Bishop Creek Water Association

Monthly Board Meeting Agenda
October 11, 2022
7:00 pm
Meeting To Be Conducted via Zoom

1. Opening and Introduction
2. Acceptance of the Board Meeting Summaries for August 9 and September 13, 2022
3. Approval of the August and September Financial Reports
4. Bishop Creek Precipitation, Flow, and Storage Report
5. Old Business
   a. Future BCWA Board
   b. Obstruction in Nelligan Ditch at Norberg/O'Brien/Scott's
   c. Tampering with Diversion Box on 812 East Yaney St.
   d. Tampering with Diversion Box on SE corner of Barlow Ln And Underwood Ln
   e. Request to Discontinue/Abandon Ditch to 561 Lagoon St
   f. Ditch Relocation at NW corner of Carol Ln. (parcel no 011-510-27)
   g. Membership Reconciliation (mapping)
   h. Collection of Past Due Assessments
   i. Filing for Water Rights
   j. BCWA Policy for Handling of Plugged Street Culverts
   k. Inyo County Road Department Policy regarding Plugged/Deteriorated Street Culverts
   l. Ditch Diversion Box Repair/Rebuild Project
   m. Bishop Tribe BCWA Membership?
6. Watermaster Report
   a. Reinhackle Ditch at Mt Tom Rd.
   b. Other
7. New Business
   a. Other (by Board or members in good standing)
8. Next Monthly Board Meeting– November 8, 2022, at 7:00 p.m.
9. Adjournment

Bishop Creek Water Association
Monthly Board Meeting Summary
August 9th, 2022
7:00 pm
Meeting Conducted via Zoom

1. **Opening and Introduction**

   BWCA meeting called to order 7:01 pm. Trustees in attendance: Merry Armstrong, Mark Frumkin, Don Kunze and Eric Tillemans. Trustee Gene Coufal was absent. Watermaster Matt Durkee was present.

2. **Acceptance of the July 12th, 2022, Monthly Meeting Summary**
   The July 12th, 2022, Monthly Meeting Summary was unanimously approved as written.

3. **Approval of the July Financial Report**
   The July Financial Report was unanimously approved.

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

   The rains at the end of July and into August were able to maintain storage levels.

5. **Old Business**
   a. Operation Plan for Low Flow Due to 2022 Drought Conditions: Mark motioned to approve plan. Don seconded and it passed unanimously.
   b. Obstruction in Nelligan Ditch at Norberg/O'Brien/Scott's: On Hold due to uncertainty of the Norberg estate.
   c. Tampering with Diversion Box at Norberg/Obrien/Scott's: Don motioned to approve the purchase of cameras up to $500. Mark seconded and the purchase was approved unanimously.
   d. Tampering with Diversion Box at 812 Yaney St: LADWP installed new boards and Matt reported that it is working.
   e. Request to Discontinue/Abandon Ditch to 561 Lagoon St: Matt discussed and there has been no letter sent.
   f. Membership Reconciliation (mapping): Merry is working through the maps and membership files.
   g. Collection of Past Due Assessments: On Hold
   h. Filing for Water Rights: On Hold
   i. BCWA Policy for Handling of Plugged Street Culverts: On Hold
   j. Inyo County Road Department Policy regarding Plugged/Deteriorated Street Culverts: Nothing new
   k. Ditch Diversion Box Repair/Rebuild Project: Nothing New
   l. Ditch Relocation at NW corner of Carol Ln. (parcel no 011-510-27): Nothing New

m. Bishop Tribe BCWA Membership: No action, to remain on Agenda as placeholder.
n. Future BCWA Board: Table until next meeting.

6. **Watermaster Report**
Matt received 38 calls and 12 texts
   a. McLaren Ditch Flow: The flows have been good since the lock installation.
   b. Reinhackle Ditch at Mt Tom Road: Matt is not sure where pipes lead to.

7. **New Business**
   a. Issue between William & Margaret Egan and Chris Conn. Chris does not want to allow the Egan's access to his property to make flow changes for irrigation of the Egan's property. The Egan's feel as the board is not applying enough pressure to resolve the issues brought forward in their letter to the Board on July 18th. Chris Conn says that there are issues with the ditch that need to be repaired. The Water and Arbitration Committee will make a site visit. Chris agreed to have Matt put the board in as a temporary solution.

8. **Next Monthly Board Meeting– The next monthly Board meeting will be on September 13th, 2022 at 7:00 pm via Zoom.**

9. **Adjournment**

This meeting was adjourned at 7:57 pm.

