

Bishop Creek Water Association

Monthly Board Meeting Agenda

August 13, 2024

7:00 pm

1. Opening and Introduction
2. Acceptance of the July 9, 2024 Board Meeting Summary
3. Approval of the July 2024 Financial Report
4. Approval of Marlena Baker as a Member of the Water and Arbitration Committee
5. Bishop Creek Precipitation, Flow, and Storage Report
6. Old Business
 - a. Street Culverts:
 - i. Culvert Obstructions/Blockages at:
 - 309 Grandview
 - 210 So Mtn View Rd. and
 - 3068 Laurel Rd.
 - 255 Mt Tom Rd.
 - ii. Inyo County Road Department Position regarding Plugged/Deteriorated Street Culverts
 - b. Ditch Relocation at NW corner of Carol Ln. (parcel no 011-510-27)
 - c. Annual Dinner
 - d. Water Rights Filing
 - e. Membership Database Reconciliation
 - f. Collection of Past Due Assessments
 - g. Ditch Diversion Box Repair/Rebuild Project
 - h. Bishop Tribe BCWA Membership?
7. Watermaster Report
8. New Business
 - a. Other (by Board or member-at-large in good standing)
9. Next Monthly Board Meetings: September 10, 2024, at 7:00 pm at GLCC
10. Adjournment

Bishop Creek Water Association
Monthly Meeting Summary
July 9, 2024
7:00 pm

1. Opening and Introduction

BWCA monthly Board meeting was called to order at 7:00 pm. Trustees in attendance: Gene Coufal, Eric Tillemans, Mark Frumkin, Merry Armstrong and Don Kunze. Watermaster Matt Durkee was present.

2. Acceptance of June 11th Board Meeting Summary

The June 11th, 2024, meeting summary was accepted as written.

3. Approval of the June 2024 Financial Report

The June 2024 financial report was unanimously approved.

4. Bishop Creek Precipitation and Flow and Storage Report

SCE continues to release flows well in excess of Chandler Decree requirements and the long-term average.

5. Old Business

a. Street Culverts

i. Culvert Obstruction/Blockages at:

- o 309 Grandview: The gates are locked, and Matt still has not been able to make contact with the owner. Gene will write a letter.
- o 210 So Mtn View Rd – Matt and Mark made a site visit. Mark will plan to weld something to secure the screen at the culvert inlet.
- o 3068 Laurel Rd – Kevin Grevenkamp was scheduled to attempt jetting to clear the culvert on 7/2/24 but the county red tagged the job (see attached). Kevin followed up, obtained a permit and will try jetting this week.

ii. Inyo County Road Department Policy Regarding Plugged/Deteriorated Street Culverts: Nothing new to report.

- b. Ditch Relocation at NW corner of Carol Ln (parcel no 011-510-27): Matt has been unable to make contact with the owner for a status. Gene will follow up with a letter.
- c. Water Rights Filing: No progress
- d. Annual Dinner: Don is working on arrangements. Scheduled for November 12 at Elks Club.
- e. Membership Reconciliation (mapping): Gene is making comparison of the latest BCWA and IC databases.
- f. Collection of Past Due Assessments: On hold.
- g. Ditch Diversion Box Repair/Rebuild Project: Nothing new to report.
- h. Bishop Tribe BCWA Membership: No update

6. Watermaster Report

Matt received 34 calls and 27 texts in the past month.

7. New Business

- a. Other: 255 Mt. Tom Rd; The street culvert is clogged. The upstream owner is new. The BCWA will have the culvert cleared of the obstruction and Gene will send a letter to the upstream and downstream property owners stating that it is their responsibility if a screen is not in place and the outlet of the culvert is not flowing freely.

8. Next Meetings

- a. The next monthly Board meeting will be held on August 13th, 2024, at 7:00 p.m. at the Inyo County Board of Education Facility, Lozito Conference Center, 166 Grandview Dr., Bishop.

9. Adjournment

The meeting was adjourned at 7:47 p.m.

