

1 **Exhibit A - Extracts of email between defendant and his brother regarding problems encountered**
2 **gaining access to Water Master Records:**

3 From: "D Barkley" <dbarkley@astound.net>
4 To: "Mike Barkley" <mjbarkl@comcast.net>
5 Subject: Re: missing transcript
6 Date: Tue, 10 Mar 2009 09:00:00 -0700

7 Hi Mike,

8 Just got your email. Thanks for the background information.

9 Regrettably I was unable to get in to Orland before the office manager
10 went home (see attached business card). However, I talked to someone
11 else that was there and they really didn't know anything about the
12 water master records. He believed that the water master George Wilson
13 would be the only one to talk to since he and his function were essentially
14 a separate function from OUWUA, that he had his own office on site and
15 used their secretary/office manager for his functions also, i.e. he didn't
16 really know anything. Their business hours are M-F, 8-5. He told me that
17 to actually find Mr. Wilson in his office is a hit or miss proposition,
18 that the best way is to leave him a message (which I didn't). I think the
19 next thing to do would be to call the Office Manager -- she may be able to
20 help. Do you want to do it or shall I?

21

22 ----- Original Message -----

23 From: Mike Barkley
24 To: D Barkley
25 Sent: Saturday, March 07, 2009 11:04 AM
26 Subject: Re: missing transcript

27 "We" is everyone who paid an assessment for the Water Master.
28 The water master at the time, Mr. Garland, got a special payment
approved by Order of the United States District Court on
12/04/1948. \$60 at the time implies quite a few pages. I didn't
write down who it was paid to, just another court reporter - I can
get that Monday in Sacramento if you wish.

Water Master is supposed to have those records, and they're
supposed to be available for public viewing and copying.

The transcript never made it to the Court so if a copy is not in
the water master's records it is gone.

I presume it will show Reclamation leaning on the water master,
but you never know. . . .

----- Original Message -----

From: D Barkley
To: Mike Barkley
Sent: Friday, March 06, 2009 9:06 PM

1 Subject: Re: missing transcript

2 I'm leaving tomorrow morning and will see about this when I come back
3 Monday afternoon. Who's supposed to have the transcript? (They may ask
4 why we don't get it from whoever is supposed to have it?) And who is
5 "we"? and paid \$60 to whom? and for what? How many pages do you think it is?

6 I'll check email in the morning for your answers before I leave.

7 ----- Original Message -----

8 From: Mike Barkley
9 To: D Barkley
10 Sent: Friday, March 06, 2009 7:54 PM
11 Subject: missing transcript

12 Hi Denny,

13 If you're ever in Orland during the day, would you
14 stop by OUWUA and ask them how far back the Water
15 Master's records go, and if they go back beyond 1948
16 ask for a copy of the transcript of Mr. Garland's
17 09/03/1948 Glenn County Court House hearing with
18 Reclamation et al. for which we all paid \$60.

19 - - -
20 From: Mike Barkley
21 To: D Barkley
22 Sent: Saturday, March 14, 2009 11:43 AM
23 Subject: Re: Civ. S-80-583 LKK, Angle decree

24 . . .
25 On your Mr. Wilson stuff, could you add the following:

26 01/07/1985 Doc 75, George Wilson Declaration p. 2: "Hearings were held in
27 Sacramento in 1925 and Oliver P. Morton was retained to represent
28 Orland Unit Water Users' Association in this adjudication suit."

29 Can you get photocopies of anything he has on this, especially transcripts?
30 They're not in the archives.

31 - - -
32 From: D Barkley
33 To: Barkley, Michael
34 Sent: Saturday, March 28, 2009 2:36 PM
35 Subject: A couple of questions

36 Dear Mike,

37 . . .
38 I left a note in a sealed envelope for George at the OUWUA. Beside requesting
39 what you wanted I also said that the OUWUA staff gave me the impression that
40 he was keeping the watermaster archives at home and asked him if that was
41 true. I didn't leave my phone number as a contact but instead I listed my
42 email address -- perchance he'll answer in writing?

43 - - -
44 From: D Barkley
45 To: Mike Barkley

46 Exhibit A

1 Sent: Monday, April 06, 2009 11:14 AM
Subject: Re: You're Invited

2 . . .

