

Bishop Creek Water Association  
Monthly Board Meeting Agenda  
December 9, 2025  
7:00 pm

1. Opening and Introduction
2. Acceptance of October 14, and November 11, 2025 Monthly Board Meeting Summaries
3. Approval of the September, October and November 2025 Financial Reports
4. Bishop Creek Precipitation, Flow, and Storage Report
5. Old Business
  - a. Street Culverts:
    - i. Inyo County Road Department Position regarding Plugged/Deteriorated Street Culverts
    - ii. Culvert Obstructions/Blockage at 3068 Laurel Rd.
  - b. Failing Check Structure in No. Fork of Bishop Ck at Vista Ditch
  - c. Sierra Hwy widening project
  - d. Leakage from Waterson Area Ditch onto LADWP
  - e. Ditch Relocation at NW corner of Carol Ln. (parcel no 011-510-27)
  - f. Collection of Past Due Assessments – draft letter attached
  - g. Discussion of Possible Revisions to By-Laws – draft attached
  - h. Ditch Diversion Box Repair/Rebuild Project
  - i. Bishop Tribe BCWA Membership?
6. Watermaster Report
7. New Business
  - a. Other (by Board or members in good standing)
8. Next Monthly Board Meeting January 13, 2026, at 7:00 pm at GLCC
9. Adjournment

Bishop Creek Water Association  
Monthly Board Meeting Agenda  
November 11, 2025  
7:00 pm

1. Opening and Introduction
2. Acceptance of the October 14, 2025 Monthly Board Meeting Summary
3. Approval of the September and October 2025 Financial Reports
4. Bishop Creek Precipitation, Flow, and Storage Report
5. Old Business
  - a. Street Culverts:
    - i. Inyo County Road Department Position regarding Plugged/Deteriorated Street Culverts
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  - b. Leakage from Waterson Area Ditch onto LADWP
  - c. Sierra Hwy widening project
  - d. Tampering With Diversion Structure: SE corner Barlow and Underwood
  - e. Failing Check Structure in No. Fork of Bishop Ck at Vista Ditch
  - f. Ditch Relocation at NW corner of Carol Ln. (parcel no 011-510-27)
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  - i. Bishop Tribe BCWA Membership?
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  - a. Discussion of Possible Revisions to By-Laws
  - b. Other (by Board or members in good standing)
8. Next Monthly Board Meeting December 9, 2025, at 7:00 pm at GLCC
9. Adjournment

Bishop Creek Water Association  
Monthly Meeting Summary  
November 11, 2025  
7:00 pm

**1. Opening and Introduction**

BWCA monthly Board meeting was called to order at 7:01 pm. Trustees in attendance: Gene Coufal, Merry Armstrong and Don Kunze. Watermaster Indigo Ganoung was present.

**2. Acceptance of the October 14, 2025 Monthly Board Meeting Summary**

The October 14<sup>th</sup> meeting summary was not available.

**3. Approval of the September and October 2025 Financial Reports**

No September or October Financial report was available to consider.

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

There was no update.

**5. Old Business**

a. Street Culverts

- i. Inyo County Road Department Position regarding Plugged/Deteriorated Street Culverts: Gene has been working with the interim CAO, Denelle Carrington, to try getting the MOU finalized.

- ii. Culvert Obstruction/Blockages at:

- o Street culvert blockage at 3068 Laurel Rd is on hold, waiting for ICRD.

- b. Leakage from Waterson Area Ditch unto LADWP: LADWP was to follow up with adjacent property owner. Nothing new to report.

- c. Sierra Highway Widening Project: Contractor is looking to start work on the north side of Sierra Hwy in late December. The plan is to notify individual property owners affected by the shutoff of the Mattlick Ditch to replace the conveyance culvert when more is known about the schedule.

- d. Tampering with Diversion Structure: Watermaster met with LADWP (Ben A and Chris Thompson) to look at ditch flows and adjustments were made. Watermaster will monitor and bring back to Board if tampering starts up again.

- e. Failing Check Structure in No. Fork of Bishop Ck at Vista Check: Waiting on LADWP to schedule the work.

- f. Ditch Relocation at NW Corner of Carol Ln (Parcel no 011-510-27): No change

- g. Collection of Past Due Assessments: Gene presented for discussion a draft letter to members that have past due accounts discussing the collection of those accounts.

- h. Ditch Diversion Box Repair/Rebuild Project: nothing new to report.

- i. Bishop Tribe BCWA membership? Nothing new to report.

**6. Watermaster Report**

Indigo received 39 calls and 10 text messages. She dealt with and resolved a plugged culvert at Orinda Between Underwood and Glenbrook.

7. New Business

- a. Discussion of Possible Revisions to By-Laws: Gene also presented a draft of proposed additions to the BCWA By-Laws to address collection of past due assessments along with some other pertinent issues. The draft has been reviewed and edited by attorney, Mr. Simonetti, of The Wood Law Office. Based on the discussion and edits, a revised document will be presented at the next meeting.

- b. Other (By members in good standing): None

8. Next Meetings

- a. The next monthly Board meeting will be held on December 9<sup>th</sup>, 2025, at 7:00 p.m. at the Inyo County Board of Education Facility, Lozito Conference Center (GLCC), 166 Grandview Dr., Bishop.

9. Adjournment

The meeting was adjourned at 8:10 p.m.

Respectfully Submitted,



Eric Tillemans

Secretary

Bishop Creek Water Association

Bishop Creek Water Association  
Monthly Meeting Summary  
October 14<sup>th</sup>, 2025  
7:00 pm

**1. Opening and Introduction**

BWCA monthly Board meeting was called to order at 7:01 pm. Trustees in attendance: Gene Coufal, Mark Frumkin, Merry Armstrong and Don Kunze. Ben Arcularius attended for Eric Tillemans (LADWP representative). Temporary Watermaster Matt Durkee was also present.

**2. Acceptance of the September 9<sup>th</sup>, 2025 Monthly Board Meeting Summary**

The September 9<sup>th</sup> monthly Board meeting summary was accepted as written.

**3. Approval of the June, July, August and September 2025 Financial Reports**

The Financial Reports for June, July, and August were accepted as written. September's report was tabled until next meeting (there was a \$160 error made by the bank that requires correcting).

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

Flows in Bishop Creek have been staying consistent around 60 cfs and above Chandler Decree flow requirements.

**5. Watermaster Replacement**

The new Watermaster, Indigo Ganoung, was introduced. She was trained for a week by Matt and has now started patrols on her own.

**6. Old Business**

- a. Street Culverts
  - i. Inyo County Road Department Position regarding Plugged/Deteriorated Street Culverts: Nate Greenburg resigned and the BCWA board has been working with the interim CAO to final the MOU.
  - ii. Culvert Obstruction/Blockages at:
    - o Street culvert blockage at 3068 Laurel Rd is on hold, waiting for ICRD.
- b. Leakage from Waterson Area Ditch unto LADWP: LADWP will follow up with adjacent property owner.
- c. Tampering with Diversion Structure: SE Corner of Barlow and Underwood: No activity to report, Watermaster will monitor. Watermaster will meet with LADWP (Ben A and Chris Thompson) to look at ditch flows because of low flow complaints.
- d. Failing Check Structure in No. Fork of Bishop Ck at Vista Check: Permissions from adjacent property owners is in place, waiting on LADWP to schedule the work.
- e. Ditch Relocation at NW Corner of Carol Ln (Parcel no 011-510-27): No change
- f. Water Rights Filing: Initial report has been filed (copy attached), waiting on State to assign Water Rights number.

