ARTICLES

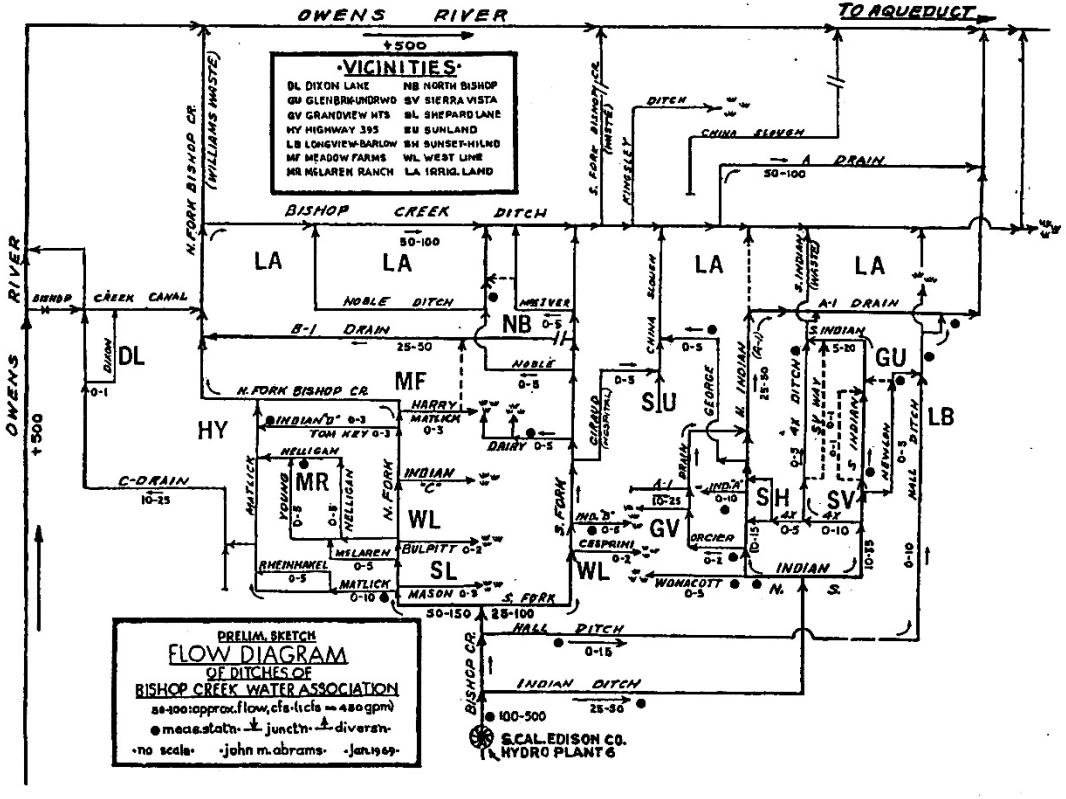
and

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; May 10, 2016 and January 26,2026

January 2026


OWENS RIVER
TO AQUEDUCT
+500
VICINITIES
DL DIXON LANE
GV GLENBRK-UNDRWD
GV GRANDVIEW HTS
HY HIGHWAY 395
LB LONGVIEW-BARLOW
MF MEADOW FARMS
MR McLAREN RANCH
NB NORTH BISHOP
SV SIERRA VISTA
SL SHEPARD LANE
SU SUNLAND
SH SUNSET-HILND
WL WEST LINE
LA IRRIG. LAND
N. FORK BISHOP CR. (WILLIAMS WASTE)
S. FORK BISHOP CR. (WASTE)
KINSLEY
DITCH
CHINA ELEVEN
A DRAIN
50-100
BISHOP CREEK DITCH
LA
NOBLE DITCH
NB
B-1 DRAIN
25-50
MF
HARRY
MATLICK
DAIRY
HY
BINDIN "2"
TOM HEY
HELLIGAN
MR
YOUNG
MATLICK
N. FORK
INDIAN "C"
WL
McLAREN
BULPITT
SL
RHEINHAKEL
MASON
S. FORK
50-150
25-100
BISHOP CREEK CANAL
DIXON
DL
C-DRAIN
10-25
OWENS RIVER
+500
CHINA SLOUGH
GEORGE
SU
CASADA (HOSPITAL)
S. INDIAN (WASTE)
A-1 DRAIN
INDIAN
GU
LB
HENLEN
HALL DITCH
A-1 DRAIN
IND "A"
IND "B"
GV
CESPRINI
ORCIER
WL
WONACOTT
SH
SV
INDIAN
N.
S.
HALL DITCH
0-15
INDIAN DITCH
25-50
BISHOP CR.
100-500
S.CAL.EDISON CO.
HYDRO PLANT 6
PRELIM. SKETCH
FLOW DIAGRAM
OF DITCHES OF
BISHOP CREEK WATER ASSOCIATION
50-100: approx. flow, cfs (1 cfs = 450 gpm)
meas. statn. junctn. diversn.
no scale · john m. abrams · Jan. 1969