3 So, it's now looking like I probably will go up to the ranch this coming Friday
4 morning and come back Sunday midday. Of course if I do I will see if there
is any response by Mr. Wilson waiting for me at OUWUA.

4 - - -

5 From: "D Barkley" <dbarkley@astound.net>
6 To: "Mike Barkley" <mjbarkl@comcast.net>
Subject: Re: lawyers & judges
Date: Thu, 9 Apr 2009 09:46:58 -0700

7 Okay, great, thank you. That means I can get up there a lot earlier
tomorrow.

8
9 I won't be able to tell you about Mr. Wilson's response until after tomorrow
10 morning when I drop by the OUWUA to see if he's left me anything (and to
11 verify that he picked up the message that I previously left for him). I
have not heard anything from him by email. I would rather check this in
person than call them. I'll call you tomorrow evening to let you know about
it.

12 ----- Original Message -----

13 From: "Mike Barkley" <mjbarkl@comcast.net>
14 To: "D Barkley" <dbarkley@astound.net>
Sent: Wednesday, April 08, 2009 5:52 PM
Subject: Re: lawyers & judges

15 > Hi Denny,

16 . . .

17 > I assume there's no change on the Mr. Wilson records. I'm going to
> ask the Judge in writing to make those records available.

17 - - -

18 From: "Mike Barkley" <mjbarkl@comcast.net>
19 To: "D Barkley" <dbarkley@astound.net>
Subject: Re: lawyers & judges
Date: Fri, 10 Apr 2009 11:17:05 -0700

20 Thank you. Of course, his duties do not necessarily span the full year
21 but I believe they have already started for this year, so he cannot use that
excuse.

22 . . .

22 ----- Original Message -----

23 From: "D Barkley" <dbarkley@astound.net>
24 To: "Mike Barkley" <mjbarkl@comcast.net>
Sent: Friday, April 10, 2009 10:36 AM
Subject: Re: lawyers & judges

25 > Dear Mike,

26 >

27 > I called the OUWUA a little bit ago and talked to their office manager
> Stacey Matousek. She said that as far as she knows there is nothing there
> from George Wilson for me. So, I guess it's been one or two weeks since

1 > he got my request. Yesterday I received from him the standard boilerplate
2 > mailing he sends out to everyone every year about this time about the
3 > yearly watermaster budget (so, he could have been distracted by this court
4 > requirement and just not yet got to what I had asked for). If it were me
5 > I would give him another 1 or 2 weeks to respond however, you have
6 > deadlines so you should do what you have to do with respect to making a
7 > request to the judge.

8 - - -
9 From: "D Barkley" <dbarkley@astound.net>
10 To: "Mike Barkley" <mjbarkl@comcast.net>
11 Sent: Saturday, April 11, 2009 5:30 PM
12 Subject: Re: Angle, FYI, no hearing

13 > 1) Well, I asked in my note to Mr. Wilson if what the people at OUWUA
14 > said was true, that they think he is keeping the Water Master records at
15 > home. And of course I haven't heard back from him yet so therefore I don't
16 > know that for sure. I believe he has a separate office room there so
17 > maybe he does keep them on site and they don't know this or aren't telling
18 > me the truth. If he does keep them at home then that becomes his office
19 > and so therefore his address and phone should be made available to the
20 > public (which apparently isn't now the case because when I asked for him
21 > two different times the OUWUA people said they don't give out his home
22 > number for privacy reasons).

23 >
24 > I assume such a request to the judge for this could be made as a written
25 > filing or similar such anytime.

26 - - -
27 From: D Barkley <djdndmb@hotmail.com>
28 To: Mike Barkley <mjbarkl@comcast.net>
Subject: RE: A letter from Mr. Wilson
Date: Sun, 26 Jul 2009 21:04:41 -0700

Hmmm, as I recall I went back to his office at least 3 weeks later and
asked if there was anything for me -- they replied that there was nothing.
I should have somehow made a copy of the note I left for him -- then I
would be more certain of the details. I'm very sure that I at least left
him an email address and probably not my phone number because I wanted his
responses to be in writing.

Interesting that he sent a copy to Shockey but not the judge. Isn't he
kind of an officer of the court?