Respectfully Submitted,



Eric Tillemans

Secretary

Bishop Creek Water Association

BISHOP CREEK WATER ASSOCIATION
FINANCIAL REPORT FOR THE MONTH

JUNE 2024

USBANK CHECKING ACCOUNT	\$	15,242.58
USBANK SAVINGS ACCOUNT		27,403.66
USBANK TIME CERTIFICATE		10,000.00
USBANK TIME CERTIFICATE		<u>20,000.00</u>
 TOTAL BANK BALANCES - May 31, 2024		 72,646.24

DEPOSITS:

Customer Deposits - Into Checking	\$	-
Customer Deposits - Into Savings		14,746.65
DWP 0.00, Yaney Corner 0.00		-
Interest Income - Into Savings		265.41
Interest Income - Into CD		242.55
Closed CD into Savings		<u>10,242.55</u>

TOTAL DEPOSITS 25,497.16

CHECKS WRITTEN:

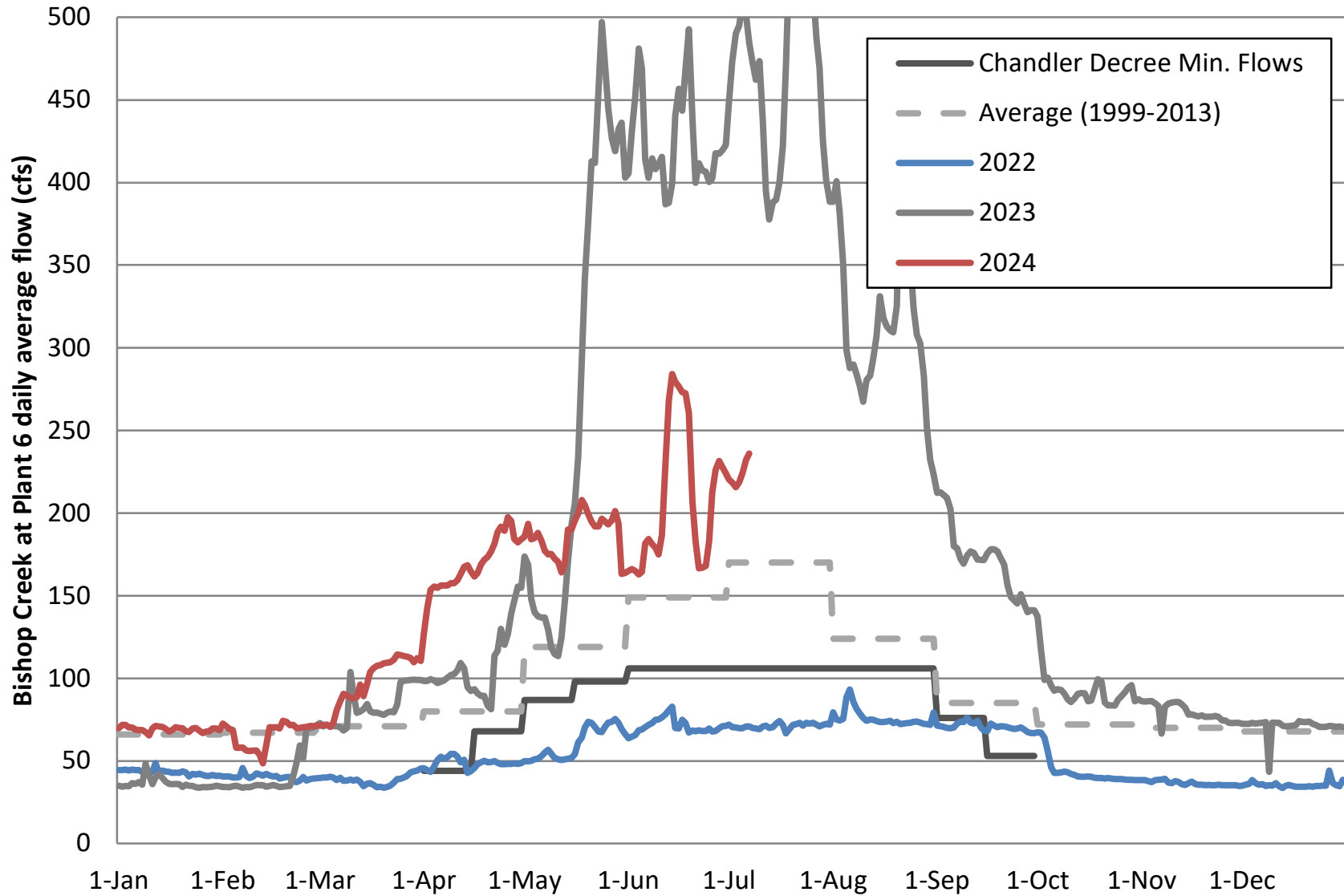
Water Master Pay -	964.97 x 2	\$	1,929.94
Truck Allowance -	225.00 x 2		450.00
Additional Pay - Vacation Time			-
Telephone			75.40
Payroll Taxes - IRS			-
Payroll Taxes - State			-
Payroll Taxes - IRS Unemployment			-
Liz DesRochers - Web Site			490.00
ESCSD - Culvert Cleaning			-
Cal Rural Water Insurance			-
Holland & Allred - Quarterly Accounting			-
Alex Printing			-
Transfer to Savings			<u>-</u>