- g. Collection of Past Due Assessments: On going, there are 40 discrepancies, most are due to Parcel number changes on Sierra Hwy. A revision to the BCWA By-Laws is being worked on to make collection of past due assessments legally possible and/or easier.
- h. Ditch Diversion Box Repair/Rebuild Project: nothing new to report.
- i. Bishop Tribe BCWA membership? Nothing new to report.

**7. Watermaster Report**

Indigo received 8 calls and 6 text messages. Leaf blockages are starting to become a problem.

**8. New Business**

- a. Sierra Highway widening project: Informed Wayne and Mary Matlack's concerning flow shut off during the conveyance culvert replacement as part of the ongoing CalTrans Sierra Highway project. They didn't see any issue with the interrupted flows during the winter.
- b. Ditch Relocation at 671 Snow Creek – Letter attached from Jeff and Angela Kneip dated 10/14/25: Discussion centered around a ditch realignment project on Snow Circle. The board wanted to ensure that inflow and outflow from the subject property remained unchanged from past uses and practices. The Board approved the proposed plan with this understanding. The property owner, Mr. Kneip and the upstream and downstream property owners were present and acknowledged their agreement by signed copy of the plan (attached).
- c. Other: Wayne Matlick reported that his ditch is running at capacity and needs adjustment. The downstream users need to clean ditches. Watermaster will look at reducing the flow.

**9. Next Meetings**

- a. The next monthly Board meeting will be held on November 11<sup>th</sup>, 2025, at 7:00 p.m. at the Inyo County Board of Education Facility, Lozito Conference Center (GLCC), 166 Grandview Dr., Bishop.

**10. Adjournment**

The meeting was adjourned at 7:57 p.m.

Respectfully Submitted,



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Eric Tillemans  
Secretary  
Bishop Creek Water Association

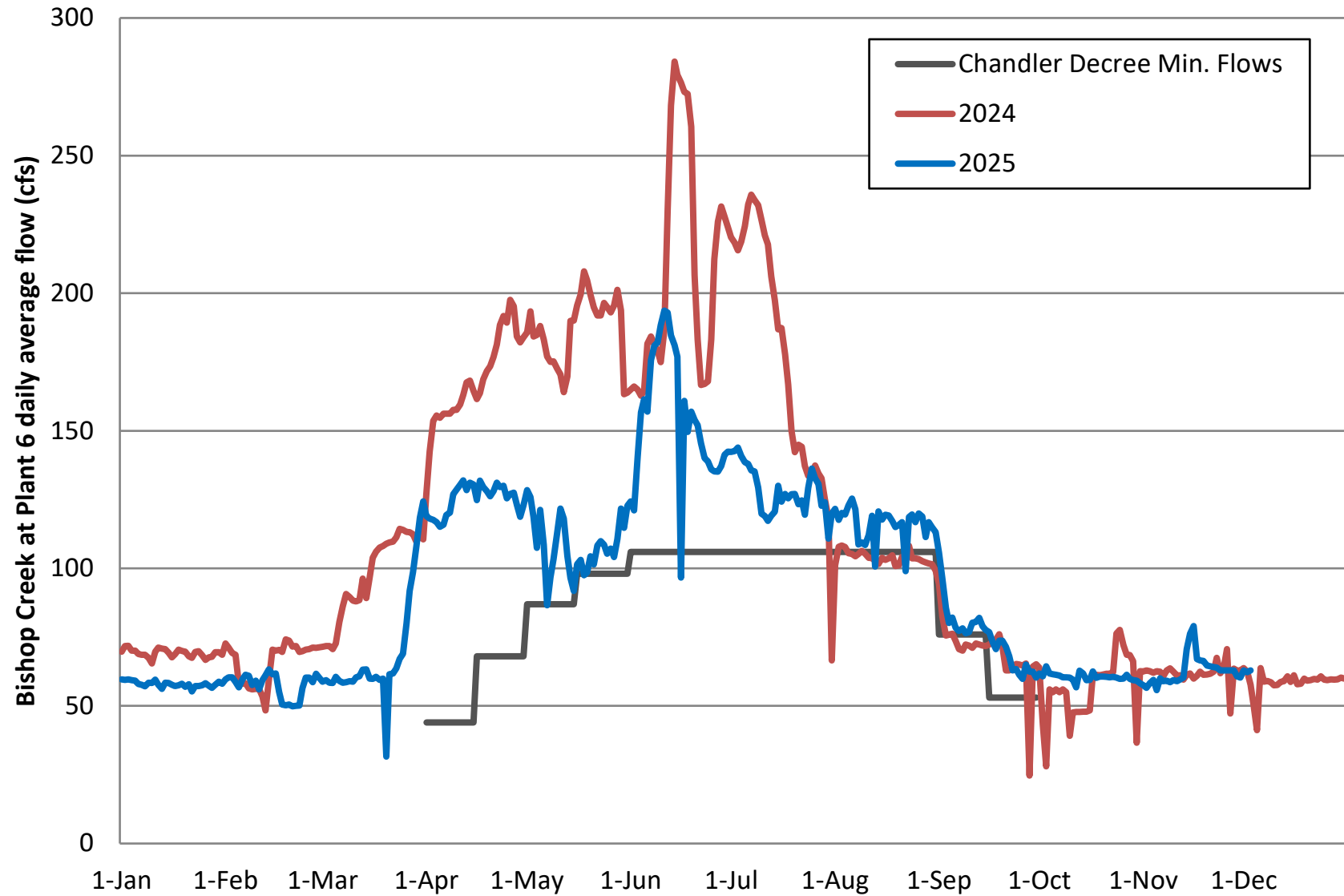
# Bishop Creek Water Association Monthly Meeting