My best,
Denny

From: mjbarkl@comcast.net
To: djndmb@hotmail.com
CC: dbarkley@astound.net
Subject: A letter from Mr. Wilson
Date: Sun, 26 Jul 2009 16:15:41 -0700

Hi Denny, recieved the following letter from Mr. Wilson yesterday.
I'm suspecting he's shifting blame and raising barriers:

1 OFFICE OF WATER MASTER
2 STONY CREEK AND TRIBUTARIES
3 828 Eighth Street, Orland, CA 95963
4 Office (530) 865-4126 - Fax (530) 865-7631

4 G.G. WILSON
5 WATER MASTER
6 By Authority of the U.S. District Court
7 For the Eastern District of California

6 July 22, 2009

7 Michael J. Barkley
8 161 N. Sheridan Avenue #1
9 Manteca, CA 95336

9 Dear Mr. Barkley:

10 On July 14, 2009, I received your letter dated June 9, 2009, marked "second
11 request".

12 On March 27, 2009, your brother, Dennis Barkley, visited the Orland Unit
13 Water Users' Association's office where I utilize a desk and very limited
14 space for record storage. During his visit I was not present and he left
15 a note for me which read "please supply copies of the following:". His
16 note said he would pick up the copies in one to three weeks. On April 16,
17 2009, I prepared a copy of a document referred to and a note of explanation.
18 Mr. Barkley has never returned to pick up any material and he did not leave
19 a phone number or address.

17 I did not receive any records or files from the previous Water Master Garland
18 or the Moldenhauer Firm and access to the Angle Decree Water Master Program
19 history was very limited at the time of my appointment as Water Master.
20 Therefore, my records as Water Master are limited primarily to the period
21 after my appointment as Water Master in 1982. (Water Master Report for
22 1983 and 1984.)

20 Regarding your request in your letter dated June 9, 2009, I do have some
21 copies of plane table survey drawings depicting the place of use of some
22 diversions of water prior to the Angle Decree. The North Fork of Stony Creek
23 was not included in the drawings.

23 Due to limited office space and 26-years of accumulating material, I have
24 moved some of the inactive files to my residence for storage. If you wish to
25 address any of my documentation or other materials produced as a result of
26 my duties as Water Master I will be happy to meet with you and make these
27 items available for your review.

25 Sincerely,

26 /s/ George G. Wilson
27

1 George G. Wilson
Water Master
2 Stony Creek and Tributaries
3 CC:Charles Shockey, U.S. Department of Justice

4 -----
Me:

5 Unaddressed:
6 Copies of all documents or of one document ready for pick up?
Will I be allowed to examine everything?
7 Will there be the ability to make copies?
Will records be retrieved from his home?
8 Where did the Garland records go?
Where did the Garland funds go?

9 Issues
10 Court Employee or agent (Garland received a pension, Wilson required to
sign an agreement saying he wasn't an employee)?
11 Subject to Administrator of the Courts regulations, 28 U.S.C 604?
Records of the court, 28 U.S.C. 457 ?
12 Funds being handled in accordance with 28 U.S.C 2041 ?

13 Best wishes,

14 --Mike

15 ///

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28 Exhibit A

This is a chart showing excess diversions by the Orland Project. It is not complete as to the years and the actual amounts shown, the actual amounts are still subject to a claim by the Project that it was entitled to more for certain parcels based on its rights in a set of 4 loopholes in the 1936 Agreement. OAUWUA's comment -- still in 2010 can they justify more than 5 acre-feet per acre delivered because that's the maximum delivered volume awarded any upstream user. If OAUWUA doesn't claim more than the 4.05 per acre the graph shows, then the amount allowed on the graph is the MAXIMUM they were allowed subject to reduction for certain types of less-thirsty crops. We are still searching for missing numbers from the other years.

