

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

THE UNITED STATES OF AMERICA,	)	Civil No. S-80-583-LKK [In Equity No. 30]
Plaintiff,	)	ORDER GRANTING
v.	)	DEFENDANT MICHAEL J. BARKLEY'S
H. C. ANGLE, et al.,	)	MOTION
Defendants.	)	TO REQUIRE CHANGES IN PRACTICES
	)	OF THE WATER MASTER
	)	[PROPOSED]

**This matter is before the Court on the motion file by defendant Michael J. Barkley to require changes in practices of the Water Master in the Water Master's supervision of the Angle Decree entered in this Court on January 13, 1930.**

**The Court, having reviewed defendant's motion and supporting documentation, the responses filed to that motion, and the complete record before the Court in this matter, finds that good cause exists to GRANT defendant Barkley's motion. Accordingly,**

**IT IS HEREBY ORDERED THAT defendant Barkley's motion to require changes in practices of the Water Master is GRANTED, and to that end it is FURTHER ORDERED as follows:**

- 1. That Water Master records be made available to defendant Barkley without further delay, including access to a reasonable on-site facility for purchasing photocopies of those records,**

1           **2. That para. 3 is stricken from the Water Master Amended Agreement in its entirety,**

2           **3. That "shall" is changed to "may" in the Orland Unit Water Users' Association**  
3 **co-location clause in para. 5 of the Water Master Agreement,**

4           **4. That the Clerk's office consult with the Administrative Office of the Courts as to the**  
5 **nature of the Water Master's records and if it be determined that those records are records of the**  
6 **Court, that they henceforth are cared for in a manner appropriate for such Court records.**

7           **5. That the Clerk's office consult with the Administrative Office of the Courts and**  
8 **determine the appropriate employment or contractor status and compensation level for the Water**  
9 **Master and that such status and compensation level be ordered, but if it be determined that the**  
10 **Water Master is an independent contractor not subject to the rules or procedures of the Clerk or**  
11 **the Administrative Office the compensation of the Water Master shall thereafter be set to a new**  
12 **annual level of \_\_\_\_\_ from its current level of \_\_\_\_\_.**

13           **6. That the Clerk's office consult with the Administrative Office of the Courts on the proper**  
14 **manner of acquiring larger office space, furnishings, computer equipment and an assistant for the**  
15 **Water Master as detailed in defendant Barkley's Memorandum in Support of Motion and that**  
16 **upon determining the proper manner, either the Clerk or the Water Master as appropriate is**  
17 **ordered to carry out that determination.**

18           **7. That the Water Master is ordered to accept the interpretations described in defendant**  
19 **Barkley's Memorandum in Support of his Motion in Paragraphs IV, V, and VI or else defend his**  
20 **positions to the contrary with specific quotes of the page, paragraph, and exact text from the**  
21 **Decree.**

22           **8. That for instances where the Water Master agrees with the assertions of defendant**  
23 **therein that the described diversions violate the Decree, the Water Master take prompt action to**  
24 **halt those diversions, or present a proper complaint to the Court or to the California State Water**  
25 **Resources Board to halt them.**

26           **9. That the Water Master is ordered to begin the analyses and tabulations in paragraph V**  
27 **as described in defendant Barkley's Memorandum in Support of his Motion and present to this**

1 court a prediction of how much time it will take to complete each tabulation.

2 SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2010

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

HONORABLE LAWRENCE K. KARLTON  
SENIOR UNITED STATES DISTRICT JUDGE

9 Presented by:

10 Michael J. Barkley, Defendant, in propria persona  
California SBN 122433  
11 161 N. Sheridan Ave. #1  
Manteca, CA 95336  
12 (209)823-4817 (no fax) mjbarkl@inreach.com