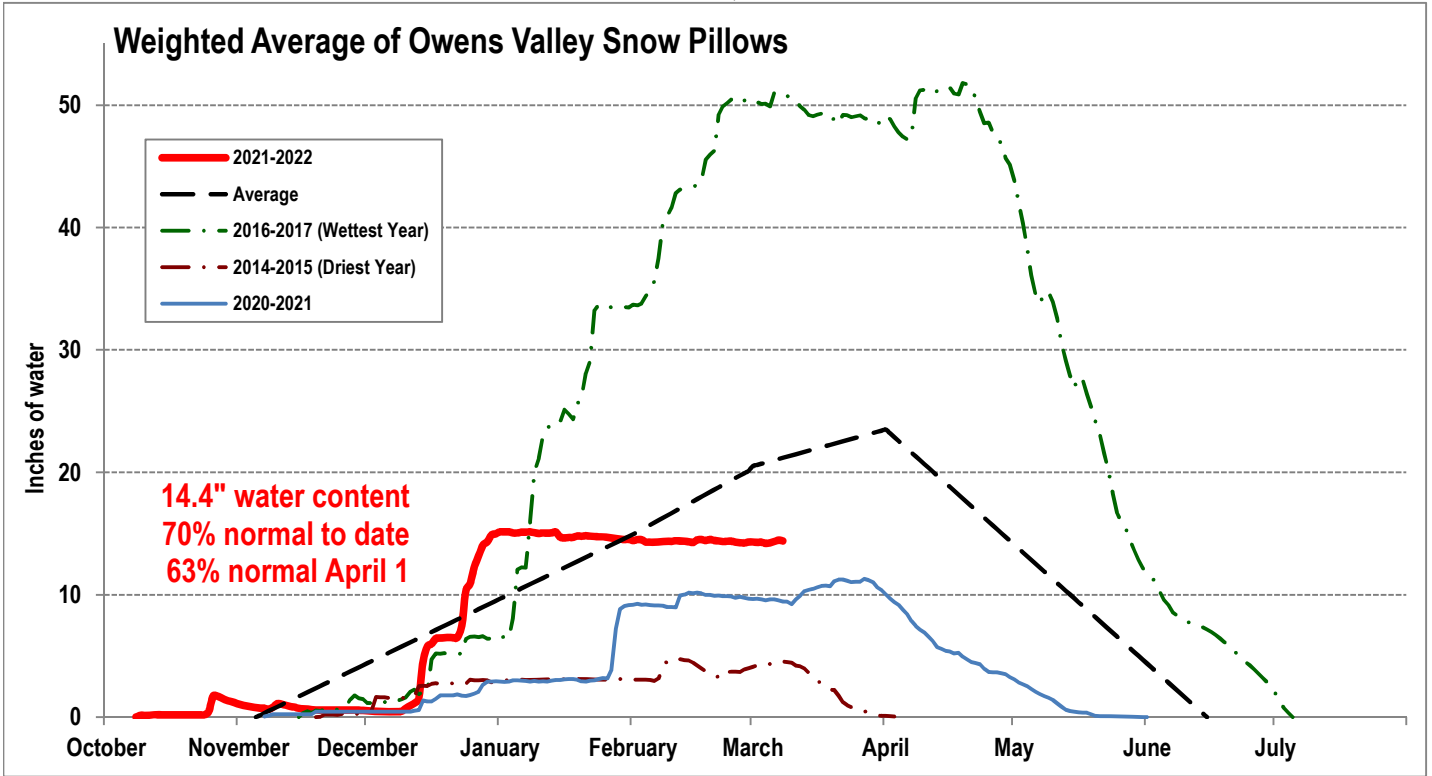
CHECKS WRITTEN:

Water Master Pay -	873.72 x 2	\$	1,747.44
Truck Allowance -	200.00 x 2		400.00
Additional Pay - Area Mapping			-
Telephone			62.23
Payroll Taxes - IRS			-
Payroll Taxes - State			-
Payroll Taxes - IRS Unemployment			-
Alex Printing			814.54
Peter Tracy - Legal Fees			-
Eastern Sierra Community Service District			-
State Fund Insurance			-
Holland & Allred - Quarterly Accounting			-
Kinzy Concrete Construction			-
Brown's			-
Transfer to Savings			-
TOTAL CHECKS WRITTEN			<u>(3,024.21)</u>
UNION CHECKING ACCOUNT		\$	14,147.94
UNION BANK SAVINGS			<u>39,426.25</u>
TOTAL BANK BALANCES - February 28, 2022		\$	53,574.19

