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

15 THE UNITED STATES OF AMERICA)

16 Plaintiff,)

17 v.)

18 H.C. ANGLE, *et al.*,)

19 Defendants.)
20)
21)

CIV. NO. S-80-583-LKK
[In Equity No. 30]

UNITED STATES' NOTICE RE:
DEFENDANT'S FILING OF STATE
COURT PETITION FOR WRIT OF
MANDATE

22 On April 5, 2010, following a hearing in this matter, the court took under consideration
23 the motion filed by Defendant Michael J. Barkley to require changes in the practices of the
24 court-appointed water master. Doc. 313 (Minutes). One issue before the court in connection
25 with Mr. Barkley's motion concerns the relationship of the Angle Decree to pending
26 administrative proceedings before the California State Water Resources Control Board
27 (SWRCB). *See* Doc. 307-3 at 8-38 (exhibits to Barkley motion); Doc. 310 at 4-6 (United States
28 response); and Doc. 312 at 10-12 (Barkley reply).

1 Last week, Mr. Barkley filed a Petition for Writ of Mandate in the Superior Court for the
2 State of California, County of Sacramento, No. 34-2010-80000513 (filed April 12, 2010). A true
3 and correct copy of that Petition, delivered to the U. S. Bureau of Reclamation (Reclamation) on
4 April 15, 2010, is attached as Exhibit A. The state court Petition relates to Mr. Barkley's
5 pending motion for reconsideration before the SWRCB regarding Reclamation's application for
6 an extension of Permit 18115 to operate Black Butte Dam and Reservoir. Mr. Barkley's Petition
7 asks the state court to "find that the Angle Decree preempts State jurisdiction to allocate surface
8 flows to anyone bound by the Decree, which includes USA, and therefore SWRCB has no
9 jurisdiction to even consider" the Reclamation application. Exhibit A at 8.

10 Mr. Barkley filed a "Notice of Related Case" with the state court, listing *United States of*
11 *America v. H.C. Angle* as related. Exhibit A at 4. Although it may qualify as "related" under
12 state court rules, the Petition does not appear to qualify as a "related case" under a strict reading
13 of Local Rule 83-123 of this court. Because the state court Petition does relate directly to
14 matters pending before this court, however, the United States files this notice to alert this court
15 regarding the pendency of Mr. Barkley's newly filed state court Petition.

16 Respectfully submitted this 19th day of April, 2010.

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