TOTAL CHECKS WRITTEN (2,945.34)

USBANK CHECKING ACCOUNT	\$	12,297.24
USBANK SAVINGS ACCOUNT		52,658.27
USBANK TIME CERTIFICATE - Matured June 2nd		-
USBANK TIME CERTIFICATE		<u>20,000.00</u>

TOTAL BANK BALANCES - June 30, 2024 \$ 84,955.51

Bishop Creek Flows at Plant 6





County of Inyo
PUBLIC WORKS DEPARTMENT
P.O. DRAWER Q
INDEPENDENCE, CALIFORNIA 93526
(760) 878-0201
(760) 878-2001 FAX

Michael Errante, Public Works Director
Cap Aubrey, Assistant Director
Shannon Platt, Deputy Director of Roads

STOP WORK ORDER

UNPERMITTED ENCROACHMENT ON COUNTY RIGHT-OF-WAY

The Inyo County Road Department has observed work occurring in the County right-of-way that requires an encroachment permit, per Inyo County Code section 12.08.040. According to County records, there is no encroachment permit on file to allow this work. This work is described as:

Excavating in the grass shoulder of 3028 Laurel Rd., Bishop.

The County of Inyo Right Of Way at this location is sixty feet.

You must immediately cease all work within the county right-of-way until you obtain an encroachment permit from Inyo County Public Works. If you do not immediately cease all work, the County may take action to protect its right-of-way, including but not limited to action under Cal. Streets & Highway Code section 1480, *et seq.* Please contact Inyo County Public Works at 760-878-0201 to discuss the issuance of an encroachment permit.

Date of posting: June 28, 2024

Time of posting: 2:30 pm

Posted by: Shannon Platt, Dep. Dir. Inyo County Public Works

BISHOP CREEK WATER ASSOCIATION

2024 FINANCIAL REPORT

	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	YEAR
BEGINNING SAVINGS BALANCE	70,547.40	71,004.17	71,147.36	61,275.70	56,377.26								
BEGINNING CHECKING BALANCE	8,448.15	3,003.25	2,005.40	9,448.99	2,552.38								
CUSTOMER DEPOSITS TO CHECKING	100.00	1,366.40	496.84		1,602.60								
WORKERS COMP REFUND	305.00												
CUSTOMER DEPOSITS TO SAVINGS	151.77	143.19	128.34	101.56	112.80								
INTEREST INCOME TO SAVINGS	556.77	1,509.59	625.18	101.56	1,613.92								
TOTAL DEPOSITS													
SAVING DEPOSITS/TRANSFERS			10,000.00	5,000.00	15,000.00								
TRANSFER FROM SAVING													
EXPENSES													
WATERMASTER PAY	2,760.03	1,838.68	919.34	2,758.02	1,838.68								
TRUCK ALLOWANCE	675.00	450.00	225.00	675.00	450.00								
WATERMASTER VACATION PAY													
WATERMASTER PHONE	75.39	75.57	75.57	75.40	75.40								
PAYROLL TAXES - IRS	1,008.89			1,088.19									
PAYROLL TAXES - STATE													
PAYROLL - TAXES UNEMPLOYMENT	54.41												
STATE FUND - WORKERS COMP INS.	620.41			523.50									
RURAL SPECIAL DISTRICT INS.				621.40									
HOLLAND & ALLRED CPA'S			916.58		675.55								
USPS - STAMP/ BOX RENT					612.00								
PRINTING			916.76										
LEGAL FEES													
WEBSITE & ZOOM	350.77												
DITCH - COLVERT - FACILITY REPAIR/ MAINT.				562.50									
BROWN'S													
RETURNED CHECKS/BANK CHARGES													
TOTAL EXPENSES	55,444.90	23,644.25	30,532.25	118,966.61	36,516.63								
ENDING CHECKING BALANCE	3,003.25	2,005.40	9,448.99	2,552.38	15,536.75								
ENDING SAVING ACCT. BALANCE/CD'S	71,004.17	71,147.36	61,275.70	56,377.26	57,516.45								
TOTAL BANK BALANCE	74,007.42	73,152.76	70,724.69	58,929.64	73,053.20								