Data derived from Reclamation and OAUWUA reports, see <http://www.mibarki.com/limits2.htm>

Year	Project Acres	Diversion allowed	Actual Diverted	Amount Over acre-feet	Percent	Year	Project Acres	Diversion allowed	Actual Diverted	Amount Over acre-feet	Percent
1930	14,091	57,069	79,832	22,823	40%	1971					
1931	13,895	56,275	65,152	8,877	16%	1972					
1932	14,059	56,939	81,204	24,265	43%	1973					
1933	13,946	56,481	86,378	29,897	53%	1974					
1934	14,000	56,700	89,896	33,196	59%	1975					
1935	14,000	56,700	80,375	23,675	42%	1976					
1936	14,000	56,700	107,384	50,684	89%	1977	10,341	41,881	26,299	-15,582	-37%
1937						1978	15,914	64,452	96,741	32,289	50%
1938	14,978	60,661	98,031	37,370	62%	1979	17,086	69,198	94,545	25,347	37%
1939	15,505	62,795	96,046	33,251	53%	1980	16,700	67,635	117,432	49,797	74%
1940	15,534	62,913	100,800	37,887	60%	1981	18,093	73,277	89,516	16,239	22%
1941	15,694	63,561	97,423	33,862	53%	1982	17,673	71,576	96,301	24,725	35%
1942	16,082	65,132	94,795	29,663	46%	1983	17,909	72,531	78,494	5,963	8%
1943						1984	15,481	62,698	66,689	3,991	6%
1944	16,400	66,420	107,263	40,843	61%	1985	16,939	68,603	102,140	33,537	49%
1945	16,600	67,230	108,619	41,389	62%	1986	16,855	68,263	97,789	29,526	43%
1946	16,700	67,635	113,621	45,986	68%	1987	16,751	67,842	95,698	27,856	41%
1947	15,959	64,934	74,270	9,336	14%	1988	16,721	67,720	85,854	18,134	27%
1948	16,566	67,092	96,942	29,850	44%	1989	16,397	66,408	79,611	13,203	20%
1949	16,566	67,092	115,385	48,293	72%	1990	16,457	66,651	95,826	29,175	44%
1950	17,075	69,154	117,381	48,227	70%	1991	17,179	69,575	88,876	19,301	28%
1951	17,130	69,377	114,454	45,078	65%	1992	18,626	75,435	84,754	9,319	12%
1952	17,140	69,417	125,276	55,859	80%	1993	18,843	76,314	82,595	6,281	8%
1953	17,261	69,907	128,236	58,329	83%	1994	16,480	66,744	104,774	38,030	57%
1954	17,243	69,834	115,631	45,797	66%	1995	16,383	68,781	87,396	18,605	27%
1955						1996	12,982	52,577	95,440	42,863	82%
1956	17,275	69,964	123,477	53,513	76%	1997	15,424	62,471	102,284	39,813	64%
1957	17,326	70,170	108,641	38,471	55%	1998	15,608	63,212	62,953	-259	0%
1958						1999	17,469	70,749	104,160	33,411	47%
1959	17,499	70,871	112,856	41,985	59%	2000	17,848	72,284	101,321	29,037	40%
1960	17,440	70,632	116,438	45,806	65%	2001	15,648	63,374	111,208	47,834	75%
1961	17,211	69,705	113,541	43,836	63%	2002	15,042	60,920	114,253	53,333	88%
1962	17,425	70,571	113,053	42,482	60%	2003	13,970	56,579	89,240	32,662	58%
1963	17,519	70,952	100,346	29,394	41%	2004	14,405	58,340	103,337	45,597	78%
1964	16,804	68,056	75,703	7,647	11%	2005	13,095	53,035	86,560	33,515	63%
1965	17,115	69,316	115,261	45,945	66%	2006	13,319	53,942	91,793	37,851	70%
1966	17,043	69,024	126,221	57,197	83%	2007					
1967	16,512	66,874	110,034	43,160	65%	2008					
1968	16,823	68,133	114,278	46,145	68%	2009					
1969	16,855	68,263	115,841	47,578	70%						
1970	16,778	69,951	120,624	50,673	72%						
										Total:	2,209,661
										Average:	32,980

