

BEFORE THE
CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

IN RE THE MATTERS OF:

SWRCB Enforcement Actions
ENFO1951; ENFO1949

WEST SIDE IRRIGATION
DISTRICT CEASE AND DESIST
ORDER HEARING,

and

BYRON-BETHANY IRRIGATION
DISTRICT ADMINISTRATIVE
CIVIL LIABILITY HEARING.

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DEPOSITION OF KATHERINE MROWKA

November 16, 2015

Reported By: KATHRYN DAVIS, CSR No. 3808

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1 of my tongue.

2 Q Do you remember the date of the document?

3 A I believe it was a Department of Water
4 Resources publication that talked to the issue.

5 Q Do you remember whether it was recent or
6 something that was published a long time ago?

7 A I am uncertain whether it was the 1977
8 drought report or whether it was another report. I
9 think the '77 drought report might have been that
10 source. But we were provided another document at
11 one of our outreach sessions that spoke to issues
12 such as this, and I just don't recall its title
13 offhand.

14 Q I found one in the Public Records Act request
15 that was a July 1956 DWR Report No. 4 entitled,
16 "Investigation of the Sacramento/San Joaquin Delta,
17 Quantity and Quality of Water Supply to and Drained From
18 the Delta Lowlands."

19 Does that sound familiar?

20 A And it does sound familiar. And I believe
21 that document was the one that was provided at
22 outreach to us.

23 Q Correct. Do you know, as you sit here today,
24 whether the return flow information was taken from the
25 July 1956 report or from the 1977 report?

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1 A I believe the return flow information is only
2 available in one of those two documents. I believe
3 it is the document in your hand.

4 Q Did you actually look that information up and
5 make that recommendation or was that someone else?

6 A Once we were provided with the information,
7 then we reviewed it and decided to proceed forward.
8 I supported moving forward with including it in our
9 modeling efforts.

10 Q You've used the term "we" a couple of times now.
11 Who is "we"?

12 A I talk a lot to my staff, to Brian Coats and
13 Jeff Yeazell, regarding the modeling and making sure
14 that we are all on the same wave length, what goes
15 in the modeling.

16 Q When you used the word "we" today, should I
17 assume it is you, Brian Coats and Jeff Yeazell?

18 A Most frequently at that time, it was also
19 John O'Hagan. On the determination to add return
20 flows, I consulted with Mr. O'Hagan and received his
21 approval.

22 Q Was there any consultation with the Delta
23 stakeholder interests about that decision, the specifics
24 of the 40-percent return flow?

25 A They mentioned the quantity of return flow

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1 and provided general information during the outreach
2 meeting, so we had that conversation.

3 Q But the decision to actually make it 40 percent,
4 was that decision something that was discussed with the
5 Delta stakeholders?

6 A I am uncertain if others had a conversation
7 with Delta stakeholders. I only had the
8 conversation at the outreach meeting.

9 Q So what type of water right does West Side
10 Irrigation District have?

11 A It has a licensed water right, so it is a
12 post-1914 appropriative right.

13 Q And what type of water can a post-1914
14 appropriator take?

15 A They can take water which is present in the
16 stream that is based on natural flows, abandoned
17 flows and return flows.

18 Q And what are the different categories of natural
19 flows that are available -- strike that. Let's start a
20 little more broad.

21 What is the stream system that is present at
22 West Side's point of diversion?

23 A Old River.

24 Q What are the sources of natural flow available
25 in Old River at the West Side point of diversion?