Bishop Creek Flows at Plant 6



EASTERN SIERRA CURRENT PRECIPITATION CONDITIONS March 8, 2022



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

Approved BCWA 2022 Budget

INCOME	2019 Actual	2020 Actual	2021 Approvec	2021 Actual	2022 Approved
Assessment Rates	\$40/\$2.90	\$40/\$2.90	\$40/\$2.90	\$40/\$2.90	\$40/\$2.90
Parcels	\$32,960.00	\$33,840.00	\$33,840.00	\$34,880.00	\$33,840.00
DWP (6473.16)	\$18,772.00	\$18,772.00	\$18,772.00	\$18,777.90	\$18,772.00
City of Bishop	\$580.00	\$580.00	\$580.00	\$580.00	\$580.00
John Deerter Highland Trailer Park (96	\$278.00	\$278.00	\$278.00	\$278.40	\$278.00
Yaney LLC - Cottonwood Plaza (40.8)	\$282.00	\$282.00	\$118.00	\$244.00	\$282.00
Workers Comp. Refund		\$638.00		\$200.20	
Culvert Repair Reimbursement		\$ 2,207.45			
Past Due Assessments	\$2,594.00	\$2,533.00	\$1,500.00	\$2,070.00	\$1,500.00
Late Fee Payment	\$447.00	\$617.22	\$400.00	\$519.78	\$400.00
Interest Income	\$22.00	\$29.65	\$20.00	\$29.41	\$30.00
Total Income	\$55,935.00	\$59,777.32	\$55,508.00	\$57,579.69	\$55,682.00
EXPENSES					
Watermaster Cost - Wage	\$20,398.00	\$20,626.80	\$21,375.00	\$22,185.96	\$22,500.00
Payroll Taxes	\$3,802.00	\$3,822.35	\$4,689.00	\$4,177.21	\$4,200.00
Workers Comp. In	\$2,182.00	\$2,070.52	\$2,250.00	\$2,202.93	\$2,400.00
Truck Allowance	\$4,800.00	\$4,800.00	\$4,800.00	\$4,800.00	\$4,800.00
Phone	\$660.00	\$906.30	\$950.00	\$965.55	\$750.00
Temp. Watermaster - wage			\$1,754.00	\$0	\$1,754.00
Accounting - Holland & Allred	\$3,555.00	\$3,503.00	\$3,420.00	\$3,550.32	\$3,420.00
Insurance CRWRMA	\$4,335.00	\$4,684.00	\$4,700.00	\$4,917.00	\$4,700.00
Printing	\$1,009.00	\$922.00	\$1,400.00	\$1,010.63	\$1,400.00
U.S.P.S.	\$106.00	\$613.00	\$700.00	\$641.00	\$1,400.00
Bank Service Charge	\$31.00	\$14.00	\$100.00	\$0	\$25.00
Website	\$443.00	\$443.00	\$450.00	\$0	\$450.00
Annual Board/Employes Dinner		\$0	\$850.00	\$0	\$850.00
Attorney Fees			\$1,000.00	\$390.00	\$5,000.00
Ditch cleaning & Gate repair	\$2,256.00	\$6,532.89	\$4,000.00	\$4,097.80	\$5,000.00
One Time Map updates			\$863.26		
Zoom			\$180.00	\$74.95	\$180.00
Improvement Projects		\$5,760.00	\$26,000.00		\$26,000.00
TOTAL EXPENSES	\$43,577.00	\$54,697.86	\$79,481.26	\$49,013.35	\$84,829.00
YEAR END BANK BALANCE	\$ 46,893.00	\$ 51,972.00	\$27,999.00	\$60,538.63	\$31,391.63

