

1 BENJAMIN B. WAGNER
United States Attorney
2 Eastern District of California

3 DAVID T. SHELEDY
Assistant U.S. Attorney

4 IGNACIA S. MORENO
5 Assistant Attorney General
Environment and Natural Resources Division
6 United States Department of Justice

7 CHARLES R. SHOCKEY (DC Bar # 914879)
Attorney, Natural Resources Section
8 Environment and Natural Resources Division
United States Department of Justice
9 501 "I" Street, Suite 9-700
Sacramento, CA 95814
10 Telephone: (916) 930-2203
Facsimile: (916) 930-2210
11 Email: charles.shockey@usdoj.gov

12 Attorneys for Plaintiff United States of America

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

<p>15 _____)</p> <p>16 THE UNITED STATES OF AMERICA,)</p> <p>17 Plaintiff,)</p> <p>18 v.)</p> <p>19 H.C. ANGLE, et al.,)</p> <p>20 Defendants.)</p> <p>21 _____)</p>	<p>Civil No. S-80-583-LKK [In Equity No. 30]</p> <p>DECLARATION OF GEORGE G. WILSON IN SUPPORT OF THE PLAINTIFF UNITED STATES OF AMERICA'S OPPOSITION TO DEFENDANT MICHAEL J. BARKLEY'S MOTION TO REQUIRE CHANGES IN PRACTICES OF THE WATER MASTER, <u>ANGLE DECREE PARA XVI</u> DATE: April 5, 2010 TIME: 10:00 a.m. COURT: Courtroom 4, 15th Floor</p>
---	---

22
23
24
25
26 DECLARATION OF GEORGE G. WILSON iso
27 PLAINTIFF UNITED STATES OF AMERICA'S
28 RESPONSE TO DEFENDANT MICHAEL J.
BARKLEY'S MOTION TO REQUIRE CHANGES
IN PRACTICES OF WATER MASTER,
ANGLE DECREE PARA. XVI

Civil No. S-80-583-LKK

1 I, GEORGE G. WILSON, declare as follows:

2 1. I submit this declaration pursuant to Civil Local Rule 43-140(a)(2) and 28 U.S.C.
3 § 1746 to provide evidence in support of the Plaintiff United States of America's
4 Opposition to Defendant Michael J. Barkley's Memorandum in Support of
5 Motion to Require Changes in Practices of the Water Master, Angle Decree para
6 XVI. The following facts are within my personal knowledge. If called as a
7 witness, I could and would testify competently thereto.
8

9 2. I am the court-appointed Water Master under the Angle Decree.

10 3. Michael J. Barkley states on page 4, lines 13-16 – "From time to time since the
11 late 1940's, the Water Master has been represented by private attorneys and by the
12 U.S. Attorney's Office. Defendant is unaware of the exact nature of the Water
13 Master's current counsel or if anyone is empowered to accept service for him."
14

15 Response by George G. Wilson – At this time I do not have an attorney retained to
16 represent me.

17 4. Michael J. Barkley states on page 5, lines 2-4 – "—some court and Water Master
18 records simply misplaced or lost, and most puzzling, repeated agreement by the
19 Water Master to allow review of his records followed by the review not
20 happening."
21

22 Response by George G. Wilson – The Water Master records that I have
23 accumulated since my appointment are at my place of work within the Orland
24

25 DECLARATION OF GEORGE G. WILSON IN SUPPORT OF
26 THE PLAINTIFF UNITED STATES OF AMERICA'S OPPOSITION
27 TO DEFENDANT MICHAEL J. BARKLEY'S MEMORANDUM IN
28 SUPPORT OF MOTION TO REQUIRE CHANGES IN PRACTICES
OF THE WATER MASTER, ANGLE DECREE PARA XVI

Civil No. S-80-583-LKK

1 Unit Water Users' Association building located at 828 Eighth Street, Orland.

2 These records are available for review. If anyone asks to meet with me at anytime
3 I will be happy to oblige them.

4 5. Michael J. Barkley states on page 6, lines 3-5 – “—Water Master Wilson’s work
5 space at OUWUA is severely limited, and he had engaged in the practice of taking
6 his records home. After this defendant urged him not to do that in Exhibit C-3 he
7 stated he had brought them back to OUWUA, — .”

8 Response by George G. Wilson – My work space within the OUWUA building is
9 limited, however; it is adequate. After the complaint from Mr. Barkley, I acquired
10 an additional file unit to store the inactive files which I had stored at my home
11 without any criticism for more than 26 years.

12
13
14 6. Michael J. Barkley states on page 6, lines 9-11 – “This defendant feels that despite
15 the Water Master’s assurances, defendant will never be allowed to examine the
16 Water Master’s records without intervention by this court, and thus defendant asks
17 that this court order the Water Master to allow him access.”

18 Response by George G. Wilson – I have repeatedly informed Mr. Barkley that I
19 will make myself available at his convenience. My only request for material came
20 from Mr. Dennis Barkley on March 27, 2009, when he visited the Orland Office
21 and left me a message. The message stated that he would return to pick up the
22 material in one to three weeks. He has never returned.