Respectfully Submitted,

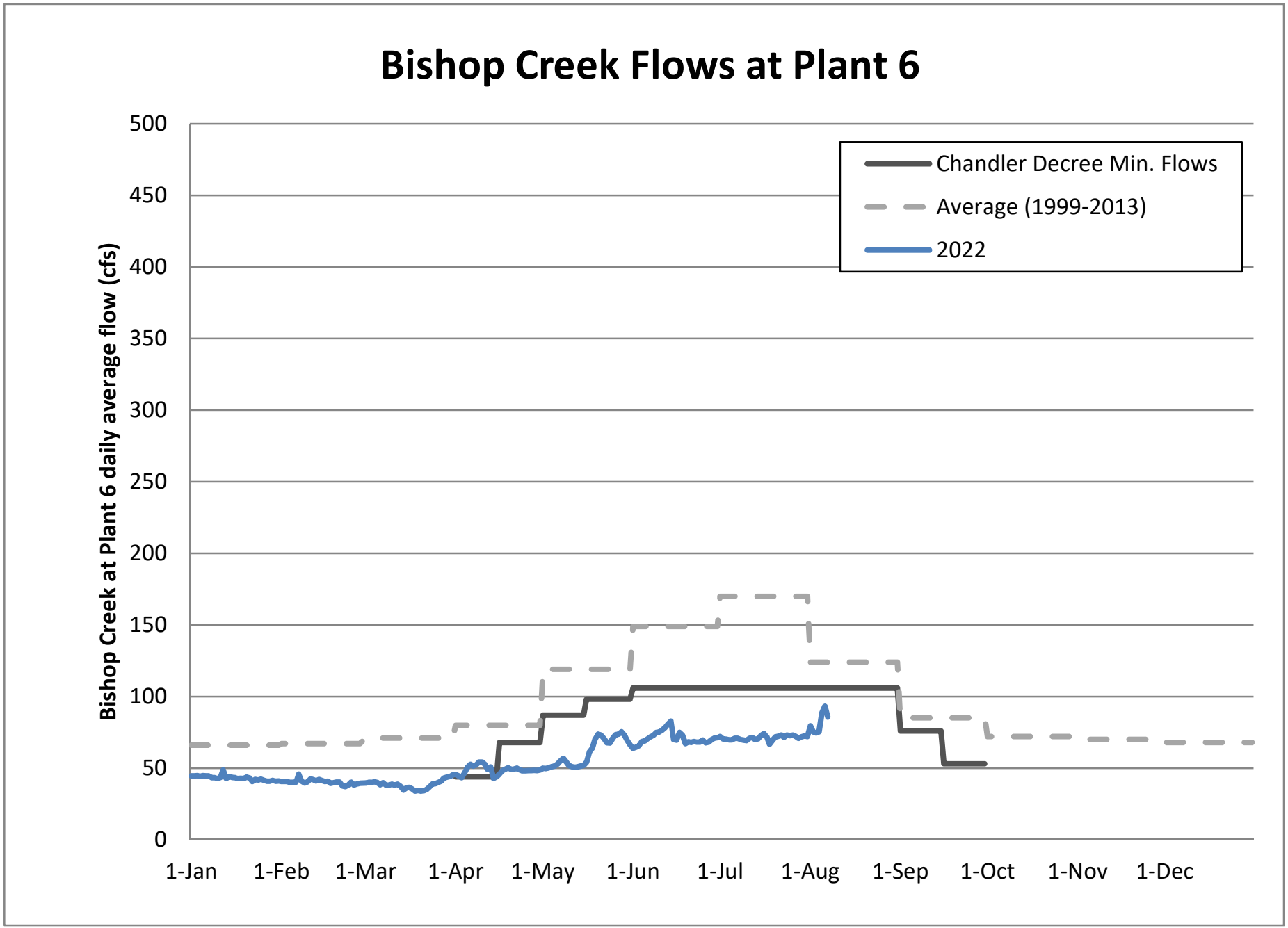
Eric Tillemans

Secretary
Bishop Creek Water Association

BISHOP CREEK WATER ASSOCIATION
FINANCIAL REPORT FOR THE MONTH

JULY 2022

CHECKING ACCOUNT BALANCE			$ 23,659.09
SAVINGS ACOUNT BALANCE			60,574.80
TOTAL BANK BALANCES - June 30, 2022			84,233.89
DEPOSITS:			
Customer Deposits - Into Checking		$ -	
Customer Deposits - Into Savings		2,134.00	
Workers Comp Refund		103.75	
Interest Income		2.49	
Transfer from Savings		-	
TOTAL DEPOSITS			2,240.24
CHECKS WRITTEN:			
Water Master Pay -	896.52 x 2	$ 1,793.04	
Truck Allowance -	200.00 x 2	400.00	
Additional Pay - Vacation Time		-	
Telephone		69.22	
Payroll Taxes - IRS		898.11	
Payroll Taxes - State		76.99	
Payroll Taxes - IRS Unemployment		-	
USPS - PO Box Rent		182.00	
Alex Printing		-	
Eric Tilleman - Zoom Service		194.87	
State Fund Insurance		490.25	
Holland & Allred - Quarterly Accounting		-	
Devon's Flowers - Stevens		100.05	
Brown's		-	
Transfer to Savings		-	
TOTAL CHECKS WRITTEN			(4,204.53)
UNION CHECKING ACCOUNT			$ 19,558.31
UNION BANK SAVINGS			62,711.29
TOTAL BANK BALANCES - July 31, 2022			$ 82,269.60


Bishop Creek Flows at Plant 6
Bishop Creek at Plant 6 daily average flow (cfs)
500
450
400
350
300
250
200
150
100
50
0
1-Jan
1-Feb
1-Mar
1-Apr
1-May
1-Jun
1-Jul
1-Aug
1-Sep
1-Oct
1-Nov
1-Dec
Chandler Decree Min. Flows
Average (1999-2013)
2022

BISHOP CREEK WATER ASSOCIATION
Post Office Box1273
Bishop, California 93515

Draft BCWA Plan for Distribution of Bishop Creek Water Diversions During 2022 Low Flow Periods

The Articles and By-Laws of the BCWA provide for the protection of BCWA member water rights and has the responsibility for the equitable (fair, impartial, and just) apportioning and delivering of waters diverted from Bishop Creek.

The Chandler Decree (1922) adjudicated the water rights of users as a group within the boundaries of the BCWA and provides for ditch water flows consistent with the historic uses. The Chandler Decree provides that the identified defendant properties "… own the prior rights to appropriate, divert and use the water of Bishop creek in said Inyo County, for the purposes of irrigation, domestic use and watering live stock, on said lands …" (Chandler Decree, page 2, paragraph I.). Further, the Chandler Decree provides a schedule for minimum flows on Bishop Creek for to be "… available for appropriation, diversion, and uses by said defendants, …" The schedule provides for specific minimum Bishop Creek flows from April 1 to September 30th "… excepting on those days during which the average daily natural flow of Bishop Creek … is less that such flow schedule, then on such days to the extent of such average daily natural flow." (Chandler Decree page 68, Paragraph II.).

The BCWA Articles and By-Laws provide that:
"WHEREAS since said Chandler Decree adjudicating the said waters of Bishop Creek and the said diversions by the Association of said waters from the main canals, the members of this Association believe that the best interests of all would be served by amending said Articles of the Association so as to conform to the changed conditions;

NOW, THEREFORE, the undersigned owners of over half of said lands on the Bishop Cone described in the said Chandler Decree and shown on Exhibit "A" attached hereto and entitled to over half of the said waters adjudicated to said lands, agree that said Articles of this Association shall be amended and adopted as follows:

We, the undersigned, users of water and appropriators of water in that certain stream known as Bishop Creek, and owners of lands defined in an instrument referred to herein as the Chandler Decree, and shown on Exhibit "A" hereof, which decree allots the waters of Bishop Creek to the owners of said lands, said lands being situated in the County of Inyo, State of California, do hereby associate ourselves under the name of "BISHOP CREEK WATER ASSOCIATION" and in consideration of the benefits to be derived from said association mutually agree to and adopt the following articles of association, by-laws and rules.

***FIRST:** The Association shall in its associate capacity protect the joint and several rights of the members thereof in and to the use of the water of the said Bishop Creek as said water is allocated by said Chandler Decree, including the diverted waters of Birch Creek and shall provide for the delivery of said waters of Bishop Creek, including the diverted waters of Birch Creek for the use of the members of this Association from the main canals shown on said Exhibit "A", through lateral canals and ditches in the manner and to the extent hereinafter provided.*

***SECOND:** To equitably apportion between and among the members of this Association the*

said waters of Bishop Creek, including the diverted waters of Birch Creek, as said flow is allotted under the aforementioned Chandler Decree and the report of referee upon which said decree is based. …"

Snow melt runoff in the Eastern Sierra is at an extremely low level. Prior to 2014 there was no runoff year on record (~90 years) that was below 50% of the long-term average. Now, not only have there been three snow melt runoffs that have fallen below 50 % of the long-term average in the past 8 years (2014-15, 2021-22 and now 2022-23) but the two most recent have been back-to-back.

Based on experience gained in these and other past very low runoff years it is a foregone conclusion that there is not sufficient water in the Bishop Creek Drainage for the current runoff year to meet the Chandler Decree specified water releases.

This has prompted the BCWA Board of Trustees to develop a plan to guide water deliveries to BCWA members this year. These guidelines have been developed utilizing the experiences gained from the 2014-15 runoff year and in consultation with BCWA users. The guidelines for distribution water this year will be as follows:

1) If water flows from Bishop and Birch creeks diminish due to lack of runoff and exhausted reservoir storage, every effort will be made to maintain equitable distribution of all available water within the BCWA's area of control as outlined in the BCWA By-Laws and the Chandler Decree. LADWP, the majority shareholder in the BCWA, and the BCWA Watermaster will cooperatively work together to adjust headgates feeding both BCWA and LADWP ditches to accomplish this goal. LADWP's water distribution personnel will communicate regularly and continue to work with the BCWA Watermaster in the ongoing adjustment of all BCWA water flows to its members properties.
2) Initially, the BCWA Watermaster and LADWP water distribution personnel will work together to keep all residential ditches wet with the water available.
3) If water flows from Bishop and Birch creeks drop to a point where not all residential ditches can be kept wet, ditches that do not meet the Chandler Decree criteria of irrigation, stockwater, or domestic use (household uses), will be the first to see the effect of insufficient ditch water.
4) If water flows from Bishop and Birch creeks continue to drop below the above level, the next impact of the reduced flow will be to ditches in areas where the BCWA properties are part of a community water system that can be relied upon for a source of water.
5) If water flows from Bishop and Birch creeks drops further and additional reductions are required, other reduction options will have to be considered and will be dealt with as appropriate at that time.