7/6/2024

9:20 AM
06/28/24

**Bishop Creek Water Association
Customer Contact List**

June 28, 2024

<u>Balance</u>	<u>Account No.</u>
84.00	11-500-01
385.40	11-040-10
40.00	11-250-17
40.00	11-290-55
40.00	11-192-44
40.00	11-270-13
84.00	11-470-22
348.00	11-020-07
40.00	11-500-19
40.00	11-050-18
40.00	11-330-58
40.00	11-192-45
84.00	11-510-27
40.00	11-470-28
40.00	10-324-09
-40.00	11-050-27
348.00	11-320-62
40.00	11-320-45
84.00	11-460-20
40.00	11-090-45
172.00	11-370-06
766.40	11-370-04
-40.00	11-320-32
-16.00	11-180-60
-16.00	11-040-12
40.00	11-320-01
40.00	11-110-41
40.00	11-020-29
18,777.90	08-060-01-04
40.00	11-330-04
40.00	11-420-16
40.00	11-280-78
40.00	01-240-05
40.00	11-180-37
-60.00	11-070-21
84.00	10-290-02
40.00	11-193-07
40.00	11-192-29
4.00	11-120-33
40.00	11-170-17
40.00	11-100-03
40.00	11-330-39
40.00	10-290-13
40.00	11-460-10
40.00	08-280-00
40.00	11-050-12
40.00	11-060-11
40.00	11-060-07
40.00	11-170-02A

9:20 AM
06/28/24

Bishop Creek Water Association
Customer Contact List
June 28, 2024

<u>Balance</u>	<u>Account No.</u>
40.00	11-420-07
40.00	11-500-08
128.00	11-191-01
40.00	11-280-60
40.00	11-020-46
40.00	11-050-21
40.00	11-500-09
40.00	11-500-10
40.00	11-420-15
40.00	11-080-29
40.00	11-410-22
128.00	11-080-13
40.00	11-440-21
-10.00	11-050-35
40.00	11-070-44
385.40	11-090-25
40.00	08-080-19
172.00	11-410-18
40.00	11-170-20
304.00	11-110-10
84.00	11-100-04
5.00	11-192-30
-140.00	11-280-21
44.00	11-192-27
172.00	11-320-64
40.00	11-470-19
40.00	11-020-28
40.00	11-120-45
40.00	11-192-14
40.00	11-270-15
40.00	11-050-05
40.00	11-330-11
39.00	11-250-14
128.00	11-170-19
197.40	11-060-34
172.00	11-192-06
40.00	11-260-15
40.00	11-032-11
40.00	11-120-44
40.00	11-080-25
-0.60	11-080-40
40.00	11-280-14
40.00	11-440-19
84.00	11-180-28
40.00	11-070-10
40.00	11-020-43
40.00	11-500-21
40.00	11-020-42
40.00	11-330-42