Date 10/14/2025

## Attendance Sheet

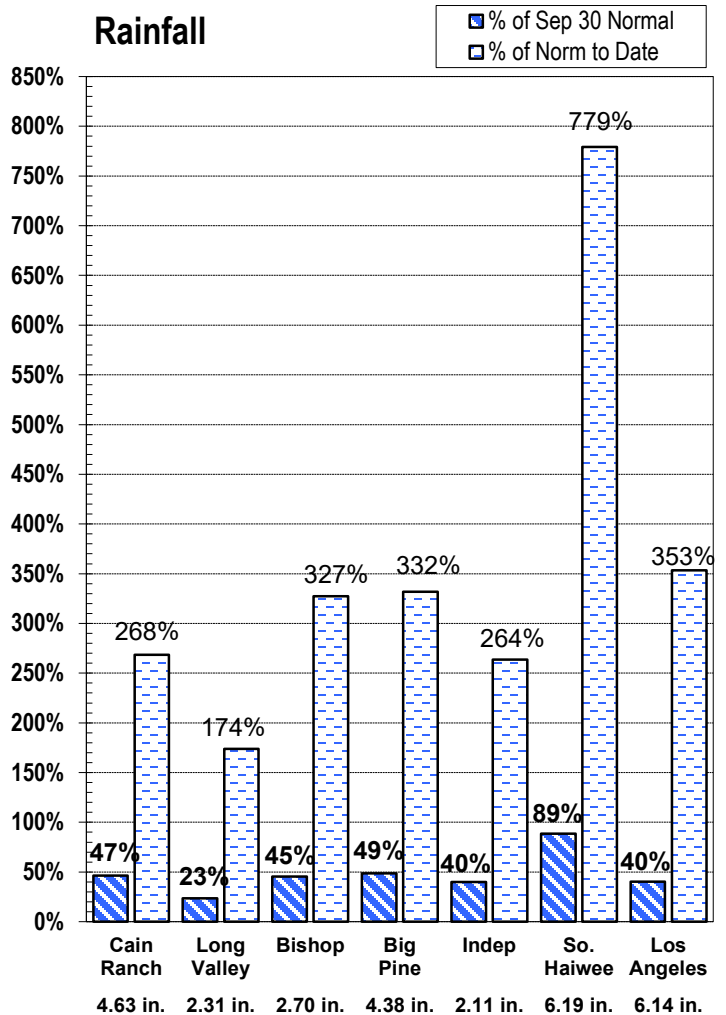
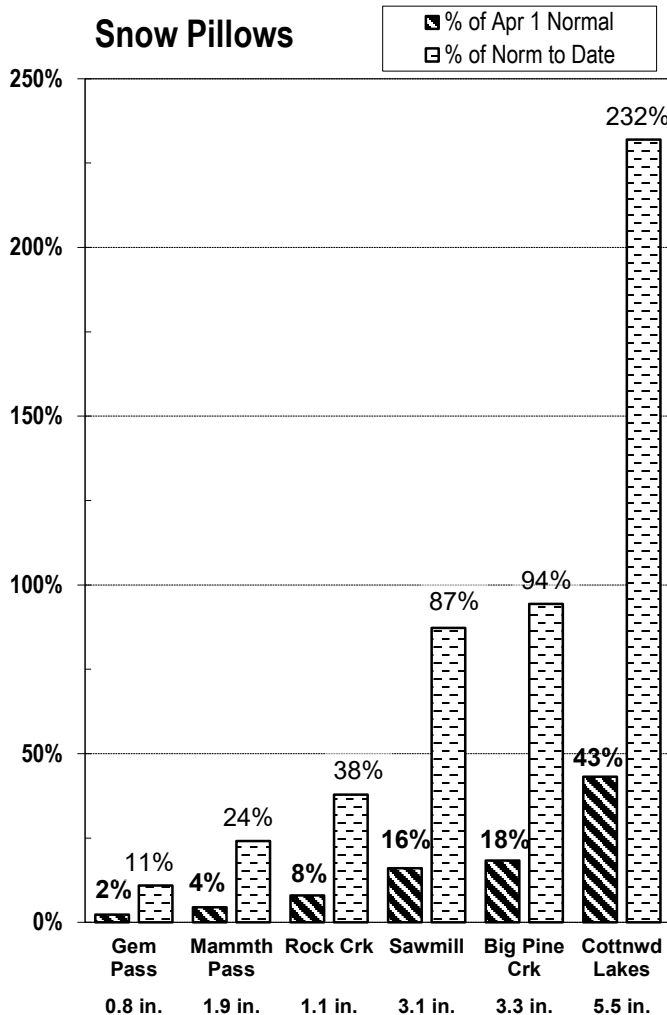
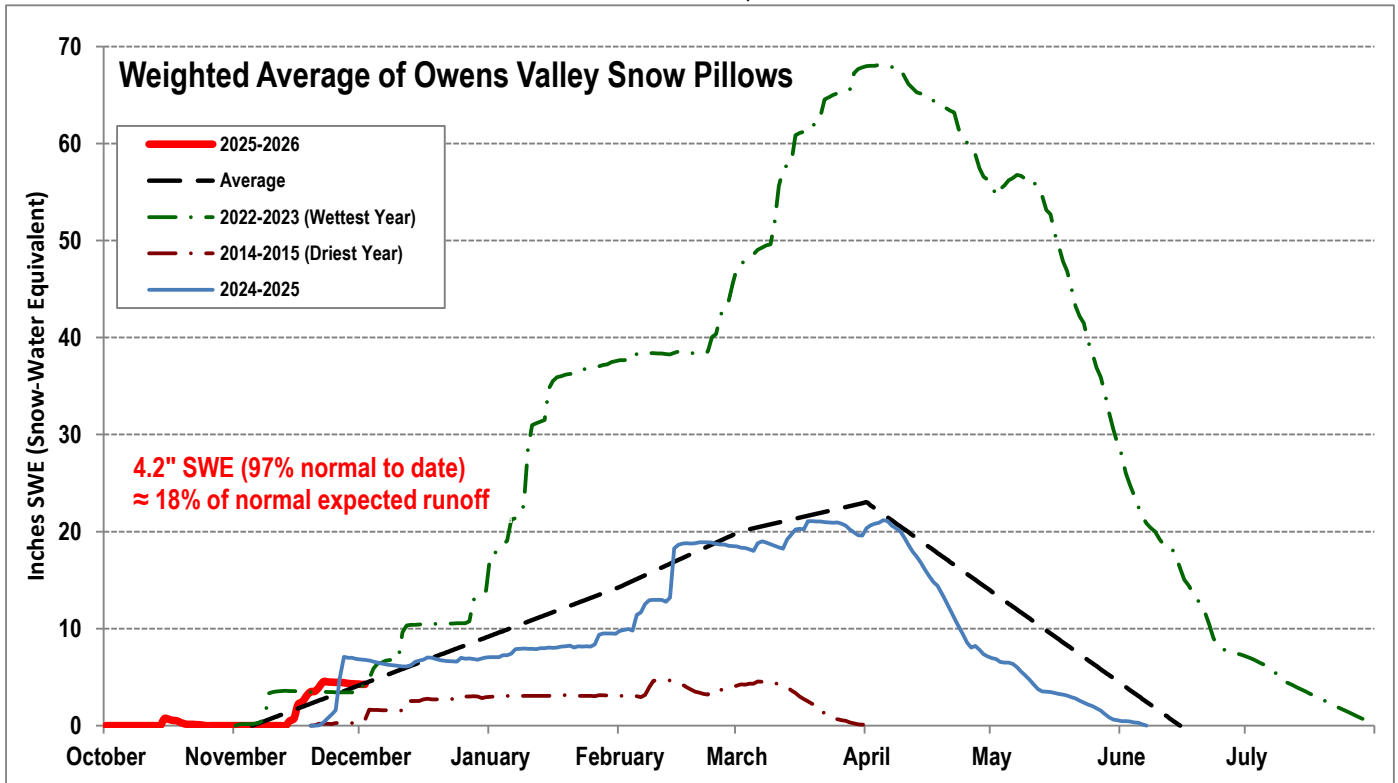
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## Bishop Creek Flows at Plant 6