ELC:7.12.22

DRAFT

Bishop Creek Water Association
A/R Aging Summary
As of July 28, 2022

	Current	1 - 30	31 - 60	61 - 90	> 90	TOTAL
Almeida Trust, Anne	0.00	4.00	40.00	0.00	257.40	301.40
Anziano, Betty	0.00	4.00	40.00	0.00	4.00	48.00
Arnal, Mike & Cari	0.00	4.00	40.00	0.00	88.00	132.00
Baker Trust Dtd	0.00	0.00	0.00	0.00	112.00	112.00
Barton, Floyd	0.00	4.00	40.00	0.00	220.00	264.00
Becker, Raymond & Teresa	0.00	4.00	40.00	0.00	0.00	44.00
Berkman, Bruce	0.00	4.00	40.00	0.00	0.00	44.00
Beswick Family Trust	0.00	4.00	40.00	0.00	220.00	264.00
Blain, Martha	0.00	4.00	40.00	0.00	92.00	136.00
Boyd, Daniel	0.00	4.00	40.00	0.00	0.00	44.00
Broward Trust Dtd	0.00	4.00	40.00	0.00	220.00	264.00
Brown Trust, Carol Anne	0.00	4.00	40.00	0.00	176.00	220.00
Burke, Stacey	0.00	4.00	40.00	0.00	0.00	44.00
Busby Trust Dtd 6/04	0.00	4.00	40.00	0.00	44.00	88.00
Cadmus, James & Glenna	0.00	4.00	40.00	0.00	638.40	682.40
Canfield, Dorothy	0.00	4.00	40.00	0.00	0.00	44.00
Capp - Schumann Trust	0.00	4.00	0.00	0.00	0.00	4.00
Capp, Dennis	0.00	4.00	0.00	0.00	0.00	4.00
Cassel, Doniece	0.00	4.00	40.00	0.00	4.00	48.00
Castillo, Jan & Cuellar, Blanca	0.00	4.00	40.00	0.00	0.00	44.00
Cervantes, Jeremiah & Christina	0.00	4.00	40.00	0.00	0.00	44.00
Christian, Linda	0.00	4.00	40.00	0.00	0.00	44.00
Clair, Garrett & Shanel	0.00	4.00	40.00	0.00	0.00	44.00
Clancey, Shirley	0.00	4.00	40.00	0.00	912.40	956.40
Coffman, Cody & Alesha	0.00	4.00	40.00	0.00	0.00	44.00
Cortez, Jon	0.00	4.00	40.00	0.00	176.00	220.00
Cox, Carl & Vicki	0.00	4.00	40.00	0.00	44.00	88.00
Davis, William H	0.00	4.00	40.00	0.00	0.00	44.00
Decker, Wayne	0.00	4.00	40.00	0.00	220.00	264.00
Dishion, Deston & Susan	0.00	4.00	36.00	0.00	0.00	40.00
Dunaway, Nela	0.00	4.00	40.00	0.00	0.00	44.00
Ellsworth, Joshua	0.00	4.00	0.00	0.00	0.00	4.00
Ferber, Richard	0.00	4.00	40.00	0.00	912.40	956.40
Franco, Abel & Regalado, Adriana	0.00	4.00	40.00	0.00	44.00	88.00
Fronczak, Thomas	0.00	4.00	40.00	0.00	0.00	44.00
Gannon, William & Lynn	0.00	4.00	40.00	0.00	44.00	88.00
Garbarini, Joann	0.00	4.00	40.00	0.00	40.00	84.00
Gilstrap, Timothy & Summer	0.00	4.00	0.00	40.00	0.00	44.00
Goede, Charles & Nicole	0.00	4.00	40.00	0.00	0.00	44.00
Grah, David	0.00	4.00	0.00	0.00	0.00	4.00
Habstritt, Gladyce	0.00	4.00	40.00	0.00	316.40	360.40
Harding, Todd	0.00	4.00	40.00	0.00	0.00	44.00
Haro, Rafael & Santana, Leonor	0.00	4.00	40.00	0.00	0.00	44.00
Hiatt Family Trust	0.00	4.00	40.00	0.00	257.40	301.40
Higginbotham III, Allen	0.00	4.00	0.00	0.00	0.00	4.00
Hinson, David & Yolanda	0.00	4.00	40.00	0.00	44.00	88.00
Hoang, Kelvin	0.00	4.00	40.00	0.00	0.00	44.00
Huntsinger, Anthony	0.00	4.00	40.00	0.00	0.00	44.00
Jacobs, Daniel	0.00	4.00	40.00	0.00	176.00	220.00
Jamieson, Dale & Susan	0.00	4.00	40.00	0.00	0.00	44.00
Jesionek, Adam	0.00	4.00	40.00	0.00	0.00	44.00
Johnson, Jeff & Elizabeth	0.00	4.00	40.00	0.00	0.00	44.00
Johnston, Kelvin & Tracy	0.00	4.00	40.00	0.00	44.00	88.00
Joos, Nicholas & Jennifer	0.00	4.00	0.00	0.00	0.00	4.00
Katzenstein, Yvonne	0.00	4.00	40.00	0.00	0.00	44.00
Kennedy, Jeffrey	0.00	4.00	40.00	0.00	0.00	44.00
Kilgore, Shawn & Melissa	0.00	4.00	40.00	0.00	0.00	44.00
La Rue, Dan & Karen	0.00	4.00	40.00	0.00	0.00	44.00
Lawrence Family Trust, Dtd 1983	0.00	4.00	40.00	0.00	44.00	88.00
Leathum Trust	0.00	4.00	40.00	0.00	69.40	113.40
Leavitt, Scott & Qian, Helen	0.00	4.00	40.00	0.00	44.00	88.00
Lehr, Andrew & Julie	0.00	4.00	36.00	0.00	0.00	40.00
Lewis, Tab	0.00	4.00	40.00	0.00	44.00	88.00
Lopez, Crystal	0.00	4.00	40.00	0.00	44.00	88.00
Machado, Greg	0.00	4.00	40.00	0.00	0.00	44.00
Martinez, Marti & Deborah	0.00	4.00	40.00	0.00	0.00	44.00