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 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 purchased and 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 the said 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, bylaws 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 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 form 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 bylaws 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 bylaws for the government thereof.

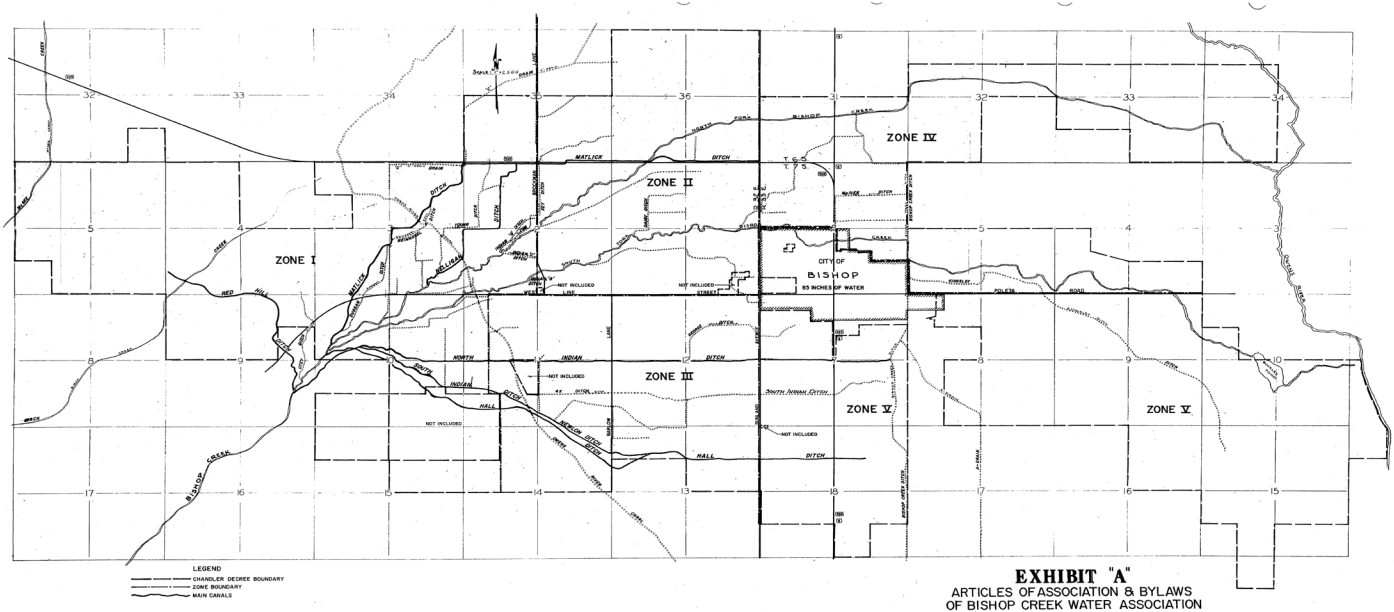


EXHIBIT "A"

ARTICLES OF ASSOCIATION & BYLAWS
OF BISHOP CREEK WATER ASSOCIATION

MARCH 19, 1962

BISHOP CREEK WATER ASSOCIATION
BYLAWS 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)[8] 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.

[8]Amended 1/26/26

Section 2

The trustees shall be elected by ballot immediately upon the adoption and signing of these articles of association, rules and bylaws, 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 meetings to be held on the last Monday in January of each odd-numbered year; said meetings to be held in 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.[8] 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 XIV. 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.