9:20 AM
06/28/24

Bishop Creek Water Association
Customer Contact List
June 28, 2024

<u>Balance</u>	<u>Account No.</u>
40.00	11-090-08
40.00	01-230-09
40.00	11-280-45
84.00	11-031-25
569.40	11-120-04
385.40	11-060-22
40.00	11-090-22
385.40	08-140-20
385.40	08-140-37
40.00	11-192-12
128.00	11-460-16
40.00	11-090-32
40.00	11-120-38
40.00	11-110-40
84.00	11-170-09
874.00	11-080-39
40.00	08-112-02
529.00	11-080-36
832.40	11-320-67
59.80	11-280-55
40.00	11-070-52
348.00	11-280-71
40.00	11-180-22
260.00	08-140-32
40.00	11-060-35
540.20	11-320-40
172.00	11-070-48
40.00	01-230-03
308.00	11-110-60
40.00	08-130-09
40.00	11-280-54
40.00	11-060-04
-40.00	11-050-25
260.00	11-060-42
40.00	11-090-36
40.00	11-032-12
40.00	11-260-17
40.00	11-340-26
84.00	01-020-01
-40.00	11-480-11
40.00	11-480-18
308.00	10-314-02
40.00	11-192-35
40.00	11-020-27
40.00	11-180-17
40.00	11-320-55
44.00	11-440-15
40.00	11-120-40
40.00	11-470-15

9:20 AM
06/28/24

Bishop Creek Water Association
Customer Contact List
June 28, 2024

<u>Balance</u>	<u>Account No.</u>
40.00	11-440-13
40.00	11-180-07
40.00	08-101-14
40.00	11-520-06
40.00	11-170-25
40.00	11-320-61
-4.00	11-192-37
40.00	11-180-34
40.00	11-193-10
419.40	11-180-44
40.00	11-120-41
24.00	11-191-17
172.00	11-020-44
40.00	11-280-52
40.00	11-280-28
40.00	11-060-18
84.00	11-191-02
40.00	08-103-01
128.00	11-280-58
44.00	11-192-34
40.00	11-500-20
132.00	01-230-27
40.00	11-070-40
172.00	08-120-04A
40.00	11-260-12
40.00	11-120-34
40.00	11-110-26
-40.00	11-320-11
44.00	11-170-12A
84.00	11-060-02
40.00	11-070-26
120.00	08-112-13D
-80.00	10-290-12

BISHOP CREEK WATER ASSOCIATION
FINANCIAL REPORT FOR THE MONTH

JULY 2024

USBANK CHECKING ACCOUNT	\$	12,297.24
USBANK SAVINGS ACCOUNT		52,658.27
USBANK TIME CERTIFICATE - Matured June 2nd		-
USBANK TIME CERTIFICATE		<u>20,000.00</u>
 TOTAL BANK BALANCES - June 30, 2024		 84,955.51

DEPOSITS:

Customer Deposits - Into Checking	\$	2,588.00
Customer Deposits - Into Savings		-
DWP 18,777.90, Yaney Corner 0.00		18,777.90
Interest Income - Into Savings		196.59
Interest Income - Into CD		-
State Fund - Workers Comp Refund		<u>184.20</u>

TOTAL DEPOSITS 21,746.69

CHECKS WRITTEN:

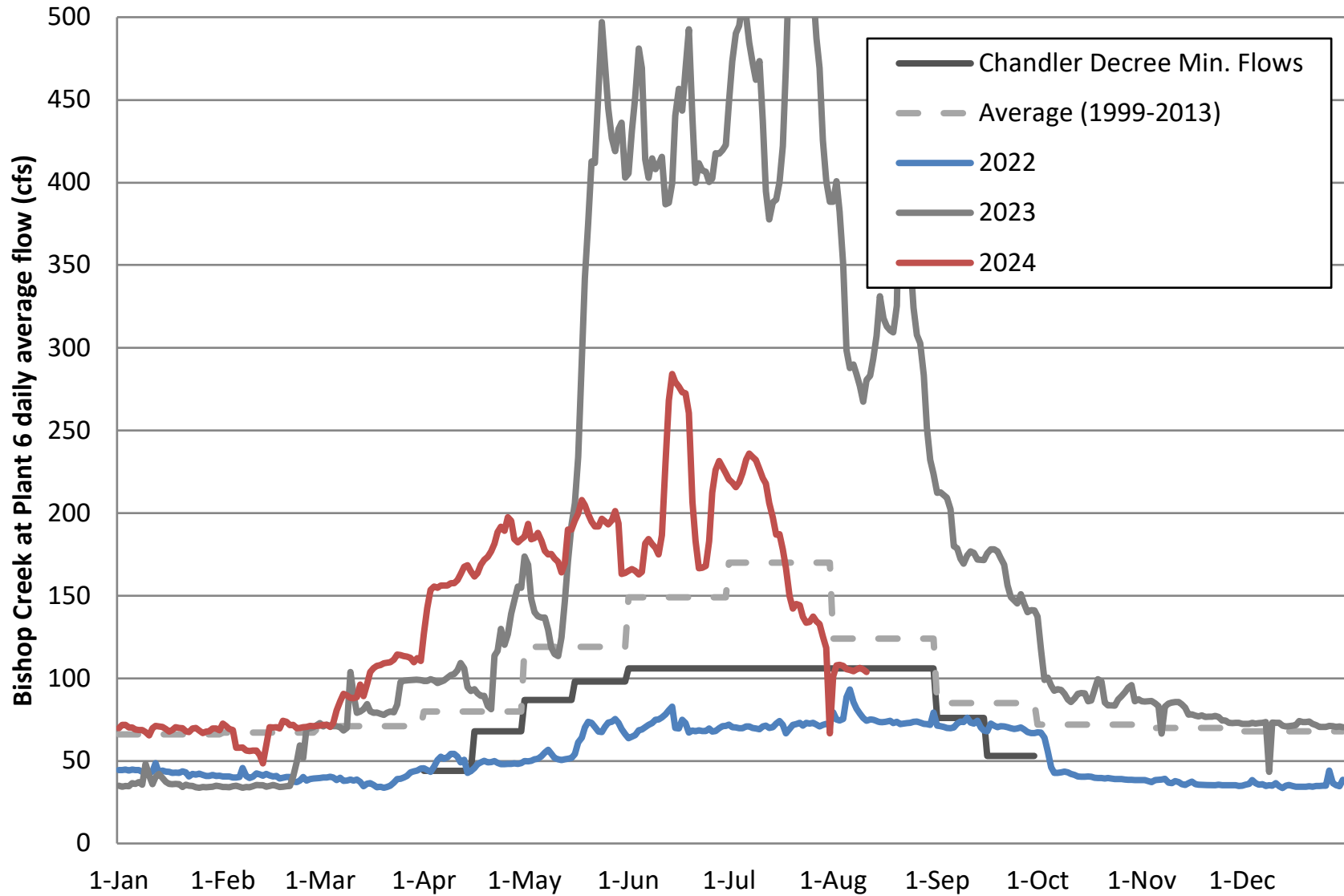
Water Master Pay -	964.97 x 2	\$	1,929.94
Truck Allowance -	225.00 x 2		450.00
Additional Pay - Vacation Time			-
Telephone			75.55
Payroll Taxes - IRS			940.19
Payroll Taxes - State			82.89
Payroll Taxes - IRS Unemployment			-
Wood Law Group - Legal Fees			2,500.00
US Post Office - Box Rent			200.00
Browns Supply			21.74
Holland & Allred - Quarterly Accounting			-
Elks Lodge - Room Rent			300.00
Transfer to Savings			<u>-</u>

TOTAL CHECKS WRITTEN (6,500.31)

USBANK CHECKING ACCOUNT	\$	27,347.03
USBANK SAVINGS ACCOUNT		52,854.86
USBANK TIME CERTIFICATE		-
USBANK TIME CERTIFICATE		<u>20,000.00</u>

TOTAL BANK BALANCES - July 31, 2024 \$ 100,201.89

Bishop Creek Flows at Plant 6





**WACKER
NEUSON**

EXACT







BISHOP CREEK WATER ASSOCIATION

Post Office Box 1273
Bishop, California 93515

July 16, 2024

Mr. John Mann
255 Mount Tom Road
Bishop CA 93514

Ms. Stephanie Stimmell
250 Mount Tom Road
Bishop CA 93514

Subject: Street Culvert Clearing and Responsibility

Dear Bishop Creek Water Association Members,

It has been brought to the Bishop Creek Water Association (BCWA) Board that the street culvert between your properties is again plugged, significantly reducing the amount of water that the culvert can carry. This has a serious impact on BCWA members upstream and downstream of the culvert. This culvert has been a problem over the years due to mainly sediment accumulation. Beginning about five years ago the Inyo County Road Department (ICRD) took the position that they can no longer assist the 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 ditch water distribution system, other than water control structures for water control purposes. 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 falls on the BCWA and its members to resolve issues with culverts 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 maintenance and 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 ditches clean and clear of debris is the responsibility of the property owner. With the above exception, property owners are responsible for all effects,

BISHOP CREEK WATER ASSOCIATION

Founded in 1897

BISHOP CREEK WATER ASSOCIATION

Post Office Box 1273
Bishop, California 93515

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.”