Bishop Creek Water Association
A/R Aging Summary
As of July 28, 2022

	Current	1 - 30	31 - 60	61 - 90	> 90	TOTAL
Martinez, Moriah	0.00	4.00	40.00	0.00	0.00	44.00
Martinez, Moriah !!	0.00	4.00	40.00	0.00	0.00	44.00
Martinez, Moriah J	0.00	4.00	40.00	0.00	0.00	44.00
Matlick Trust Dtd	0.00	4.00	40.00	0.00	0.00	44.00
McClay Trust	0.00	4.00	0.00	0.00	0.00	4.00
McClay, Michael & Suzanne	0.00	4.00	0.00	0.00	0.00	4.00
McDermott, John	0.00	4.00	0.00	0.00	0.00	4.00
McMullen Tr, James & Penny	0.00	4.00	40.00	0.00	0.00	44.00
McMurry, Daniel	0.00	4.00	40.00	0.00	441.40	485.40
McMurry, Daniel L	0.00	4.00	40.00	0.00	257.40	301.40
Metcalf Jr, Joel	0.00	4.00	40.00	0.00	257.40	301.40
Metcalf Jr, Joel David	0.00	4.00	40.00	0.00	257.40	301.40
Miller, Michael & Rochelle	0.00	4.00	40.00	0.00	0.00	44.00
Moore Family Trust Dtd	0.00	4.00	40.00	0.00	0.00	44.00
Mullner, Jeffrey & Emily	0.00	4.00	40.00	0.00	0.00	44.00
Munassar, Faiz & Theresa	0.00	4.00	40.00	0.00	0.00	44.00
Nimmo, Philip	0.00	4.00	40.00	0.00	4.00	48.00
Noland Trust	0.00	4.00	40.00	0.00	0.00	44.00
O'Brien Trust, James K.	0.00	4.00	40.00	0.00	176.00	220.00
Olsen, Mark	0.00	4.00	40.00	0.00	704.40	748.40
Olson, David	0.00	0.00	0.00	0.00	59.80	59.80
Partridge Trust	0.00	4.00	40.00	0.00	48.00	92.00
Patterson, Michael & Alison	0.00	4.00	40.00	0.00	84.00	128.00
Peek, Brady & Kelsey	0.00	4.00	40.00	0.00	220.00	264.00
Philbrick Trust	0.00	4.00	40.00	0.00	0.00	44.00
Phillips, Elizabeth	0.00	4.00	40.00	0.00	132.00	176.00
Plewinski, Debi	0.00	4.00	40.00	0.00	391.40	435.40
Pratt, David & Rickie	0.00	4.00	40.00	0.00	44.00	88.00
Primrose Appts, LLC	0.00	4.00	40.00	0.00	44.00	88.00
Prono Jr Tr, Ed & Mary	0.00	4.00	40.00	0.00	291.40	335.40
Pusina, Taro	0.00	4.00	40.00	0.00	0.00	44.00
Rancho Costalotta Properties	0.00	4.00	40.00	0.00	44.00	88.00
Rasmussen, Paul	0.00	4.00	40.00	0.00	180.00	224.00
Reid, Floyd & Margaret	0.00	4.00	40.00	0.00	0.00	44.00
Ricksecker, Tavis	0.00	4.00	40.00	0.00	0.00	44.00
Riesen, Karl & Angela	0.00	4.00	40.00	0.00	0.00	44.00
Robison, Kimberly	0.00	4.00	40.00	0.00	132.00	176.00
Romero, Brock & Tawni	0.00	4.00	0.00	0.00	0.00	4.00
Rowell, Edward	0.00	4.00	0.00	40.00	132.00	176.00
Rubio, Robert	0.00	4.00	40.00	0.00	180.00	224.00
Russi, Terry	0.00	4.00	40.00	0.00	0.00	44.00
Sawyer, Thomas & Susan	0.00	4.00	40.00	0.00	0.00	44.00
Schat, Erick & Kathryn	0.00	4.00	40.00	0.00	0.00	44.00
Shefet, Danielle	0.00	4.00	40.00	0.00	88.00	132.00
Shepherd, John	0.00	4.00	0.00	0.00	0.00	4.00
Snyder, William & Khanthong	0.00	4.00	40.00	0.00	291.40	335.40
Spector, Irwin & Norma	0.00	4.00	40.00	0.00	0.00	44.00
Stenzel, Alexander	0.00	4.00	40.00	0.00	44.00	88.00
Suen, Eric & Li, Tyson	0.00	4.00	40.00	0.00	0.00	44.00
Surber, David & Jacqueline	0.00	4.00	40.00	0.00	0.00	44.00
Switzer, Kevin & Annette	0.00	4.00	40.00	0.00	0.00	44.00
Symanovich, Anton	0.00	4.00	40.00	0.00	0.00	44.00
Symons, Judd & Gina	0.00	4.00	40.00	0.00	88.00	132.00
Tanner, Robert	0.00	4.00	0.00	0.00	0.00	4.00
Thomas, Albert & Raylene	0.00	4.00	40.00	0.00	0.00	44.00
Tomczik, Melvin & Deborah	0.00	4.00	40.00	0.00	0.00	44.00
Toth, Jr. Robert	0.00	4.00	40.00	0.00	0.00	44.00
Truxillo, Henry & Bryson, Sarah	0.00	4.00	40.00	0.00	4.00	48.00
Tucker, Callum & Marsha	0.00	4.00	40.00	0.00	0.00	44.00
Turnbow, Charles & Katherine	0.00	4.00	0.00	0.00	0.00	4.00
United States of America USFS	0.00	4.00	40.00	0.00	44.00	88.00
Wayland Trust	0.00	4.00	40.00	0.00	88.00	132.00
Yaney Apartments, LLC	0.00	4.00	40.00	0.00	136.00	180.00
Yoon, Janet Suzie	0.00	4.00	40.00	0.00	0.00	44.00
Ziegler, Richard	0.00	4.00	40.00	0.00	0.00	44.00

Bishop Creek Water Association
A/R Aging Summary
As of July 28, 2022

	Current	1 - 30	31 - 60	61 - 90	> 90	TOTAL
TOTAL	0.00	516.00	4,552.00	80.00	10,415.80	15,563.80

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

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

FROM: Bill & Maggie Egan

DATE: February 20, 2018

Hello.

In follow up to the issue we brought to the October 2017 Board meeting (a copy of our letter is attached), Mr. Don Kunze came by our home the week of October 22, 2017, to inform us that he had looked at the water ditch situation on our property and the property of Chris Conn, our neighbor to the west. Mr. Kunze told Maggie that he had spoken with Mr. Conn about his responsibility regarding our access to adequate water for irrigating our property. Mr. Kunze said that Mr. Conn agreed not to prevent us from blocking his eastern ditch when we flood irrigate (which we are 100% reliant on as we do not have sprinklers). Mr. Kunze said that Mr. Conn requested we use his front gate to reach the ditch that needs to be blocked in order for us to receive adequate flow for flooding, rather than the gate in our fence that accesses that ditch directly. We agreed at the time.

However, since October 2017, Mr. Conn has installed an electric/electronic gate at the front of his property. We do not have a code or remote control for that gate, nor do we want either of those things. So we are notifying you that we are not able to comply with Mr. Conn's request and will be utilizing the gate in our fence that was put there by the former owners of both properties for the express purpose of accessing the ditch for flood irrigation activities.

Thank you.

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

TO: Board of Directors
Bishop Creek Water Association

FROM: Bill & Maggie Egan

DATE: October 5, 2017

Hello.

We are sorry to bother you but we are having a water-related problem that we have been unable to resolve on our own. We are seeking guidance regarding access to water from the Bishop Creek system. We've spoken with neighbors Steve and Marlene Stevens and with the Watermaster, all of whom encouraged us to present this matter to you.