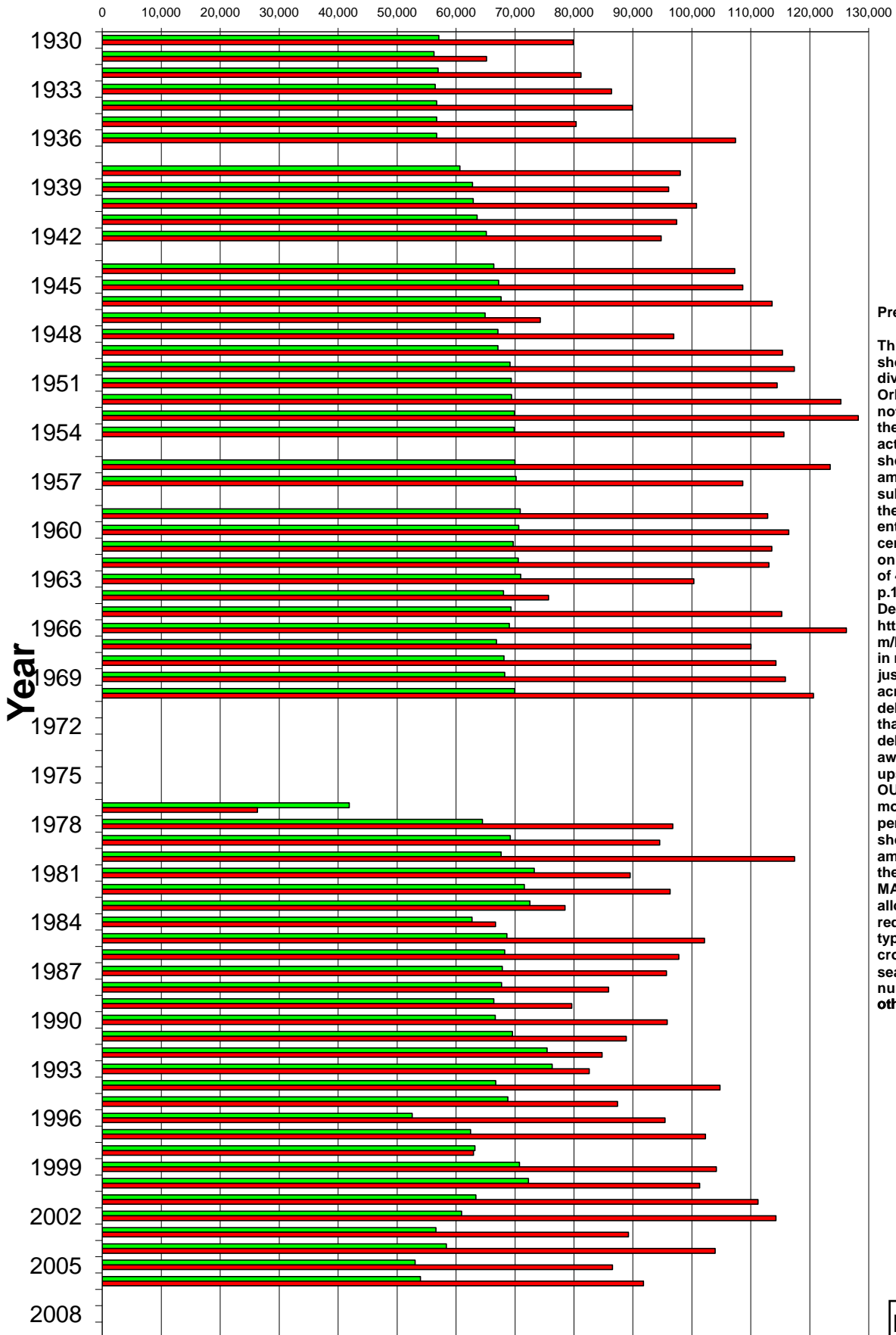
Amount Over legend: under 50% - 79% 80% +

Average Amount Over times 80 years: 2,638,401 (or roughly 2.6 million acre feet cumulative)

EXHIBIT B

Diversions Allowed vs Diversions Taken

Acre-feet; data derived from Reclamation & OUWUA reports, see: <http://www.mjbarkl.com/limits2.htm>



■ Diversion Allowed
■ Actual Diversion

Preliminary

This is a chart showing excess diversions by the Orland Project. It is not complete as to the years and the actual amounts shown, the actual amounts are still subject to a claim by the Project that it was entitled to more for certain parcels based on its rights in a set of 4 loopholes on p.143 of the Angle Decree, see <http://www.mjbarkl.com/limits2.htm> - still, in no way can they justify more than 5 acre-feet per acre delivered because that's the maximum delivered volume awarded any upstream user. If OUWUA doesn't claim more than the 4.05 per acre the graph shows, then the amount allowed on the graph is the MAXIMUM they were allowed subject to reduction for certain types of less-thirsty crops. We are still searching for missing numbers from the other years. ..