# EASTERN SIERRA CONDITION REPORT December 2, 2025



Bishop Creek Water Association Meeting  
October 14, 2025 7 PM  
Inyo County Board of Education Facility  
Lozito Conference Center  
166 Grandview Dr., Bishop, CA 93514

I agree to plan on this page  
Nelson Arzola 662 Snow Circle  
v Nelson Arzola

To the Board of Trustees,

we agree to this page

Jeff Kneip

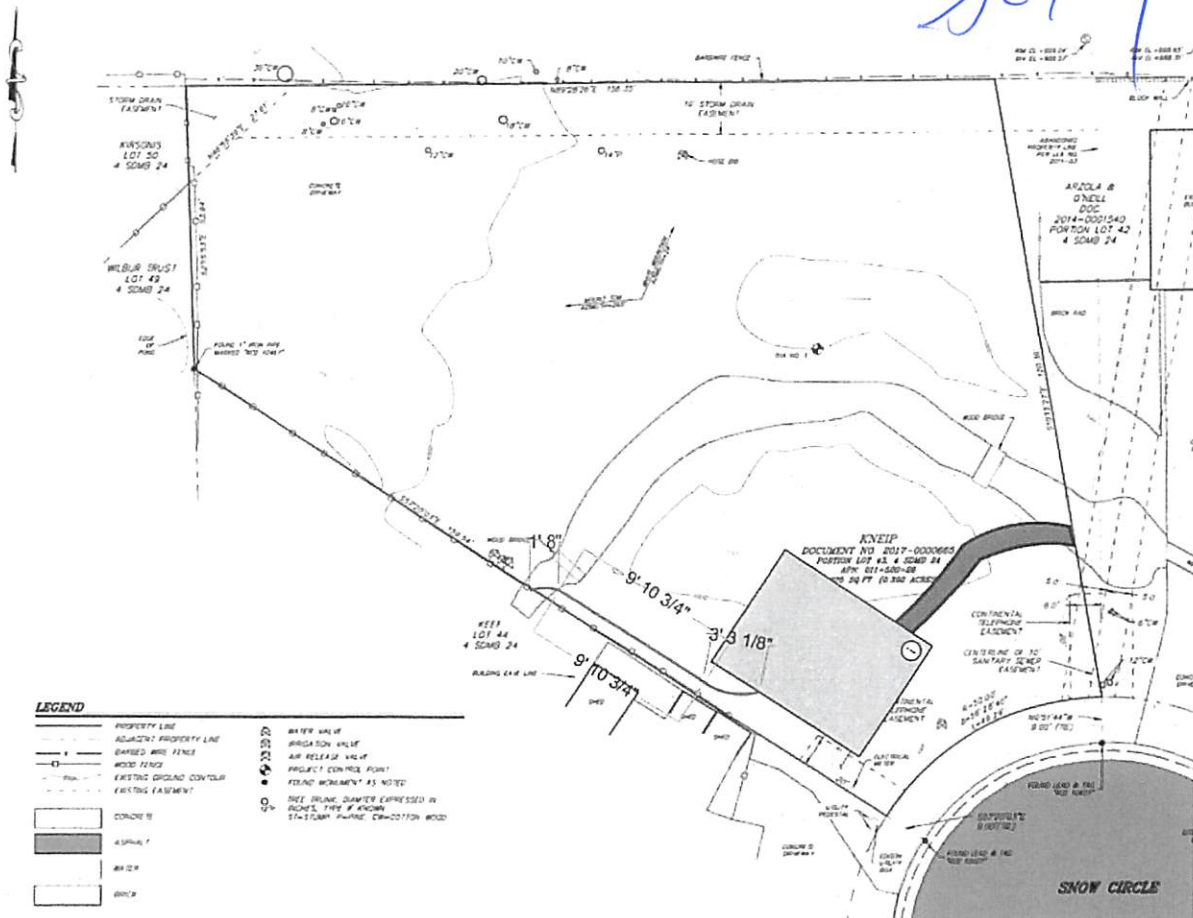
Jeff Kneip

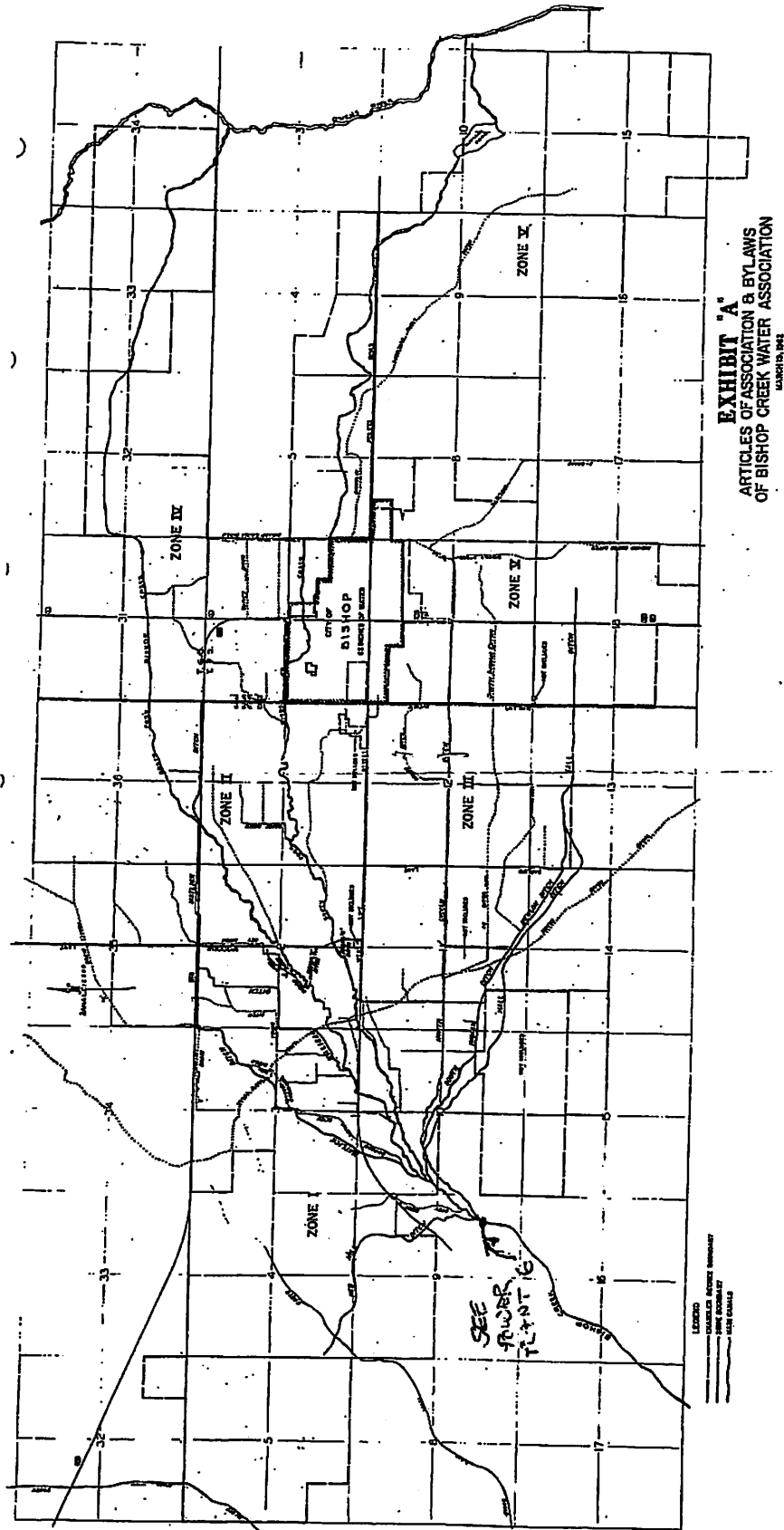
My name is Jeff Kneip and on behalf of my wife, Angela, and myself, we would like to present a plan for diverting our creek at 671 Snow Circle, Bishop, CA 93514. Currently, the creek is running through the middle of our property and we are planning to build a residence on the lot, hence the reasoning for diverting the creek.