As we understand it, our property was one of the first lots developed in the McLaren neighborhood. The original owners were Charles and Caroline Olds. They created a lovely property that we are grateful to have the opportunity to enjoy. We do not have sprinklers, instead we have continued the Olds' tradition of flood irrigating and, as far as we can tell, the lush vegetation the Olds put in place is grateful for that practice. We flood once every 4-6 weeks during the late fall and winter, about every 2 weeks in the spring and early fall, and once or twice a week in summer.

Until a little over a year ago, our neighbors to the west were Dick and Sue Conn. We had a delightful, cooperative relationship with them for 18 years. Dick and Sue, as well as our neighbors to the east, Steve & Marlene Stevens, taught us everything we know about flood irrigating and our responsibilities relative to the water we use for that purpose. We have made every attempt to be good stewards of that resource; in that effort, we did not fill our pond for the past few years in order to reduce the demand on the water system.

Way back when, our lot was graded such that water flows from the southwest corner to the northeast corner, where it re-enters the water system (at the back of our property); it is our understanding that other properties are configured similarly. To flood, we divert much of the water in the main ditch at our property's southwest corner into a flood ditch along the western border of our lot. For more than 18 years, at the instruction of our western neighbors Dick & Sue Conn, we have blocked a small ditch along the eastern border of their property to increase the flow into our ditch, thereby drastically reducing the amount of time we affect the flow of water to down-stream neighbors on the main ditch. The ditch on the eastern side of the Conn's property does not water anything, due to the grading of the property, but Dick & Sue did allow a minimal flow of water into their eastern ditch when they had livestock in the back of their lot (they dug a hole along the property line that fills with water when that ditch is watered). This ditch feeds into

a very small (narrow and shallow) ditch near the back of our property; when over-watered, which has happened frequently since Chris Conn took ownership of what was his parents' property, the very small ditch on our property overflows which swamps our lot thus wasting an immense amount of water.

Following Sue and then Dick's deaths, their youngest son and his family took over the property and the issues began. The matter we bring to your attention is that of Chris Conn informing us that we are not allowed on "his property," which prevents us from blocking his small ditch so that we can flood our property in an efficient manner. When water flow is as generous as it has been this spring and summer, we can flood our entire one-acre lot in 2-3 hours. However, if we are not able to block his small ditch while flooding, the water from the main ditch arrives at his eastern ditch first and fills that ditch, which then floods the back of our property, and causes the flow to our flood ditch to be much reduced, resulting in our flooding process taking as much as 3 times as long to complete (or days, in low flow periods). It is our goal to divert the main ditch for the shortest time possible, but Chris is extending that diversion period dramatically.

Please keep in mind that when we say that we "block" a ditch, we are using a piece of wood so water still flows past that block but at a much lower flow rate.

We request clarification relative to our ability to access the water system at the southeastern corner of the Conn's lot so that we can use the water as it was meant to be used in a responsible manner, to the benefit of water customers downstream.

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

TO: Board of Directors
Bishop Creek Water Association

CC: Matt Durkee, BCWA WaterMaster

FROM: Bill & Maggie Egan

DATE: July 18, 2022

Hello.

We are sorry to bother you but we are having a community water-related problem that we have been unable to resolve on our own. We are seeking guidance regarding access to water from the Bishop Creek system. We've spoken with Matt, the Watermaster, who has been most responsive and advised us that this matter would require the Board's involvement. We plan to attend the next Zoom meeting but felt it necessary to establish our issue in advance, in writing.

As we have shared with you previously, it is our understanding that our property was one of the first lots developed in the McLaren neighborhood. We do not have sprinklers, instead we have continued the original owners' tradition of flood irrigating. As far as we can tell, the lush vegetation on the property is grateful for that practice, and water use is considerably less than if we used sprinklers. We flood once every 4-6 weeks during the late fall and winter, about every 2 weeks in the spring and early fall, and once or twice a week in summer. Per the BCWA Bylaws, we have informed the Board and our immediate neighbors up- and downstream, in writing, of our flooding schedule. Prior to the passing of Dick Conn, we worked cooperatively with the Conns and the Stevens (a Water Board member), negating the need for anything in writing.

Until 2016, our neighbors to the west were Dick and Sue Conn. We had a delightful, cooperative relationship with them for 18 years. Dick and Sue, as well as our neighbors to the east, Steve & Marlene Stevens, taught us everything we know about flood irrigating and our responsibilities relative to the water we use for that purpose. They schooled us on every aspect of watering this property with ditch system water. We have made every attempt to be good stewards of that resource; in that effort, we do not fill our pond during the drought years in order to reduce the demand on the community water system.

For the 24 years we have owned this property (and many decades before that), at the instruction of our now-deceased western neighbors Dick & Sue Conn, we have blocked a small ditch along the eastern border of their property to increase the flow into our ditch, thereby drastically reducing the amount of time we affect the flow of water to down-stream neighbors on the main ditch. The ditch on the eastern side of the Conn's property is a small secondary ditch, but Dick &

Sue did allow a minimal flow of water into their eastern ditch when they had livestock in the back of their lot (they dug a hole along the property line that fills with water when that ditch is watered to form a sort of trough). This ditch feeds into a very small (narrow and shallow) ditch near the back of our property; when over-watered, which has happened frequently since Chris Conn took ownership of what was his parents' property, the very small ditch on our property has overflowed, which then swamps our lot, thus wasting an immense amount of water.

Following Sue and then Dick's deaths, their youngest son Chris took over the property and the issues began. The matter we bring to your attention is that of Chris Conn (once again) informing us that we are not allowed on "his property," which prevents us from partially blocking his small east ditch so that we can flood our property in an efficient manner. If we are not able to block his small ditch while flooding, the water from the main ditch arrives at his eastern ditch first and fills that ditch, which then floods the back of our property, and causes the flow to our flood ditch to be much reduced, resulting in our flooding process taking as much as 3 times as long to complete (or days, in low flow periods). It is our goal to divert the main ditch for the shortest time possible, but Chris is extending that diversion period dramatically.

Please keep in mind that when we say that we "block" a ditch, we are using a piece of wood so water still flows past that block, just at a lower flow rate.

When this issue first arose, in the fall of 2017, we wrote to you and attended the next Board meeting. Consequently, Mr. Don Kunze came by to look at the situation. He also spoke with Chris Conn. The result was an understanding that when flooding we could put a board in Conn's east ditch to reduce flow, thus increasing the flow to our property, and reducing the time necessary to flood irrigate our property, thereby reducing the time the main ditch is diverted.

We request re-clarification relative to our ability to access the water system at the southeastern corner of the Conn's lot so that we can use the water as it was meant to be used, in a responsible manner, to the benefit of all water customers

Please, be assured that we have no desire to set foot on Chris Conn's property; rather, we would much prefer an alternative that assures us adequate water to flood irrigate our property in an effective and efficient manner, as has been the case on this property for at least 80 years.