23
24

25 DECLARATION OF GEORGE G. WILSON IN SUPPORT OF
26 THE PLAINTIFF UNITED STATES OF AMERICA’S OPPOSITION
27 TO DEFENDANT MICHAEL J. BARKLEY’S MEMORANDUM IN
28 SUPPORT OF MOTION TO REQUIRE CHANGES IN PRACTICES
OF THE WATER MASTER, ANGLE DECREE PARA XVI

Civil No. S-80-583-LKK

1 7. Michael J. Barkley states on page 7, lines 7-24 –

2 D. “–Water Master is inadequately compensated –.”

3 E. “–Water Master’s office space is inadequate –.”

4 F. “–Water Master should be encouraged to hire a permanent staff
5 person –.”

6 G. “–Water Master should be encouraged to obtain sufficient
7 computer equipment –.”
8

9 Response by George G. Wilson – In regard to items D, E, F and G, I do not agree
10 with the proposals.

11 Due to excellent cooperation of entities involved, after the Water Master Program
12 was re-established, my work has been reduced considerably.

13 Much of my work has consisted of close involvement with State, Federal, county
14 agencies and water districts, as well as, individuals; work which is not part of
15 Water Master duties, but helps to avoid problems which could arise and infringe
16 on water rights protected by the Angle Decree.
17

18 Since my appointment in 1982 I have never received a complaint or criticism from
19 the Water Master Supervision Committee or other entity regarding my
20 administration of the Angle Decree, with the exception of Mr. Barkley.
21

22

23

24

25

26

27

28

DECLARATION OF GEORGE G. WILSON IN SUPPORT OF
THE PLAINTIFF UNITED STATES OF AMERICA’S OPPOSITION
TO DEFENDANT MICHAEL J. BARKLEY’S MEMORANDUM IN
SUPPORT OF MOTION TO REQUIRE CHANGES IN PRACTICES
OF THE WATER MASTER, ANGLE DECREE PARA XVI

Civil No. S-80-583-LKK

1 8. Michael J. Barkley states on page 8, lines 26-27 – “If the Water Master still
2 asserts that underflow is in any way covered by the Angle Decree, he should be
3 required to quote the exact page, — .”

4 Response by George G. Wilson – In regard to underflow associated with the
5 Angle Decree, I believe this should be interpreted by the court.

6 The James Mills Orchards referred to by Mr. Barkley are downstream from all
7 Angle Decree diverters.

8
9 9. Michael J. Barkley states on page 9, lines 7-10 – “it appears that the current and
10 prior Water Masters have somehow decided that USA, OUWUA, and downstream
11 pumpers from underflow (if the Water Master should successfully establish that
12 underflow is covered by the Decree) are all somehow exempt from his supervision
13 — .”

14
15 Response by George G. Wilson – The USA, OUWUA have never diverted
16 underflow. I am not aware that it has ever been determined that downstream
17 pumpers are diverting underflow.

18
19 10. Michael J. Barkley states on page 9, lines 21-27 – “It is understandable that with
20 Water Master Wilson coming from the Bureau of Reclamation, and more
21 particularly being one of the persons Reclamation tasked with keeping the hordes
22 of dissatisfied irrigators from plundering Reclamation’s water (see his resume as
23 the 4th attachment to Doc. #22), he would tend to see his Water Master duty as a
24

1 continuation of that task. If he believes that USA, OUWUA, and downstream
2 underflow pumpers are exempt from his supervision he should be required to
3 quote the exact page, paragraph, and text from the Decree that he relies upon for
4 that assertion.”

5 Response by George G. Wilson – This statement as I interpret it indicates that due
6 to my background with the Bureau of Reclamation water rights I perform in a
7 manner favoring the Orland Project over other Angle Decree diverters. I am not
8 aware of any Angle Decree diverters who share this opinion. I am certain the
9 Water Master Supervision Committee would agree with me.

10
11 I might add that some of my relatives located in the same tributary watershed as
12 Mr. Barkley were denied rights to water by the Angle Decree.

13
14 11. Michael J. Barkley states on page 14, lines 5-8 – “If it is the Water Masters
15 contention that diversion of awarded surface water may not be stored, then he
16 should be ordered to quote the page, paragraph, and exact text from the Decree
17 that forbids storing such water, and thereafter reconcile that position with the
18 storage rights of the USA, or else be ordered to abandon that assertion in his
19 Stony Creek watershed supervision.
20

21 Response by George G. Wilson – I see no provision in the Angle Decree granting
22 the right to store water with the exception of East Park Reservoir.
23
24

25 DECLARATION OF GEORGE G. WILSON IN SUPPORT OF
26 THE PLAINTIFF UNITED STATES OF AMERICA'S OPPOSITION
27 TO DEFENDANT MICHAEL J. BARKLEY'S MEMORANDUM IN
28 SUPPORT OF MOTION TO REQUIRE CHANGES IN PRACTICES
OF THE WATER MASTER, ANGLE DECREE PARA XVI

Civil No. S-80-583-LKK

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

Conclusion – I believe that many of Mr. Barkley’s comments and proposals in this memorandum do not warrant comment by me at this time.

I declare under the penalty of perjury that the foregoing information is true and correct.

Executed this 18th day of February, 2010, in Orland, California.



GEORGE G. WILSON

DECLARATION OF GEORGE G. WILSON IN SUPPORT OF
THE PLAINTIFF UNITED STATES OF AMERICA’S OPPOSITION
TO DEFENDANT MICHAEL J. BARKLEY’S MEMORANDUM IN
SUPPORT OF MOTION TO REQUIRE CHANGES IN PRACTICES
OF THE WATER MASTER, ANGLE DECREE PARA XVI

Civil No. S-80-583-LKK