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7  
 8 IN THE UNITED STATES DISTRICT COURT  
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 THE UNITED STATES OF AMERICA, )	
11 )	In Equity No. 30 LKK
12 Plaintiff, )	
13 )	DECLARATION OF
14 v. )	GEORGE G. WILSON
15 H. C. ANGLE, et al., )	
16 )	
17 Defendants.)	

16 I, George G. Wilson, do hereby declare as follows:

17 1. I am the court-appointed Water Master for Stony Creek and  
 18 its tributaries

19 2. On Thursday, May 14, 1992, at 1:55 P.M., I closed the  
 20 headgate to the Lewis Ditch and secured it with a padlock and  
 21 chain. This ditch provides irrigation water to property known  
 22 locally as the Corkill Ranch and described in the Angle Decree as  
 23 the lands of George W. Lewis and Frank W. Lewis in the  
 24 Appropriation Schedule at pages 124, 130, and 132. Its present  
 25 owner, I understand, is Joseph M. Castro. Mr. Castro's mailing  
 26 address is Box 30 Star Route, Elk Creek, California, 95939.

27 3. Prior to closing the ditch, I tried on various occasions  
 28 to inform Mr. Castro in person that his failure to pay his annual

1 assessments and to comply with my directions and order gave me  
2 little choice but to take this action. During the week prior to  
3 my cutting off the water, I was unable to locate him or anyone  
4 else at the property served by this ditch.

5 4. Mr. Castro has failed to pay, although given notice, the  
6 annual assessments for the property now two years in arrears.  
7 These assessments are required under the Order of this Court to  
8 defray the compensation and expenses of the water master.  
9 Approximately 75 landowners are annually assessed their respective  
10 share. Mr. Castro is the only one who is diverting water and is  
11 in arrears. I have on several occasions spoken to him about his  
12 delinquencies.

13 5. Mr. Castro, during the two prior irrigation seasons, has  
14 diverted water in excess of the quantities of water authorized in  
15 the Angle Decree for the Lewis lands. I warned him of this. When  
16 my warning went unheeded on September 11, 1990, I installed a bolt  
17 on the Lewis headgate in an attempt to restrict the extent to  
18 which it could be opened. The bolt was removed, requiring me to  
19 reinstall it on April 22, 1991. Sometime after that date, it was  
20 again removed. The Angle Decree requires each owner of land  
21 authorized to divert water to install and maintain, at or near the  
22 head of his irrigation ditch, "a reliable and readily operated  
23 regulating headgate and a measuring box, flume or other device  
24 which may be locked and set in position -- same to be approved by  
25 the water master -- so that the water diverted into said ditch or  
26 canal at any and all times may be regulated and measured." See,  
27 Paragraph XVI at page 176-177 of the Angle Decree. The Lewis  
28 Ditch's regulating headgate is in disrepair and has no measuring

1 device. Mr. Castro continues to thwart my employment of a bolt in  
2 an attempt to regulate his diversion of water.

3 6. In addition to irrigating in excess of his entitlement,  
4 Mr. Castro, over the past two years, has persistently wasted water  
5 in violation of the Angle Decree by allowing water to enter his  
6 land and essentially run wild. On occasions, it has crossed onto  
7 neighboring land and even across the county road onto the  
8 Williams' property. Such waste violates paragraphs VII and XV of  
9 the Angle Decree. Again, I have warned him of this on several  
10 occasions.

11 7. Since the acquisition of the Corkill Ranch several years  
12 ago, Mr. Castro has persistently acted in defiance of my  
13 instructions and orders as Water Master. Since he was new to the  
14 area, I have tried to work patiently with him. His conduct,  
15 however, left me little choice but to shut off the water serving  
16 his property. It shall remain shut off until (1) he pays the  
17 delinquent assessments and (2) at his expense, repairs the head-  
18 gate and agrees to install within 30 days, a measuring device.

19 8. At this time, Dorothy Danuser is the only other active  
20 diverter of water using the Lewis Ditch. I have informed her of  
21 my action and I have agreed to open the ditch as needed to provide  
22 her with irrigation water until this dispute with Mr. Castro is  
23 resolved. This arrangement is acceptable to her.

24 I declare under penalty of perjury that the foregoing is true  
25 and correct to the best of my knowledge.

26 Executed this May 19, 1992, at Sacramento, California.

27 George G. Wilson  
28 GEORGE G. WILSON, Water Master