Printed 1/23/2022

Bishop Creek Water Association

Customer Contact List

January 31, 2022

Balance	Account No.
257.40	11-040-10
4.00	11-180-13
88.00	11-192-44
180.00	11-320-56
220.00	11-020-07
220.00	11-120-09
4.00	10-301-15
44.00	10-301-17
92.00	11-340-13
220.00	11-320-62
176.00	11-420-10
44.00	11-370-06
638.40	11-370-04
4.00	11-110-11
-40.00	11-110-41
132.00	11-020-29
912.40	11-320-36
-60.00	11-180-35
176.00	11-420-03
44.00	11-050-20
-40.00	11-530-04
220.00	11-110-39
4.00	11-480-13
44.00	11-430-24
-4.00	11-270-18
912.40	11-320-40
44.00	11-320-73
44.00	11-170-02A
40.00	11-280-34
44.00	11-090-43
316.40	11-110-14
44.00	11-280-26
257.40	11-090-25
44.00	11-410-18
4.00	11-170-20
-40.00	11-340-33
176.00	11-110-10
-25.00	11-192-30
-260.00	11-280-21
-40.00	11-090-40
44.00	11-320-64
44.00	11-270-15
44.00	11-250-14
44.00	01-230-28
69.40	11-060-34
44.00	11-192-06
44.00	11-320-05
44.00	11-090-33
44.00	11-280-80
4.00	11-180-65
-3.00	11-090-08
4.00	11-340-35
441.40	11-120-04
257.40	11-060-22
257.40	08-140-20
257.40	08-140-37
4.00	11-520-03
-40.00	11-031-22
4.00	11-110-40
44.00	08-112-02
176.00	11-080-36
4.00	11-320-41
704.40	11-320-67
59.80	11-280-55
4.00	10-324-08
48.00	11-270-19
84.00	11-280-12
220.00	11-280-71

Bishop Creek Water Association
Customer Contact List
January 31, 2022

<u>Balance</u>	<u>Account No.</u>
132.00	08-140-32
391.40	11-080-40
44.00	11-070-48
44.00	11-120-52
291.40	01-230-03
44.00	11-340-34
180.00	11-110-60
44.00	11-280-54
132.00	11-060-42
-34.00	11-480-11
132.00	01-171-14
180.00	10-314-02
-40.00	11-320-42
4.00	11-180-17
88.00	11-180-07
4.00	08-101-14
-44.00	11-520-06
88.00	11-192-37
4.00	11-032-18
291.40	11-180-44
44.00	11-020-44
-60.00	11-040-03
-40.00	11-280-28
88.00	11-470-18
44.00	11-250-18
-40.00	11-080-21
257.40	11-280-58
4.00	01-230-27
44.00	08-120-04A
4.00	11-192-01
-80.00	11-320-11
88.00	11-120-34
4.00	11-180-30
136.00	08-140-41

From: nc3e@aol.com,
To: d_b_grah@yahoo.com,
Subject: Re: Failing Culvert on Mount Tom Road
Date: Thu, Mar 3, 2022 8:34 am

David, no need to prove it to me, I believe you. There is a similar situation at 210 South Mountain View Rd The ditch is diverted into a culvert that parallels the shoulder of the road in the right of way. We got no support from the ICRD (other than a traffic cone). I would offer to go to Inyo County on this with you but I am afraid that we have burnt to many bridges with them over this issue to be of help, but you and the other users might make some headway. Given the above, if you see where the BCWA can lend support let me know. Gene

On Mar 3, 2022, at 5:58 AM, David Grah <d_b_grah@yahoo.com> wrote:

I can understand the situation Gene, but the culvert is definitely on the right of way. I can show you the property corners on both sides of the road if you like to confirm that along with the map that created my lot adjacent to the driveway. I can get a surveyor to provide confirmation of that.

I think our next step will be to contact the county to see if there is anything we can get them to do.

Can we assume they BCWA doesn't expect any further involvement in the replacement and we just need to work with the county at this point?

On Wednesday, March 2, 2022, 08:56:22 PM MST, nc3e@aol.com <nc3e@aol.com> wrote:

David, I went out to look at the culvert today. Without a survey it does look like it is not in the street and as such the water association would look to the property owner to replace it if it failing. I know it is complicated by being a private road, and that would possibly make it a negotiation among the users (and perhaps the Inyo County Road Dept. but I won't hold my breathe). Unfortunately, I don't think the BCWA board can be of much help as two years ago the ICRD told us that they will no long work with us to unplug or replace culverts, i.e., we are now on are own. You could bring the issue to the board at a monthly meeting, but based on BCWA practices regarding private property is that maintaining of conveyance across the subject property is paramount and it is the owners responsibility on their property. Sorry to be of no help, Gene

-----Original Message-----

From: David Grah <d_b_grah@yahoo.com>
To: nc3e@aol.com <nc3e@aol.com>
Sent: Mon, Feb 14, 2022 3:50 pm
Subject: Failing Culvert on Mount Tom Road

Hi Gene. I hope you are well and sorry I only seem to have the occasion to communicate with you these days are with ditch issues!