Sincerely,

William Egan

William "Bill" Egan

Margaret "Maggie" Egan

Attachments

Bishop Creek Water Association Monthly Meeting
Date ___8/9/2022_____

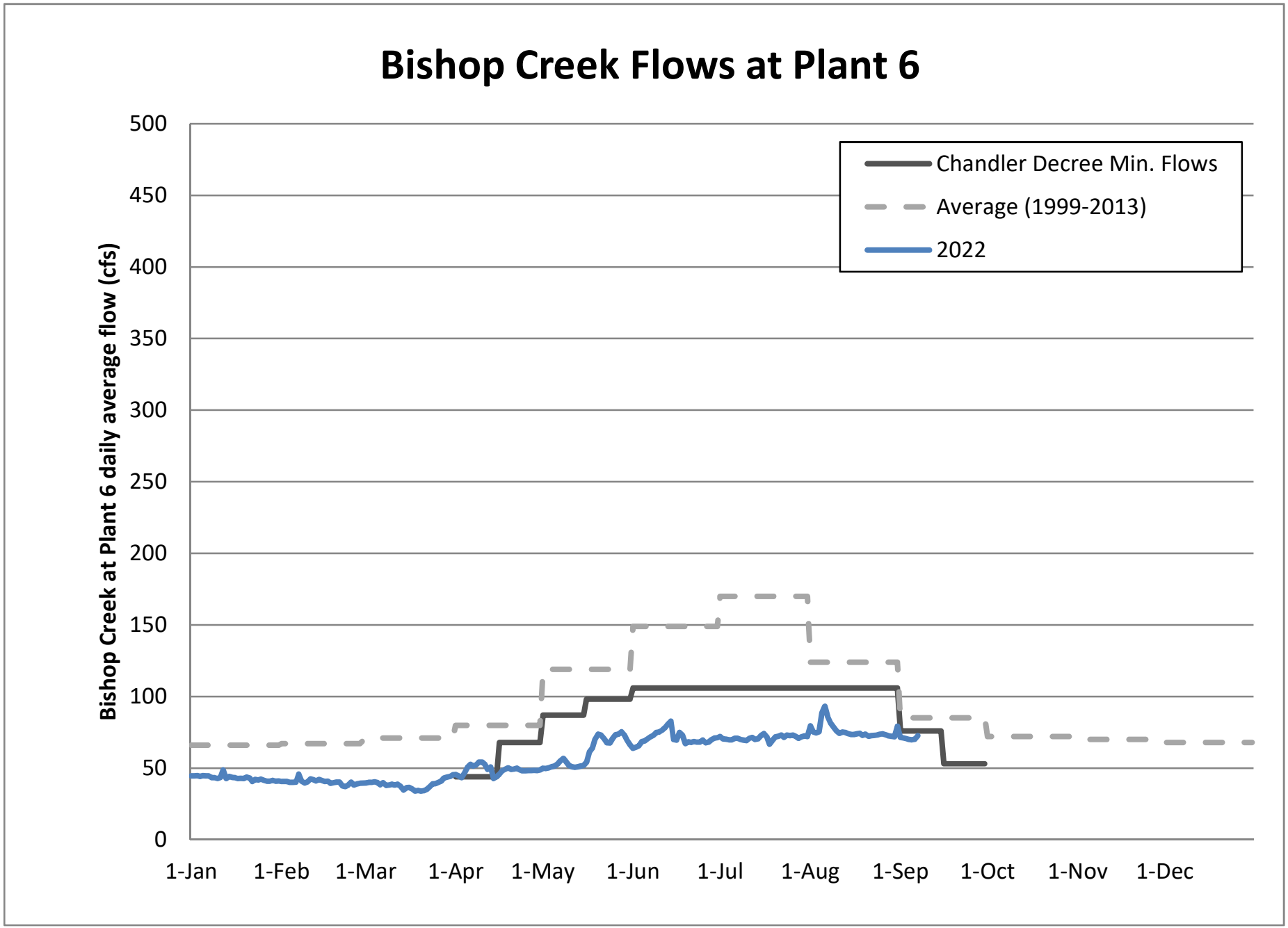
Attendance Sheet

Name	Address	Email
Susan Kunze		
Chris Conn		
Angela Scott		
Marlena Baker		
Bill & Margaret Egan		
Randy Scott		
Scott Moffatt		

BISHOP CREEK WATER ASSOCIATION
FINANCIAL REPORT FOR THE MONTH

AUGUST 2022

CHECKING ACCOUNT BALANCE			$	19,558.31
SAVINGS ACOUNT BALANCE				62,711.29
TOTAL BANK BALANCES - July 31, 2022				82,269.60
DEPOSITS:				
Customer Deposits - Into Checking		$ 1,816.00		
Customer Deposits - Into Savings		-		
Workers Comp Refund		-		
Interest Income		2.80		
Transfer from Savings		-		
TOTAL DEPOSITS				1,818.80
CHECKS WRITTEN:				
Water Master Pay -	896.52 x 2	$ 1,793.04		
Truck Allowance -	225.00 x 2	450.00		
Additional Pay - Vacation Time		-		
Telephone		69.12		
Payroll Taxes - IRS		-		
Payroll Taxes - State		-		
Payroll Taxes - IRS Unemployment		-		
USPS - PO Box Rent		-		
Alex Printing		-		
Eric Tilleman - Zoom Service		-		
State Fund Insurance		-		
Holland & Allred - Quarterly Accounting		1,715.83		
Devon's Flowers - Stevens		-		
Brown's		-		
Transfer to Savings		-		
TOTAL CHECKS WRITTEN				(4,027.99)
UNION CHECKING ACCOUNT			$	17,346.32
UNION BANK SAVINGS				62,714.09
TOTAL BANK BALANCES - August 31, 2022			$	80,060.41


Bishop Creek Flows at Plant 6
Bishop Creek at Plant 6 daily average flow (cfs)
500
450
400
350
300
250
200
150
100
50
0
1-Jan
1-Feb
1-Mar
1-Apr
1-May
1-Jun
1-Jul
1-Aug
1-Sep
1-Oct
1-Nov
1-Dec
Chandler Decree Min. Flows
Average (1999-2013)
2022

BISHOP CREEK WATER ASSOCIATION
Post Office Box1273
Bishop, California 93515

BCWA Plan for Distribution of Bishop Creek Water Diversions During 2022 Low Flow Periods

The Articles and By-Laws of the BCWA provide for the protection of BCWA member water rights and has the responsibility for the equitable (fair, impartial, and just) apportioning and delivering of waters diverted from Bishop Creek.

The Chandler Decree (1922) adjudicated the water rights of users as a group within the boundaries of the BCWA and provides for ditch water flows consistent with the historic uses. The Chandler Decree provides that the identified defendant properties "… own the prior rights to appropriate, divert and use the water of Bishop creek in said Inyo County, for the purposes of irrigation, domestic use and watering live stock, on said lands …" (Chandler Decree, page 2, paragraph I.). Further, the Chandler Decree provides a schedule for minimum flows on Bishop Creek for to be "… available for appropriation, diversion, and uses by said defendants, …" The schedule provides for specific minimum Bishop Creek flows from April 1 to September 30th "… excepting on those days during which the average daily natural flow of Bishop Creek … is less that such flow schedule, then on such days to the extent of such average daily natural flow." (Chandler Decree page 68, Paragraph II.).

