

BISHOP CREEK WATER ASSOCIATION

Post Office Box 1273
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*

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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

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