For several years the culvert that carries the Bishop Creek Water Association ditch down the west side of Mount Tom Road where it crosses the private road approach near the north end of Mount Tom has been failing. The culvert is on county right of way between my property at 397 Mount Tom Road and 379 Mount Tom Road, a house owned by the City of Los Angeles Department of Water and Power (DWP crews have been involved in clearing the culvert from time to time due to this, I guess).

For whatever reason, this winter has been hard on this culvert, sink holes have appeared, and it looks like it should be replaced soon. The neighbor that owns the property the dirt road is on (that I and some other properties use for access) thinks it had something to do with periodic flooding that came down Mount Tom Road from the south due to freezing and inadequate private ditch maintenance. I am not sure about that.

Several years ago a neighbor that moved away discussed this failing culvert with the BCWA and the county, but as far as I know those discussions never came to conclusion. I don't know the details of those discussions but you may have some record of them.

As I remember, the BCWA does not have the resources to replace failing culverts such as this but, sometimes, in conjunction with others (like the City of Bishop in my experience where as I remember the BCWA bought the materials), the BCWA could participate in the replacement. Is this still the case? Has the county participated in the replacement of culverts on their property similar to the city did? Any suggestions of how we could best approach this?

Thanks.

David Grah
397 Mount Tom Road

SHSD

(E) STREAM TO BE RELOCATED

(E) FLOW CONTROL GATE TO BE RELOCATED

CONCRETE TRANSITION BOX - (N) 16" ϕ PIPE TO 3 (E) 8" ϕ PIPES W/ STEEL GATE

16" ϕ PIPE

LINE OF PATIO

Patio 288 SF

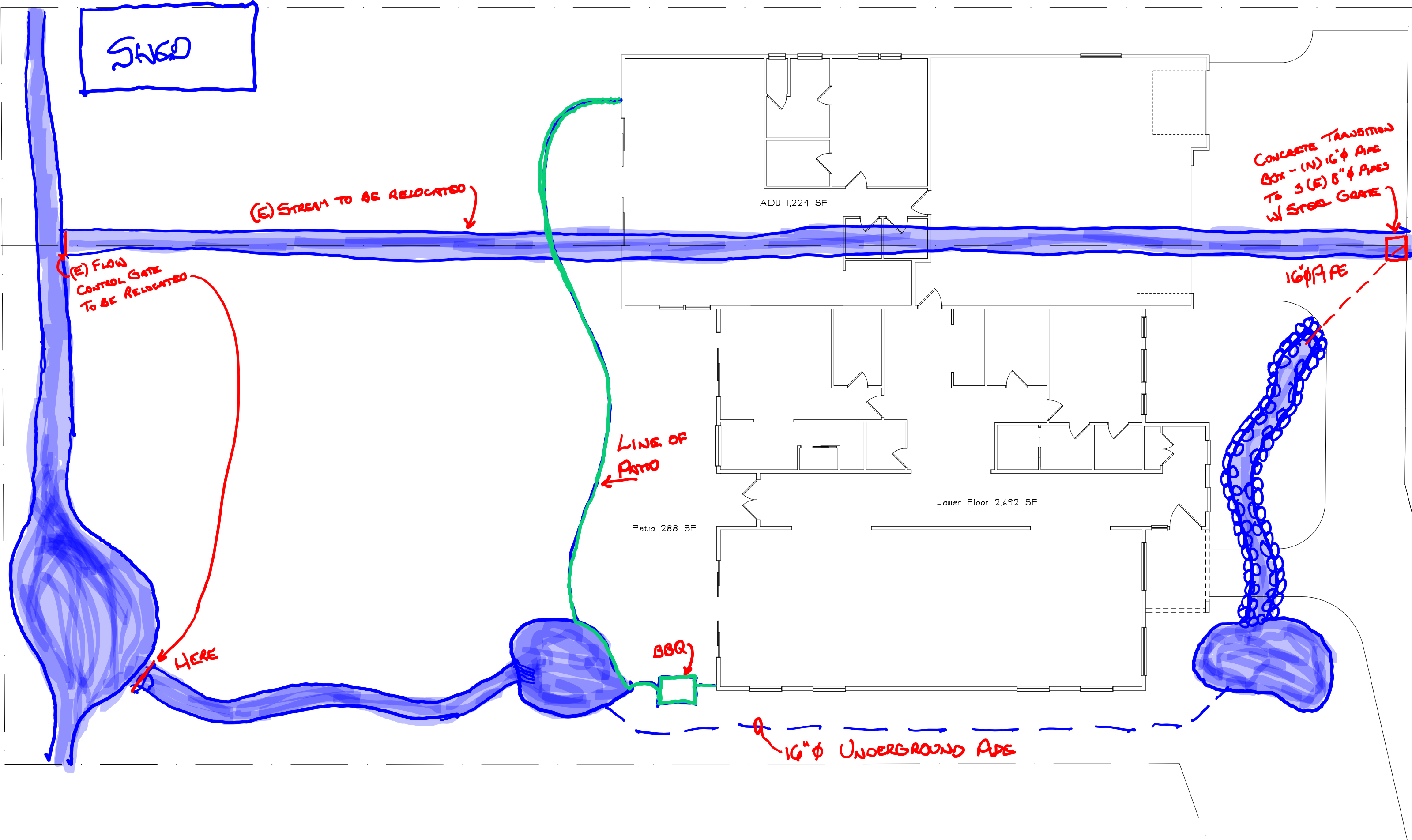
ADU 1,224 SF

Lower Floor 2,692 SF

BBQ

HERE

16" ϕ UNDERGROUND PIPE



Bishop Creek Water Association
Emergency Board Meeting Summary
January 24th, 2021

Called to order at 3:24 pm

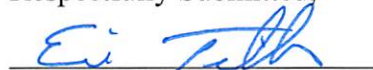
Attendees: Gene Coufal, Mark Frumkin, Merry Armstrong, Eric Tillemans and Don Kunze