[8]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[1] notice being given, by mailing to each member of the Association a notice of the time, place and purpose of said meeting.

[1]Amended 3/4/2015

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[1], 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.

[1]Amended 3/4/2015

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.

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 payments of money.

Section 3

He shall call the trustees together whenever he shall deem it necessary, by giving each member thereof one days 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[1]

[1]Amended 3/4/2015

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 bylaws and rules.

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 to do so.

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 in Bishop, California and shall be called by the Secretary[1] mailing a notice thereof to each member at least ten days before said meeting.

[1]Amended 3/4/2015

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[1], 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.

[1]Amended 3/4/2015

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 bylaws and rules and conforming to the requirement thereof.

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 Water and Arbitration Committee. A decision of the Committee on Water and Arbitration may be appealed to the Board of Trustees. The decision of said committee, or Board of Trustees (if appealed), [6] shall be binding upon all parties.

[6]Amended 3/1/2016

Section 3

Any member of this association not complying with the provisions contained in the bylaws and rules,

may be denied the services of this organization. A non-compliant member shall be provided by the Watermaster or Board Member, with a written notice stating the violation and providing a reasonable time limit for the non-compliant member to cure all violations. In the event the member fails to timely cure all violations, the Watermaster or Board member may take all actions available at law including without limitation issuing fines and suspending water service.

The BCWA Watermaster and Board members shall have the right to ingress and egress to member property at reasonable hours (or in case of emergency) 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 bylaws. The BCWA Watermaster or a Board member will attempt to notify members or occupants where access is necessary.

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.[8]

[8]Amended 1/26/2026

ARTICLE IX – DIVISION AND USE OF WATER

Section 1

Immediately upon the adoption, signing and ratification of the Bylaws 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 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 appropriating 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.

Section 4

Each member shall keep his ditches free and clear of debris (sand, silt, rocks, grass, weeds and trash) so that water, including wastewater, 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 impeded 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.[8]

[8]Amended 1/26/2026

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

therefore, at the cost of the work and it will be applied to the members account.[8]

[8]Amended 1/26/2026

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 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 person employed by the 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 (or in case of 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.[8]

[8]Amended 1/26/2026

Section 3

All boxes, headgates or diversion works diverting water from any main ditch or channel, regardless of 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.[8]

[8]Amended 1/26/2026

ARTICLE XI – PONDS AND STREAM FLOWS[2]

[2]Amended 4/14/2015

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[3]

[3]Amended 1/31/1994

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 VII, 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 receives 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.
4. As a member of the BCWA you are responsible for maintaining 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 flow 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 owner's BCWA account (Article IX, Section 4 and 5).[8]

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. Diches require less maintenance if they are designed to pass rather than trap debris, sand and leaves.
17. The preferred configuration for ponds includes 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.

[8]Amended 1/26/2026

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 Bylaws and Rules herein, such question or dispute shall be submitted to the Watermaster[8] for the purpose of deciding and adjusting the same. A decision of the Watermaster may be appealed to the

Board of Trustees[4]. The decision of the Board of Trustees (If appealed),[4] shall be final and binding upon the respective parties, provided that the maximum use shall not exceed a quantity of water in excess to three (3) acre feet per acre.

[4]Amended 4/14/2015
[8]Amended 1/26/2026

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.

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 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 basis 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 $3,000 [6] 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 on 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.

[6]Amended 3/1/2016

Section 2

The Secretary shall notify by 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 withing thirty (30) days from the date of notice. A late payment penalty of 10% is to be imposed sixty (60) days after the initial assessment billing if not paid.[7] 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 thirty (30) days will be considered in bad standing and may be denied BCWA service. In the case of a member who does 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 be subject to action by the Board to recover past assessments including recording a lien against the members real property.[8] The Secretary or such 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 collection of 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.[8]

[7]Amended 5/10/2016
[8]Amended 1/26/2026

Section 3

In case the 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[5]

[5]Amended 1/27/1992 and 1/26/2015

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 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 Bylaws.

ARTICLE XVI – AMENDMENT OF BYLAWS AND RULES

Section 1

These bylaws 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 bylaws 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.