The BCWA Articles and By-Laws provide that:
"WHEREAS since said Chandler Decree adjudicating the said waters of Bishop Creek and the said diversions by the Association of said waters from the main canals, the members of this Association believe that the best interests of all would be served by amending said Articles of the Association so as to conform to the changed conditions;

NOW, THEREFORE, the undersigned owners of over half of said lands on the Bishop Cone described in the said Chandler Decree and shown on Exhibit "A" attached hereto and entitled to over half of the said waters adjudicated to said lands, agree that said Articles of this Association shall be amended and adopted as follows:

We, the undersigned, users of water and appropriators of water in that certain stream known as Bishop Creek, and owners of lands defined in an instrument referred to herein as the Chandler Decree, and shown on Exhibit "A" hereof, which decree allots the waters of Bishop Creek to the owners of said lands, said lands being situated in the County of Inyo, State of California, do hereby associate ourselves under the name of "BISHOP CREEK WATER ASSOCIATION" and in consideration of the benefits to be derived from said association mutually agree to and adopt the following articles of association, by-laws and rules.

***FIRST:** The Association shall in its associate capacity protect the joint and several rights of the members thereof in and to the use of the water of the said Bishop Creek as said water is allocated by said Chandler Decree, including the diverted waters of Birch Creek and shall provide for the delivery of said waters of Bishop Creek, including the diverted waters of Birch Creek for the use of the members of this Association from the main canals shown on said Exhibit "A", through lateral canals and ditches in the manner and to the extent hereinafter provided.*

***SECOND:** To equitably apportion between and among the members of this Association the*

said waters of Bishop Creek, including the diverted waters of Birch Creek, as said flow is allotted under the aforementioned Chandler Decree and the report of referee upon which said decree is based. …"

Snow melt runoff in the Eastern Sierra is at an extremely low level. Prior to 2014 there was no runoff year on record (~90 years) that was below 50% of the long-term average. Now, not only have there been three snow melt runoffs that have fallen below 50 % of the long-term average in the past 8 years (2014-15, 2021-22 and now 2022-23) but the two most recent have been back-to-back.

Based on experience gained in these and other past very low runoff years it is a foregone conclusion that there is not sufficient water in the Bishop Creek Drainage for the current runoff year to meet the Chandler Decree specified water releases.

This has prompted the BCWA Board of Trustees to develop a plan to guide water deliveries to BCWA members this year. These guidelines have been developed utilizing the experiences gained from the 2014-15 runoff year and in consultation with BCWA users. The guidelines for distribution water this year will be as follows:

1) If water flows from Bishop and Birch creeks diminish due to lack of runoff and exhausted reservoir storage, every effort will be made to maintain equitable distribution of all available water within the BCWA's area of control as outlined in the BCWA By-Laws and the Chandler Decree. LADWP, the majority shareholder in the BCWA, and the BCWA Watermaster will cooperatively work together to adjust headgates feeding both BCWA and LADWP ditches to accomplish this goal. LADWP's water distribution personnel will communicate regularly and continue to work with the BCWA Watermaster in the ongoing adjustment of all BCWA water flows to its members properties.
2) Initially, the BCWA Watermaster and LADWP water distribution personnel will work together to keep all residential ditches wet with the water available.
3) If water flows from Bishop and Birch creeks drop to a point where not all residential ditches can be kept wet, ditches that do not meet the Chandler Decree criteria of irrigation, stockwater, or domestic use (household uses), will be the first to see the effect of insufficient ditch water.
4) If water flows from Bishop and Birch creeks continue to drop below the above level, the next impact of the reduced flow will be to ditches in areas where the BCWA properties are part of a community water system that can be relied upon for a source of water.
5) If water flows from Bishop and Birch creeks drops further and additional reductions are required, other reduction options will have to be considered and will be dealt with as appropriate at that time.

ELC:7.12.22

Bishop Creek Water Association
Monthly Board Meeting Summary
September 13th, 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 and Don Kunze. Trustees Merry Armstrong, Mark Frumkin, and Eric Tillemans were absent. Watermaster Matt Durkee was present. Tony Tillemans from LADWP was in attendance to take notes. A quorum was not present, so business could not be conducted.

2. **Acceptance of the August 9th, 2022, Monthly Meeting Summary**
   No quorum, no action taken.

3. **Approval of the August Financial Report**
   No quorum, no action taken.

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

   No report given.

5. **Old Business**
   a. Irrigation Issue on Ranch Rd at Egan/Conn: Water Arbitration Committee conducted a site visit and concluded that there was no BCWA violation for the water association to deal with. Unfortunately, it was a neighbor squabble. The committee's consensus was not to intervene.
   b. Obstruction in Nelligan Ditch at Norberg/O'Brien/Scott's: on hold due to uncertainty of the Norberg estate.
   c. Tampering with Diversion Box on SE corner of Barlow Ln And Underwood Ln: recent high flows have kept tampering at a minimum but future tampering is anticipated. Discussed the ordering of a video camera to record vandalism. Don said board approved but no provision was made to order. Gene said that he would follow up on this.
   d. Request to Discontinue/Abandon Ditch to 561 Lagoon St: on hold until written request from Rita Lindsey is received. Matt will check on this.
   e. Membership Reconciliation (mapping): Merry is continuing to work through maps and membership records.
   f. Collection of Past Due Assessments: on hold.
   g. Filing for Water Rights: on hold.
   h. BCWA Policy for Handling of Plugged Street Culverts: on hold.
   i. Inyo County Road Department Policy regarding Plugged/Deteriorated Street Culverts: no new information.

j. Ditch Diversion Box Repair/Rebuild Project: on hold. The Board felt that the Yaney diversion and the Barlow at Underwood diversion structure rebuilds need to be made a top priority.
k. Ditch Relocation at NW corner of Carol Ln. (parcel no 011-51027): new property owner has allowed vegetation to obstruct flows. Matt will contact owner.
l. Bishop Tribe BCWA Membership: no action taken, item to remain on Agenda as placeholder.
m. Future BCWA Board: tabled until next meeting

6. **Watermaster Report**

Matt received 26 calls and 8 texts

a. Reinhackle Ditch at Mt Tom Rd.: Matt is determining where flow is being diverted. Don will meet Matt in in field to investigate.
b. Other: none.

7. **New Business**

a. Other (by Board or members in good standing): no quorum, none.

8. **Next Monthly Board Meeting– The next monthly Board meeting will be held on October 11, 2022, at 7:00 p.m. via Zoom.**

9. **Adjournment**

This meeting was adjourned at 7:32p.m.