Meeting Re: Letter from DA for Possible California Department of Wildlife Violation

Gene contacted Attorney Josh Hillemeier. Merry and Gene met with him yesterday afternoon to discuss the letter received from the Inyo County District Attorney (ICDA). Mr. Hillemeier said that he would represent the BCWA at the March 3 meeting with the ICDA, but the BCWA will have to provide \$1,500 as a retainer to get him up to speed. He suggested that we work with him to prepare a brief for the meeting, which Gene will work on and circulate. Don motioned to approve paying the \$1,500 retainer and Mark seconded it. The vote was unanimous to approve to motion.

Adjourned at 4:00 pm

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Eric Tillemans", is written over a horizontal line.

Eric Tillemans

Secretary
Bishop Creek Water Association



THOMAS L. HARDY
District Attorney

Independence:
P.O. Drawer D
Independence, CA 93526
760 878-0282 Fax 760 878-2383

Bishop:
1360 N Main Street
Bishop, CA 93514
760 873-6657

County of Inyo
DISTRICT ATTORNEY

February 8, 2022

OFFICE CITATION

Eugene Coufal, President
Bishop Creek Water Association
2482 Sunrise Drive
Bishop, CA 93514

Dear Mr. Coufal:

The Department of Fish & Wildlife has requested that our office issue a Complaint charging the Bishop Creek Water Association with a violation of California Fish and Game Code Section 1602(a)(1), failure to notify of an alteration to a stream bed. This relates to an incident occurring on or about November 2, 2021 in the West Bishop area.

In the interests of justice and as a courtesy to the Association, I will delay action on the requested Complaint until on or after March 3, 2022 at 10:30 a.m, at which time you may appear in our office located at 1360 N Main Street, Bishop, California. You may bring anyone with you whom you desire to be present, including counsel and/or other members of the governing Board of the Association.

If the time and/or date is inconvenient for you, please call (or email thardy@inyocounty.us) and we can find a date and time that works for all concerned. Of course, the Association is under no obligation to meet with me regarding this incident.

Very truly yours,

THOMAS L. HARDY
DISTRICT ATTORNEY

0036859