The most effective means of keeping debris from plugging street culverts is for property owners immediately upstream of street culverts to install and maintain grates at the culvert inlet to restrict leaves, twigs, and debris from entering the culvert, and downstream property owners to keep street culvert outlets free of obstructions, accumulating sand, and debris so that water exits free and clear without restriction. This will create additional work, but in the long run, it should alleviate a lot of headaches, work, and cost due to plugged street culverts. As it is the case with any ditch, where the BCWA relies on each property owner to do their part, street culverts will need to be handled similarly (pertinent BCWA By-Laws sections are ARTICLE IX, Sections 4 and 5, and ARTICLE XII, Section 2, items 3-6).

BISHOP CREEK WATER ASSOCIATION

Founded in 1897

BISHOP CREEK WATER ASSOCIATION

Post Office Box 1273
Bishop, California 93515

As provided 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 leaves/debris and there is no mechanism in place to catch the debris. And likewise, if the flow leaving the culvert is obstructed in any way, it is the responsibility of the downstream property owner. As provided in Article IX, Section 5 (see above) to ensure an equitable distribution of water to all members, if the BCWA must get involved in clearing a downstream culvert, the upstream and/or downstream property owner would be assessed the cost of the culvert clearing.

As property owners with a street culvert between your properties, it is most important that you pay close attention to these guidelines. In the current situation the BCWA Board has decided to pay the cost of having the Eastern Sierra Community Service District clear the culvert. In the future, this cost may be assessed against the property owners if grating and an open free flowing culvert exit is not maintained. A September 20, 2023, letter from the BCWA Board was sent to membership regarding this issue, a copy is enclosed.

In conclusion, regardless of Inyo County's position on assisting with plugged/deteriorated street culverts, we the members of the BCWA need to comply with the responsibilities of the BCWA Articles and By-Laws. For the benefit of all members, property owners need to maintain a clean, clear, unencumbered ditch flowing through and leaving their property. If your property is immediately upstream of a street culvert a grate should be installed and maintained at the culvert inlet. If your property is immediately downstream of a street culvert the outlet of your culvert needs to be kept free of obstructions, accumulating sand, and debris. In the future, to ensure an equitable distribution of water to all members, if the BCWA must get involved in clearing of a street culvert, the upstream and/or downstream property owners can be assessed the cost of the work (BCWA By-Laws Article IX, Section 5).

If you have any questions or want to discuss this letter, please contact me at (760) 873-6209, or you may come to one of the BCWA Board of Trustees monthly meetings. The BCWA Board of Trustees meets on the 2nd Tuesday of each month at 7:00pm at the ICOE facility, 166 Grandview Dr. A copy of the BCWA Articles and By-Laws and Board meeting agendas can be found on the BCWA website, BishopCreekWater.org

Sincerely,



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

enclosure

c: BCWA Watermaster and Board Members

BISHOP CREEK WATER ASSOCIATION

Founded in 1897

GENE COUFAL

From:nc3e@aol.com

To:Eric Rose

Sat, Aug 10 at 11:02 AM

Eric, thank you for the update, this is very helpful and reasonable. I will report this to Board. Getting the head gate in the flow channel as soon as you can is important. Gene

On Aug 10, 2024, at 7:47 AM, Eric Rose <Eric@masterstouch.co> wrote:

Hi Gene,

I'm still working on getting permits to build the house... I don't think the stream course will change from the current configuration, but once we get the permits, the course of the stream will be solidified, and I will get the easement taken care of at that point.

Thanks,

Eric Rose

707.539.7600

<image001.jpg>

From: GENE COUFAL <nc3e@aol.com>

Sent: Friday, August 9, 2024 2:06 PM

To: Eric Rose <Eric@masterstouch.co>

Subject: Re: Carol Lane Stream Modification

Eric, thanks. What about the dedicated easement for the new ditch? As I said earlier, we will be having a Board mtg Tuesday and I will need to give an update. Gene

On Aug 9, 2024, at 8:12 AM, Eric Rose <Eric@masterstouch.co> wrote:

Good morning Gene,

UGH... amazing how time flies. Thanks for the reminder... I'll get that gate relocated asap.