Respectfully Submitted,

E. Till

Eric Tillemans

Secretary
Bishop Creek Water Association

Bishop Creek Water Association Monthly Meeting
Date __9/13/22_____

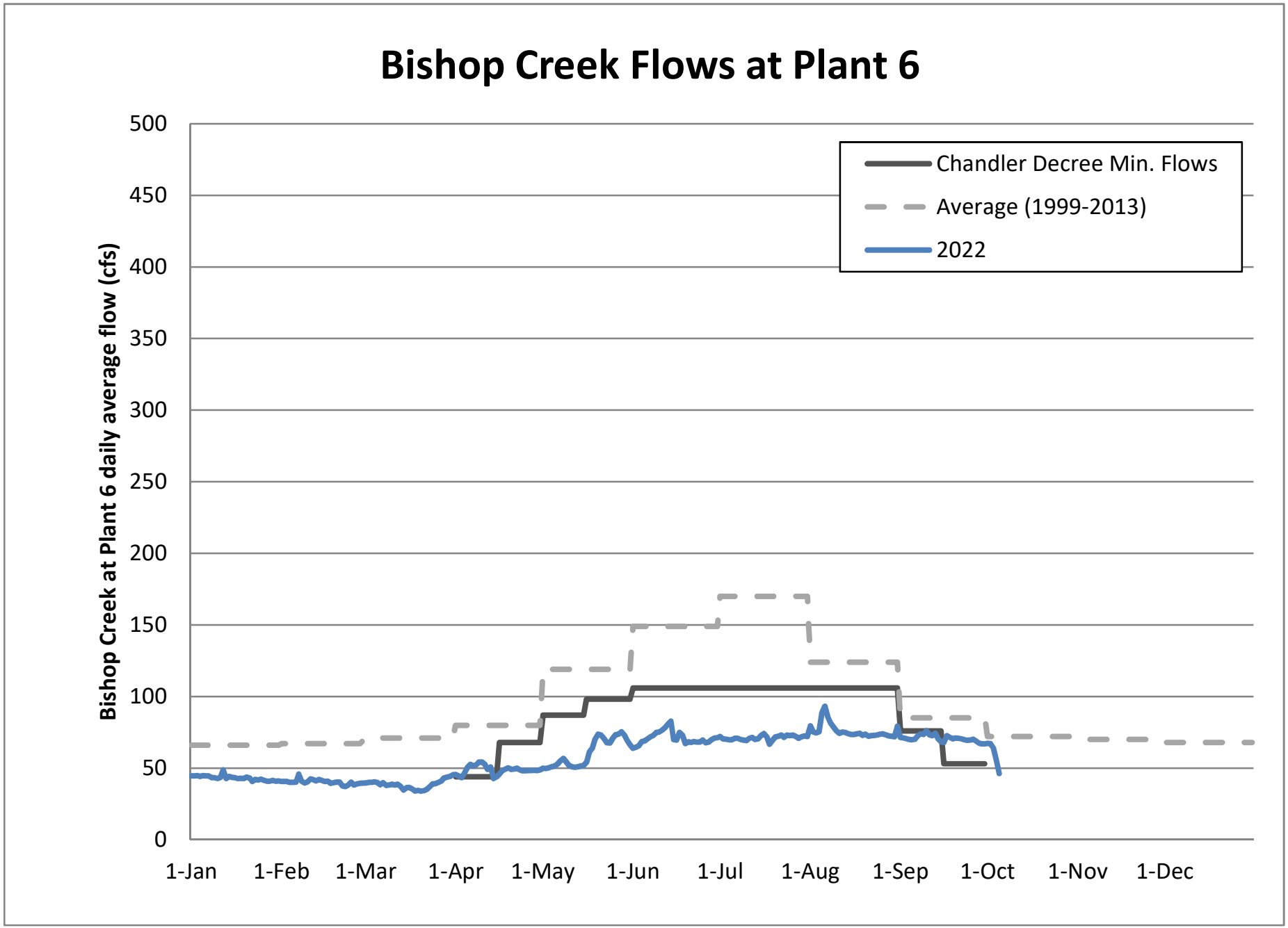
Attendance Sheet

Name	Address	Email
Gene Coufal		
Don Kunze		
Tony Tillemans		
Matt Durkee		

BISHOP CREEK WATER ASSOCIATION
FINANCIAL REPORT FOR THE MONTH

SEPTEMBER 2022

CHECKING ACCOUNT BALANCE		$	17,346.32
SAVINGS ACOUNT BALANCE			62,714.09
TOTAL BANK BALANCES - August 31, 2022			80,060.41
DEPOSITS:			
Customer Deposits - Into Checking		$ 760.00	
Customer Deposits - Into Savings		-	
Workers Comp Refund		-	
Interest Income		2.80	
Transfer from Savings		-	
TOTAL DEPOSITS			762.80
CHECKS WRITTEN:			
Water Master Pay	896.52 x 2	$ 1,793.04	
Truck Allowance -	225.00 x 2	450.00	
Additional Pay - Vacation Time		-	
Telephone		69.12	
Payroll Taxes - IRS		-	
Payroll Taxes - State		-	
Payroll Taxes - IRS Unemployment		-	
USPS - PO Box Rent		-	
Alex Printing		-	
Liz DesRochers - Web Maintenance		980.00	
State Fund Insurance		-	
Holland & Allred - Quarterly Accounting		-	
High Country Lumber		51.06	
Brown's		-	
Transfer to Savings		-	
TOTAL CHECKS WRITTEN			(3,343.22)
UNION CHECKING ACCOUNT		$	14,763.10
UNION BANK SAVINGS			62,716.89
TOTAL BANK BALANCES - September 30, 2022		$	77,479.99


Bishop Creek Flows at Plant 6
Bishop Creek at Plant 6 daily average flow (cfs)
500
450
400
350
300
250
200
150
100
50
0
1-Jan
1-Feb
1-Mar
1-Apr
1-May
1-Jun
1-Jul
1-Aug
1-Sep
1-Oct
1-Nov
1-Dec
Chandler Decree Min. Flows
Average (1999-2013)
2022

9:28 AM
10/10/22

Bishop Creek Water Association
Customer Contact List
October 10, 2022

Balance Total	Account No.
301.40	11-040-10
48.00	11-180-13
264.00	11-020-07
264.00	11-120-09
44.00	11-470-28
264.00	11-320-62
220.00	11-420-10
44.00	11-192-32
88.00	11-370-06
682.40	11-370-04
4.00	11-070-05
4.00	11-070-33
44.00	11-180-60
44.00	11-040-12
44.00	11-020-29
956.40	11-320-36
220.00	11-420-03
264.00	11-110-39
40.00	11-270-18
44.00	11-280-43
4.00	11-460-10
956.40	11-320-40
4.00	11-320-73
44.00	11-100-08
84.00	11-280-34
44.00	11-191-01
44.00	11-330-14
4.00	11-020-46
360.40	11-110-14
44.00	11-080-13
301.40	11-090-25
4.00	11-170-06
88.00	11-410-18
44.00	11-500-04
220.00	11-110-10
44.00	11-320-29
44.00	11-460-18
88.00	11-320-64
4.00	11-470-19
44.00	11-270-15
44.00	11-170-19
113.40	11-060-34
88.00	11-192-06
40.00	11-320-05
4.00	11-090-33
88.00	11-280-80
235.40	11-080-40
44.00	10-110-22A
4.00	11-080-09
4.00	11-080-10
4.00	08-140-33
485.40	11-120-04
301.40	11-060-22
301.40	08-140-20
301.40	08-140-37
44.00	10-314-06
44.00	08-111-10
44.00	11-460-16
220.00	11-080-36
748.40	11-320-67
59.80	11-280-55
92.00	11-270-19
128.00	11-280-12
264.00	11-280-71
176.00	08-140-32
88.00	11-070-48
88.00	11-120-52
335.40	01-230-03

9:28 AM
10/10/22

Bishop Creek Water Association
Customer Contact List
October 10, 2022

Balance Total	Account No.
44.00	11-290-57
224.00	11-110-60
4.00	11-340-32
44.00	11-060-04
176.00	11-060-42
176.00	01-171-14
224.00	10-314-02
44.00	11-440-15
44.00	11-080-08
132.00	11-180-07
4.00	08-101-14
335.40	11-180-44
44.00	11-191-17
88.00	11-020-44
44.00	11-191-02
44.00	11-060-48
132.00	11-470-18
4.00	11-470-29
44.00	11-280-58
48.00	01-230-27
4.00	11-070-40
88.00	08-120-04A
132.00	11-120-34
180.00	08-140-41