Our plan is to place a 16" wide concrete channel parallel along the shared fence with the Keef's property. Then the creek will turn to connect to a culvert running under the driveway. Upon coming out of the culvert, the creek will have some mild curvature before reaching its outlet into the Arzola/O'Neill pond. Please see attached picture for details.

Thank you,  
Jeff and Angela Kneip

I agree with the  
plan as proposed  
Jt Kneip





# BISHOP CREEK WATER ASSOCIATION

Post Office Box 1273  
Bishop, California 93515

January 5, 2026

Dear Bishop Creek Water Association Member,

You have annually received letters and billings regarding your Bishop Creek Water Association (BCWA) assessments. The Board of Trustees of BCWA has authorized, directed and instructed its officers to pursue collection of unpaid assessments in the Inyo County Superior Court as provided by the BCWA By-Laws. Your account now has an overdue balance of \_\_\_\_\_ (see enclosure). This letter is being sent to you to notify you that unless you pay your overdue balance within the next 30 days it will be necessary for the BCWA to initiate an action in small claims court. In the recent past the BCWA took several non-paying members to Small Claims Court to recover past due assessment fees. This effort resulted in court judgments favorable to the BCWA. Settlements and court ruling judgments consisted of the amount of past due assessments plus court fees.

One of the common threads in questions/issues that kept coming up in the court proceedings is “why do I have to pay?” The response to that is twofold:

- 1) **There is management and operations need.** The BCWA is responsible for distribution and regulating water to all association members in the Bishop area (approximately 965 members). The association is managed and operated under the guidance of Articles and By-Laws (available on the BCWA website, [www.bishopcreekwater.org](http://www.bishopcreekwater.org)).

Membership to the association is automatic by virtue of having Bishop Creek water flowing on one's property (BCWA By-Laws, Article VII, Section 2). 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. “*

Management and operation of the BCWA requires the employment of a Watermaster to ensure every member receives their equitable share of water. Without a Watermaster the flow of Bishop Creek would not be equitably distributed. The Watermaster, on a regular basis, is in the field, patrolling, monitoring, adjusting flows, and cleaning debris from gates to ensure that the water keeps flowing and is distributed properly. The BCWA also pays for bookkeeping services to maintain membership records and do billing. These costs are itemized in the annual BCWA budget. The budget is approved at the BCWA annual meeting held on the last Monday of January each year. If you go to the BCWA website and look up the January 27<sup>th</sup>, 2025, meeting summary, you will find the membership approved budget for 2025. Payment of the Watermaster's salary, bookkeeping, insurance, and maintenance of an aging distribution system relies solely on the fees paid by the BCWA membership. The association, as a community entity, cannot maintain the necessary

BISHOP CREEK WATER ASSOCIATION

Founded in 1897

# BISHOP CREEK WATER ASSOCIATION

Post Office Box 1273  
Bishop, California 93515

distribution facilities and provide for equitable distribution of water unless everyone utilizing and enjoying these waters pays their assessments.

- 2) **There is a legal obligation.** In 1905 the BCWA was formed as an unincorporated association by the users and appropriators of the waters of Bishop Creek for use on lands located on the Bishop Cone for the purposes of protecting their rights to the waters of Bishop Creek, and to apportion said waters among the users.

To determine the rights of users to the waters of Bishop Creek, an action was filed in the United States District Court in and for the Southern District of California, Northern Division, Case No. B-16 in Equity. On January 27, 1922, a Final Decree determining the respective rights to the waters of Bishop Creek was filed. This decree is commonly known as the *Chandler Decree*. Article IX of the *Chandler Decree* determined that the users “*at their own expense, shall pro-rate, rotate, divide, distribute the waters of Bishop Creek among themselves, and their lands, and the several ditches, supplying the same in such amounts and at such times as they see fit*”. Article XI of the *Chandler Decree* made that decree binding upon the parties and *their respective successors in interest and assigns*.

Since then, the BCWA has regulated the equitable diversion of water from the main canals to the lands of the members of its association. Association members include all owners of land described in Paragraph 1 of the Chandler Decree. The Articles and By-Laws include a map showing the area of land requiring mandatory membership. The Articles and By-Laws specifically authorize BCWA to levy assessments against its members to pay its expenses. Pursuant to this authority, BCWA has levied assessments and bills its members annually.

Hopefully this explanation answers your questions/concerns and helps you understanding the importance of each member fulfilling their obligation in order to enjoy the privilege of utilizing the waters of Bishop Creek. Paying your past due assessments will avoid the negative, time-consuming, money-wasting legal process. In fairness to the entire BCWA membership please comply and bring your account up to date.

If you have any other questions or have a specific issue regarding payment of a past due assessment, please contact me or any Board member at one of the numbers below.

Sincerely,

## Board of Trustees

Gene Coufal – President (760) 873-6209

Merry Armstrong (760) 920-9959

Don Kunze (760) 937-0128

Mark Frumpkin (818) 590-0554

Eric Tillemans (760) 920-8989

Cc: Board members

BISHOP CREEK WATER ASSOCIATION

Founded in 1897

# ARTICLES

and

# By-Laws

Bishop Creek Water Association

Of March 1969 and as Amended on: January 27, 1992;  
January 31, 1994; January 26, 2015; March 4, 2015;  
April 14, 2015; March 1, 2016; and January 26, 2026

**January 2026**

ARTICLES OF ASSOCIATION OF  
BISHOP CREEK WATER ASSOCIATION  
OF MARCH 23, 1962 AND AS AMENDED FEBRUARY 3, 1969,

WHEREAS in 1905 the Bishop Creek Water Association was formed 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 the purpose of protecting their rights to the waters of said Bishop Creek and to apportion said waters among the several users; and

WHEREAS in order to determine the rights to said waters of Bishop Creek to which said Association members and said users and appropriators of said waters were entitled, an action was brought and determined thereof had, under a judgement commonly known and referred to as the Chandler Decree; and

WHEREAS The City of Los Angeles, in order to provide a municipal water supply for use in The City of Los Angeles, purchased over 80% of said lands and water rights, together with the rights to the use of the main canals to transport said water and has since said purchase maintained said canals to transport said water for its own use and for the use of other landowners on the Bishop Cone entitled to their respective share of said waters of Bishop Creek; and

WHEREAS the Bishop Creek Association since the said purchase of said lands and water rights by the said City has for many years restricted its operations to regulating the equitable diversion of the said water from said main canals to the said lands of the members of the Association; and

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.