Eric Rose

707.539.7600

<image001.jpg>

From: nc3e@aol.com <nc3e@aol.com>
Sent: Thursday, August 8, 2024 9:01 PM
To: Eric Rose <Eric@masterstouch.co>
Cc: Eric Tillemans <eric.tillemans@ladwp.com>; Merry Armstrong <merrytarmstrong@gmail.com>; Don Kunze <kunze_don@gmail.com>; Markfrumkin@sbcglobal.net; Francesca Joven <francesca.joven@ladwp.com>
Subject: Re: Carol Lane Stream Modification

Mr. Eric Rose,

It has been almost 2 1/2 years since the BCWA Boards approval of your ditch relocation project and our last communication (below). The BCWA Board would like an update on the progress of the ditch relocation on your property (Parcel number 011-510-27), and most specifically items 3 and 4 (relocation of the water control box and dedication of a 10-foot easement to the BCWA for the new location) in my March 30, 2022, email (below).

You have dug a new ditch, and the ditch water currently flows in the newly relocated ditch without a control structure. This has created a potentially hazardous situation. A misfortunate event upstream could result in the uncontrolled release of water down the newly relocated ditch, causing significant property damage downstream. If items 3 and 4 above are not dealt with in a timely manner we will be forced to restore the ditch flow to the historic channel (which has a water control structure installed). Per BCWA By-Laws, Article IX, Section 5 (below) you would be responsible for cost of that work.:

“In the event the equitable distribution of water is impeded or interfered with causing flooding, wastage or other detriment to the flow of water of water to occur by reason of the refusal, inability or neglect of any member or members to remedy the same, the association may, after due notice, have the remedial work performed and the responsible member or members shall be billed therefor, at the cost of the work. “

We have a BCWA Board meeting on August 13 and would appreciate a communication on the status of the above work before then. Thanks Gene

On Thursday, August 8, 2024 at 05:19:38 PM PDT, GENE COUFAL <nc3e@aol.com> wrote:

Sent from my iPhone

Begin forwarded message:

From: GENE COUFAL <nc3e@aol.com>

Date: March 30, 2022 at 3:09:06 PM PDT

To: Eric Rose <Eric@masterstouch.co>

Cc: Merry Armstrong <merrytarmstrong@gmail.com>, Mark Frumkin <markfrumkin@sbcglobal.net>, Eric Tillemans <eric.tillemans@ladwp.com>, kunze.don@gmail.com

Subject: Re: Carol Lane Stream Modification

Eric, at its last monthly Board meeting, the Board approved your ditch relocation design as long as it complies with the BCWA Articles and By-Laws (see especially Article XII) with a few specific reminders/restrictions that are provided for in the Articles and By-Laws. Specifically: 1) the capacity of your proposed ditch system needs to minimally be able to convey the same amount of water as the existing alignment; 2) the ponds comply with the limitations (no more than 5 feet deep and lined- verified by the Watermaster) as provide for in Article XI; 3) the control box on the Bypass Ditch that you plan to relocate will need to be designed to facilitate a BCWA lock and will be controlled by the Watermaster (Article X); and 4) also the rerouted ditch needs to have a 10 foot easement dedicated to the BCWA (Article XII, Section 2, item 13). This approval will be documented in the BCWA Board meeting summary for March 8, 2022, which you will be able to find on the BCWA website (BishopCreekWater.org). If you have any questions please call or email me. Gene

On Jan 10, 2022, at 5:27 PM, Eric Rose <Eric@masterstouch.co> wrote:

Hi Gene,

Thanks for your help on the stream modification... Sorry I'm a bit late getting this over to you... I tested positive for Covid last week, and I've been extremely tired for the last few days! Here is my very basic drawing depicting my idea to modify the stream on our lot on Carol Lane. We basically would like to relocate the existing flow gate and stream to the south part of the lot, and through a combination of surface streams and underground pipes, rejoin the existing set of pipes that flow across the utility district lot, so the water will exit the property using the existing piping that is already in place. In order to avoid clogs, I think it makes sense to use a concrete box to

transition from the new 16" pipe to the existing 8" pipes with an open drain grate for easy inspection and cleaning if necessary. Let me know if you have questions or comments.

Thanks,

Eric Rose

707.539.7600