**THIRD:** To levy assessments upon each member for such sums and at such times as may be required to carry out the purposes of the Association, and to enforce the collection of said assessments.

**FOURTH:** To determine the eligibility to membership in this Association, and adopt rules for the expulsion of members therefrom and the levying of fines and collection of same, for violation of any of the rules and agreements of this association.

**FIFTH:** To adopt by-laws and rules to govern the affairs of the Association, and to elect officers and prescribe their duties and terms of office.

**SIXTH:** The Trustees of this Association shall have power to exchange water, where such exchange will be of benefit to the members of the Association and will not injure any members of this Association. For the purpose of carrying out the foregoing objects of this Association, and in consideration of the benefits to be derived therefrom as individuals and collectively, we do hereby jointly and severally agree to and adopt the following rules and by-laws for the government thereof.



**BISHOP CREEK WATER ASSOCIATION**  
**BY-LAWS AND RULES**

**ARTICLE I**

**Section 1**

The authority and power of this Association shall be vested (except as otherwise provided herein) in a board of five trustees (Board) who shall be members of this Association, or duly appointed and designated representatives of members of this Association, a majority of whom shall constitute a quorum for the transaction of all business.

**Section 2**

The trustees shall be elected by ballot immediately upon the adoption and signing of these articles of association, rules and by-laws, and thereafter two trustees shall be elected at the annual meeting of the members of the association to be held on the last Monday in January of each even-numbered year, and three trustees shall be elected at the annual meeting to be held on the last Monday in January of each odd numbered year; said meetings to be held at Bishop, California.

Each trustee shall serve for the term of two years or until a successor is elected, the term of office of each trustee shall commence immediately following his election.

Election of trustees shall be by ballot and each member of the Association shall have the right to cast at least one vote.

A member of the Association shall be a landowner (joint owners shall be entitled to one membership), and each such member shall have the right to cast at least one vote. Owners of multiple parcels, but not meeting the 10-acre threshold for assessment, will have the right to cast one vote for each parcel owned and be assessed at the minimum annual assessment charge for each parcel owned.<sup>7</sup> Each landowner owning more than one (1) acre shall be entitled to one vote for each sum equal to the minimum annual assessment charge paid by such member, that is to say each member shall be entitled to one additional vote each time the acreage assessment equals the minimum annual charge, provided, however, that no one member, regardless of the acreage owned, shall have the right to cast more than two fifths (2/5) of the total vote of all members present at any such meeting, except as hereinafter provided in Article XII. The majority landowner, or the owner of the greatest acreage, may be represented by no more than one member on the five-member board of trustees, but shall be represented by at least one member.

All yellow should have a superscript 7 and a footnote <sup>7</sup>Amended 1/26/26"

### **Section 3**

Vacancies on the board of trustees shall be filled by a special election to be held after five days' notice being given, by mailing to each member of the Association a notice of the time, place and purpose of said meeting.

## **ARTICLE II – POWERS OF TRUSTEES**

### **Section 1**

The trustees may call special meetings of the members of the Association when they deem it necessary, and they shall call a meeting at any time on the written request of ten members of the Association or on the written request of one member of the board of trustees.

### **Section 2**

They may employ, appoint and remove at pleasure any officer, agent, or employee of the association; prescribe their duties, fix their compensation and require from them security for faithful service, should the same be deemed necessary and proper.

### **Section 3**

They shall appoint all committees not otherwise provided for herein: shall have full charge, management and control of the business and affairs of the association, with power to enter into contracts for and on behalf and in the name of the association, and to receive and pay out money as provided herein; and have any and every power necessary to carry out the true intent and purposes of this association for the benefit of the membership thereof, individually and collectively.

## **ARTICLE III -OFFICERS OF THE ASSOCIATION**

### **Section 1**

The officers of this association shall consist of a President, a Secretary, and a Treasurer<sup>1</sup>, to be elected by the Board of Trustees from among their number, at the first regular meeting of said board after the general election of said trustees.

### **Section 2**

If at any time any officer shall be absent or unable to act, the Board may appoint some other member to act in his place and stead, in whom (for the time being) shall be vested all the duties, powers and functions of the office.

<sup>1</sup>Amended 3/4/2015

## **ARTICLE IV- DUTIES OF OFFICERS**

### **PRESIDENT**

#### **Section 1**

The President shall serve without compensation and shall preside over all meetings of the member and trustees, and shall have the casting vote.

#### **Section 2**

He shall sign, as President, all contracts and other instruments of writing which have been first approved by the Board of Trustees, and draw all warrants on the Secretary- Treasurer for the payment of money.

#### **Section 3**

He shall call the trustees together whenever he shall deem it necessary, by giving each member thereof one day's personal notice, or by depositing in the post office, properly stamped and addressed, a notice of said meeting to each trustee at least three days before the date set for said meeting.

## **ARTICLE V- SECRETARY- TREASURER<sup>1</sup>**

#### **Section 1**

The Secretary shall keep a correct record of the proceedings of the board of trustees and of the meetings of the members. The Treasurer shall keep proper books of account of the business and financial affairs of the association; collect all assessments, and sign all checks and warrants.

#### **Section 2**

It shall be the Secretary's duty to preserve all records, maps, agreements and data placed in his charge by the Association, and render a statement of the affairs of the association at any regular meeting of the members or at any meeting of the board of trustees.

#### **Section 3**

The Secretary shall serve all notices required to be served in the management of this association, as provided in the by-laws and rules.

<sup>1</sup>Amended 3/4/2015

#### **Section 4**

The Treasurer shall safely keep all funds of the association and pay them out only on an order of the President.

#### **Section 5**

The Treasurer shall furnish a statement of the financial affairs of the association at all regular meetings of the members, or at any meeting of the trustees, when requested so to do.

### **ARTICLE VI – MEETINGS**

#### **Section 1**

The annual meetings of the members of this association shall be held on the last Monday of January of each year at Bishop, California and shall be called by the Secretary<sup>1</sup> mailing a notice thereof to each member at least ten days before said meeting.

#### **Section 2**

Special meetings of the members of the association shall be called by the President when authorized by the trustees, or upon written request of ten members. Said special meetings shall be called by the Secretary<sup>1</sup>, under the direction of the President, mailing to each member of the association a notice thereof at least five days before the time of said meeting.

### **ARTICLE VII- QUORUM**

#### **Section 1**

No meeting of the members of the Association shall be competent to transact business unless at least ten members are present, except to adjourn from day to day or until such time as may be deemed proper.

### **ARTICLE VIII- MEMBERSHIP**

#### **Section 1**

Any owner of land included as defendant lands, shown on Exhibit A, described in Paragraph 1 of the Chandler Decree, same being an Instrument filed for record on January 27, 1922, as B- 61 Equity, a decree signed by Judge Benjamin F. Bledsoe, may become a member of this Association by application to the Bishop Creek Water Association, or by ratifying and signing the Articles of Association and these by-laws and rules and conforming to the requirements thereof

<sup>1</sup>Amended 3/4/2015

## **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,<sup>6</sup> shall be binding upon all parties.

## **Section 3**

Any member of this association not complying with the provisions contained in the by-laws and rules, may be denied the services of this organization. A non-compliant member shall be provided by the Watermaster or a Board member, with a written notice stating the violation and providing a reasonable time limit for the non-complaint member to cure all violations. In the event the member fails to timely cure all violations, the Watermaster or a Board member may take all actions available at law including without limitation issuing fines and suspending water service.

The BCWA Watermaster and/or a Board member shall be permitted reasonable access any member's property for the purpose of inspection, measurement, flow adjustment, repair, or performing other such duties as maybe necessary to secure compliance with the provisions of these By-Laws. . The BCWA Watermaster or a Board member will attempt to notify member owners or occupants where access is necessary. The member owner or occupant shall be solely responsible for the control of all animals which may pose a potential threat to the Watermaster or a Board member and shall be liable for any injury to the Watermaster or Board member resulting from an unrestrained animal. When the Watermaster or a Board member may encounter some personal risk in attempting to access the ditch or diversion structure, flows may be detrimentally affected.

When a member has a valid complaint or grievance, it shall be referred first to the Watermaster, and if not resolved by the Watermaster, then referred to the Board.

## **ARTICLE IX- DIVISION AND USE OF WATER**

### **Section 1**

Immediately upon the adoption, signing and ratification of the By-Laws and Rules by the members of this association, a committee of at least three (3) members and not more than five (5) members, to be known as the "Committee on Water and Arbitration" shall be appointed by the board of trustees to serve a term of one year. Vacancies on said committee shall be filled by appointment by the Board of Trustees.

### **Section 2**

It shall be the duty of said Committee on Water and Arbitration to ascertain as nearly as possible the names of all individuals claiming to be entitled to the use of water from Bishop Creek and the diverted waters from Birch Creek to Bishop Creek for domestic or irrigation purposes, together with such further information as can be obtained that will assist said committee in apportioning to each member of this association a fair, equitable and proportionate amount of water of said Bishop Creek and the diverted waters of and from Birch Creek.

### Section 3

Said committee shall, based on said Chandler Decree, estimate the proportionate amount of water from Bishop Creek to which each member of the association is entitled, and the length of time during the season (March 16 through October 15 inclusive) to which he is entitled to use the same. The seven month season of March 16 to October 15 inclusive is the season wherein the association in its associate capacity has the responsibility for water management.

<sup>6</sup>Amended 3/1/2016

### Section 4

Each member shall keep his ditches free and clear of debris (sand, silt, rocks, grass, weeds, and trash) so that water, including waste water, may move for the beneficial use of members below. No structure or permanent improvements such as concrete, retaining walls, immovable fences, irrigation pipes, et al shall be installed or constructed in such a way to impede or restrict ditch flows. Provided that the property owner does not remove obstacles or impediments as requested by the BCWA, the BCWA's cost for removing such impediments will be applied to the member's account.

### Section 5

In the event the equitable distribution of water is impeded or interfered with causing flooding, wastage or other detriment to the flow of water 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 and it will be applied to the member's account.

## ARTICLE X- TURNING WATER OUT OF CREEK

### Section 1

The trustees of this association are empowered and authorized to employ one or more men as needed to divert from the main canals said waters for the use of the members of this association and to divide the same between the members hereof as nearly as may be in the proportion set forth in the report of the Committee on Water and Arbitration.

## Section 2

No Member shall divert any water from the said main channels or in any way interfere with the boxes or headgates placed therein; but if water is needed for irrigating purposes, the member so needing the water shall give the man employed by trustees to divide said water at least three days' notice of the time and place of using same. The man in charge shall thereupon provide for the required amount of water, if possible, at the proper time. Any person who trespasses and/or causes damage will be liable for all cost of repair and replacement and may be subject to fines and all available remedies at law.

The BCWA Watermaster and Board members shall have the right to ingress and egress to member property at reasonable hours with advance notice (except in the case of an emergency) for any purpose reasonably related to the distribution of Bishop creek water. The BCWA Watermaster or a Board member will attempt to notify members or occupants where access is necessary. Members hereby indemnify and hold the Association, the Watermaster, and Board members, and their agents and employees, harmless from any and all costs, damages, claims or liability of any kind arising out of entry onto member property pursuant to these By-Laws.

## Section 3

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, except for the control devices used exclusively by the City of Los Angeles or other users on ditches, channels, etc. not regulated for the benefit of the general membership. Any of the above identified BCWA water distribution facilities may be maintained, repaired or replaced by the BCWA in its sole discretion and without consent or interference of the member, owner, or occupant of the property.

## Section 4

The BCWA shall not be liable, and all members shall hold BCWA harmless, for damage which may result from an interruption in ditch flow or flooding due to system operations, maintenance, repair or from a cause beyond the control of the BCWA except in the case of BCWA's gross negligence or willful misconduct. The BCWA will strive to provide advance notice of planned non-emergency or controlled interruptions in normal ditch flows.

## **Article XI – PONDS AND STREAM FLOWS<sup>2</sup>**

1. All new ponds must be approved by the BCWA board.
2. All new ponds must be: made to reasonable size; no more than 5 ft deep; and lined with clay, a shale/clay mix, or another impermeable barrier material.
3. All new ponds must have a bypass capable of carrying the full flow of the feeding ditch when ponds need to be shut off.
4. All existing ponds, when drained or being cleaned, are to be lined with clay, a shale/clay mix, or another impermeable barrier material; shall not have a depth more than 5 feet; and a bypass constructed if one does not already exist.

## **ARTICLE XII- RESPONSIBILITIES AND PRACTICES<sup>3</sup>**

### **Section 1- General**

These RESPONSIBILITIES AND PRACTICES are guidelines adopted by the Bishop Creek Water Association (BCWA) to implement the BCWA Bylaws. Whereas the Bylaws are a sort of constitution of the BCWA, these RESPONSIBILITIES AND PRACTICES are intended to be guidelines under which the BCWA and its members can operate day-to-day.

### **Section 2- Responsibilities and Practices**

The responsibilities and practices to be followed by the BCWA and its members are listed below. When possible, the applicable part of the Bylaws is noted in parenthesis.

1. If your property is on the “Bishop Cone” (defined in part in the 1922 Chandler Decree) and is traversed by, or borders on, Bishop Creek or a ditch that carries water from Bishop Creek (Article VIII, Section 2), then you are automatically a member of the BCWA. An exception to this is if your property is in Section 36, T6S, R32E and receiving water from the Girard Ditch (land formerly irrigated with water from Birch Creek).
2. The BCWA is responsible for: a) the distribution of water to the main ditches carrying Bishop Creek Water; and b) the protection of water rights on Bishop Creek.
3. 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.

<sup>3</sup>Amended 1/31/1994

<sup>2</sup>Amended 4/14/2015



4. 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 (Article IX, Section 4)
5. 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 (Article IX, Section 5)
6. 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.
7. In order to address ongoing issues with clogged culverts, members owning property immediately upstream of street culverts carrying Bishop Creek water must install a grate at the culvert inlet and keep it free and clear of debris and obstructions. Members owning property immediately downstream of street culverts carrying Bishop Creek water need to maintain a clear unobstructed channel at the culvert outlet. Should the BCWA identify any property that is not adequately grated at an inlet to a street culvert to keep excess debris from entering the culvert or should the BCWA identify any property where an outlet has a flow impediment or obstruction, and the street culvert becomes plugged, the property owner will be held solely responsible for clearing the street culvert. If members fail in their responsibilities, the BCWA has the right to perform the work itself and pass the cost of clearing the culvert to the property owners BCWA account (Article IX, Sections 4 and 5).
8. All boxes, headgates, or diversion works diverting water from main streams, canals, and ditches on the Bishop Cone that carry Bishop Creek Water are the property of and are managed by the BCWA (Article X, Section 3), except those used exclusively by the City of Los Angeles.
9. Only the Watermaster is authorized to change settings of BCWA headgates and diversion boxes (Article X, Section 2). Requests for adjustments in water diverted should be made to the Watermaster with advance notice (Article X, Section 2).
10. It is easy to disrupt other BCWA members use or enjoyment of the water when you irrigate your property. Coordinate with the BCWA Watermaster before you change your irrigation practices. Allow as much water as you can to continue down the ditch to other members. Definitely allow enough water to keep fish alive in downstream ponds and ditches.
11. Before you re-route an existing ditch, construct a pond, or divert water into a newly constructed ditch on your property, the BCWA Trustees need to review the plans to ensure that they are consistent with the BCWA Articles and Bylaws.
12. After you re-route a ditch or construct a new ditch, the water needs to be discharged at your property line at the same place and elevation, and with the same flow characteristics it had prior to the re-routing or diversion.
13. A newly constructed pond needs to be lined to reduce percolation loss.

14. Any re-routed primary ditch on your property needs to have a 10- foot wide easement dedicated to the BCWA.
15. In general, open ditches are preferred over pipes and other closed conduits because they are easier to maintain.
16. Ditches require less maintenance if they are designed to pass rather than trap debris sand and leaves.
17. The preferred configuration for ponds include a ditch that bypasses the pond so that all of the water in the primary ditch does not go through the pond. This configuration provides better flow characteristics in the ditch system and can reduce the amount of debris that enters the pond.
18. Water conflicts between neighbors should be resolved between the neighbors. If it becomes clear that you are unable to resolve a water conflict with a neighbor on your own, the conflict can be brought before the BCWA Board of Trustees for mediation and resolution.

## **ARTICLE XIII- ARBITRATION**

### **Section 1**

If at any time any question or dispute arises between any members of this association as to their respective rights to use of said water, under the By-Laws and Rules herein, such question or dispute shall be submitted to the **Watermaster Committee on Water and Arbitration** for the purpose of deciding and adjusting the same. A decision of the **Watermaster Committee on Water and Arbitration** may be appealed to the Board of Trustees.<sup>4</sup> The decision of **said committee, or the Board of Trustees** (If appealed),<sup>4</sup> shall be final and binding upon the respective parties, provided that the

maximum use shall not exceed a quantity of water in excess of three (3) acre feet per acre.

## Section 2

This Association shall not be or become responsible for the costs and expenses of any litigation over the right to use water in Bishop Creek and the diverted waters of Birch Creek.

<sup>4</sup>Amended 4/14/2015

## ARTICLE XIV- ASSESSMENTS

### Section 1

The necessary funds to pay all expenses incurred by the association shall be raised as follows: The President, after his election, shall appoint a committee of five (5) members to be known as the Financial Committee, whose duty it shall be, soon after appointment and before the first Monday of January of each year, to make an estimate of the amount of money required to pay the expenses of the association for the ensuing fiscal year, and to the apportion said total amount as follows:

1. A minimum annual charge of not less than \$6.00 shall be assessed to each member of the Association: and
2. The balance of the amount necessary to pay said expenses of the association, which balance shall not exceed 60% of the estimate, shall be prorated on an acreage bases and the said amount per acre shall be assessed to members owning ten or more acres.

Said estimate shall be reported to the association by the committee and, if said estimate does not exceed \$6,000, a majority vote of all members present at any regular or special meeting may adopt the report, provided, however, if said estimate exceeds \$6,000, its adoption will require the vote of members owning 50% or more of said lands shown on Exhibit A.

Any single expenditure of more than \$ 3000<sup>3</sup> for purposes other than normal operation expenses, must be approved at the general meeting in January, or at a special meeting wherein the proposed expenditure is listed in the call of the special meeting, at which time there must also be presented the plans, specifications and cost estimates for the work to be performed in connection with said expenditure.

### Section 2

The Secretary shall notify by the mail each member of the association for the minimum charge and of his pro rata share of said assessment, and the sum so due shall be paid to the Secretary within thirty days from the date of notice. Returned checks and other fees are not considered BCWA administrative fees and will be added to the property owner's assessment billing. Members who do not pay their assessments within 30 days, will be considered in bad standing, and may be denied BCWA service. In the case of a members who do not pay the annual assessment by the end of the calendar year (approximately 6 months after the past due annual billing mailing date of July 1), they will additionally subject to action by the Board to recover past assessments including recording a lien against the members' real property. The Secretary or such other person as the Board may select, shall be and is authorized to take such legal or other action as may be required to collect any sums due and unpaid.

Members shall be responsible for all charges, fees, penalties, and assessments owed to the BCWA which all monetary obligations shall be considered assessments.

All assessments, together with any late fees, interest, costs, and reasonable attorney's fees incurred in collecting assessments shall constitute a lien on the real property of the member pursuant to Civil Code Sections 2881 and 2884, which lien shall be effective upon recordation of a notice of delinquent assessment in the office of the County Recorder of the county in which the property is located. The lien shall be enforceable in accordance with California law including without limitation pursuant to nonjudicial foreclosure.

### Section 3

In case the said minimum charge and said annual assessment levied, as in this article provided, should not furnish sufficient funds to meet the expenses of the Association, a special assessment may be levied at any time and

collected in the same manner as provided for the annual assessment, provided that if the total of any special assessment or assessments when added to the annual assessment, including the minimum assessment, exceeds \$6,000 the adoption of such special assessment shall require the vote of members owning 50% or more of said lands shown on Exhibit A.

**Section 4** <sup>4</sup>

The association

is to maintain a monetary reserve equal to the following years budgeted operating costs.

**ARTICLE XV- RULES FOR CONDUCTING MEETING**

**Section 1**

The

President, with the approval of the trustees, shall appoint, as required, a nominating committee, which said nominating committee shall submit the names of nominees for Trustees at all meetings called for this purpose. Other nominations of Trustees may be made by members from the floor.

**Section 2**

All

meetings of the membership shall be conducted according to Robert's Rules of Order, as revised, except as the same may be in conflict with the special rules set forth in these By-Laws.

**ARTICLE XVI- AMENDMENT OF BY-LAWS AND RULES**

**Section 1**

These by-

laws and rules may be altered or amended at any regular or special meeting of the association by a majority vote of members present, except as to those provisions in these by-laws regarding the minimum charge and maximum assessment, which provisions can only be amended by vote of members owning 50% or more of said lands as shown on Exhibit A.

<sup>4</sup>Amended 4/14/2015