

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.

_____ /

DEPOSITION OF KATHERINE MROWKA

November 16, 2015

Reported By: KATHRYN DAVIS, CSR No. 3808

kathryndavis & associates
deposition reporting

WSID CDO/BBID ACL
WSID0152

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.

_____/

DEPOSITION OF KATHERINE MROWKA

November 16, 2015

Reported By: KATHRYN DAVIS, CSR No. 3808

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

APPEARANCES

For the Central Delta Water Agency:

SPALETTA LAW PC
By: JENNIFER SPALETTA
Attorney at Law
P.O. Box 2660
Lodi, California 95421

For the Byron-Bethany Irrigation District:

SOMACH SIMMONS & DUNN
By: DANIEL KELLY
LAUREN D. BERNADETT
Attorneys at Law
500 Capitol Mall, Suite 1000
Sacramento, California 95814

For the West Side Irrigation District, Banta-Carbona
Irrigation District and Patterson Irrigation District:

HERUM/CRABTREE/SUNTAG
By: JEANNE M. ZOLEZZI
Attorney at Law
5757 Pacific Avenue8e, Suite 222
Stockton, California 95207

For the Westlands Water District:

KRONICK MOSKOVITZ TIEDEMANN & GIRARD
By: ELIZABETH L. LEEPER
Attorney at Law
400 Capitol Mall, 27th Floor
Sacramento, California 95814

For the San Joaquin Tributaries Authority:

O'LAUGHLIN & PARIS LLP
By: TIM O'LAUGHLIN
Attorney at Law
2617 K Street, Suite 100
Sacramento, California 95816

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

APPEARANCES CONTINUED

For the State of California:

DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
By: WILLIAM JENKINS
Attorney at Law
455 Golden Gate Avenue, Suite 11000
San Francisco, California 94102-7004

For the Division of Water Rights:

SWRCB OFFICE OF ENFORCEMENT
By: ANDREW TAURIAINEN
JOHN PRAGER
Attorneys at Law
1101 I Street, 16th Floor
Sacramento, California 95814

For the California Department of Water Resources:

Office of the Chief Counsel
By: ROBIN MCGINNIS
Attorney at Law
1416 Ninth Street, Room 1104
Sacramento, California 95814

For the State Water Contractors:

STATE WATER CONTRACTORS
By: STEFANIE MORRIS
Attorney at Law
1121 L Street, Suite 1050
Sacramento, California 95814

For the South Delta Water Agency:

HARRIS, PERISHO & RUIZ
By: S. DEAN RUIZ
Attorney at Law
3439 Brookside Road, Suite 210
Stockton, California 95129

DEPOSITION OF KATHERINE MROWKA

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

APPEARANCES CONTINUED

Also Present:

KENNETH R. HENNEMAN
KENNETH R. HENNEMAN CONSULTING

RICK GILMORE
BYRON-BETHANY IRRIGATION DISTRICT

--o0o--

I N D E X O F E X A M I N A T I O N

	Page
Examination by Ms. Spaletta.....	8
Examination by Mr. Kelly.....	118
Examination by Mr. O'Laughlin.....	236
Examination by Ms. Morris.....	268
Continued Examination by Ms. Spaletta.....	272
Continued Examination by Mr. Kelly.....	274

--o0o--

DEPOSITION OF KATHERINE MROWKA

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

I N D E X O F E X H I B I T S

Deposition Exhibit No.		Page
34	Amended Notice of Taking Deposition of Kathy Mrowka dated November 16, 2015; 3 pages.....	9
35	Amended Notice ot Taking Deposition of Kathy Mrowka dated November 16, 2015; 3 pages.....	10
36	Amended Notice of Deposition of Kathy Mrowka and Request for Production of Documents dated October 27, 2015; 6 pages.	10
37	Prosecution Team's Objections to Deposition of Kathy Mrowka and Written Response to Request to Produce Documents," 5 pages.....	10
38	General letter from SWRCB dated June 18, 2015 from John Collins, Offoce of the Delta Watermaster; 3 pages.....	58
39	West Side Irrigation District Map Showing Intake Canal Facilities dated November 2015; by Wagner Bonsignore; 1 page.....	65
40	Color Map of West Side Irrigation District prepared July, 2001; 1 page.....	97
41	Appendix "A" West Side Irrigation District map.....	98
42	Color Google photo of WSID Pumping Station 1 page.	100

(Continued)

DEPOSITION OF KATHERINE MROWKA

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

E X H I B I T S C O N T I N U E D

Deposition Exhibit No.		Page
43	Color Graph, 2015 San Joaquin River Basin Supply/Demand; one page.....	120
44	Two pages of email chains June 17 and 18, 2015.....	176
45	Email chain, Paul Wells from Jay Matthew June 24, 2015.....	176
46	Email chain dated January 16, 2015; Tom Howard Barbara Evoy, Caren Trgovcich; 1 page.....	180
47	Email chain dated February 13, 2015; Les Grober; Brian Coats; Kathy Mrowka; 1 page.....	182
48	Email chain dated May 21, 2015; Barbara Evoy; Kathy Mrowka; Brian Coats 3 pages...	185
49	Email chain dated May 22 and May 26 2015 Barbara Evoy George Kostyrko, Jeffrey Yeazell; three pages.....	187
50	Email dated June 21, 2015 from George Kostyrko to Barbara Evoy; 2 pages.....	194
51	Email dated June 2, 2015 from Kathy Mrowka to George Kostyrko; 1 page.....	196
52	Email from Barbara Evoy to John O'Hagan dated June e11, 2015; 1 page.....	198

(Continued)

DEPOSITION OF KATHERINE MROWKA

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

E X H I B I T S C O N T I N U E D

Deposition Exhibit No.		Page
53	Email chain dated June 12, 2015; Barbara Evoy, Sheri Miller; Bruce Burton; 2 pages.....	200
54	Email dated June 16, 2015 from Barbara Evoy to Kathy Mrowka; 1 page.....	204
55	Email dated June 17, 2015; Kathy Mrowka and Barbara Evoy; 1 page.....	207
56	Email chain dated June 19, 2015; O'Hagan, Caren Trgovich; Michael George; Karna Harrigfeld; 2 pages.....	207
57	Email chain dated June 18 and 22, 2015; Julie Giordano; Kim Nakahara; Deanne Brown; Ryan Wilson; David Ceccarelli; Barbara Evoy; 2 pages.....	210
58	Email chain dated June 23, 2015; Barbara Evoy; Kathy Mrowka; Tom Howard; Ronald Milligan; 2 pages.....	213
59	Email chain dated June 23, 2015; Kathy Mrowka; Taro Murano; Tom Howard; John O'Hagan; Kelley Geyer; 2 pages.....	216
60	Email chain dated June 24, 2015; Tom Howard and Kathy Mrowka; 2 pages.....	218
61	Email dated June 25, 2015 from Kathy Mrowka to Paul Wells; 1 page.....	221
62	Email chain dated September 4 and 8, 2015; 6 pages.....	223
63	Email chain dated June 16, 2015 from Rich Satkowski and Larry Lindsay; Diane Riddle Barbara Evoy; Kathy Mrowka; one page.....	226

--oOo--

DEPOSITION OF KATHERINE MROWKA

1 BE IT REMEMBERED, that on Monday, November 16,
2 2015, commencing at the hour of 9:34 thereof, at the
3 offices of SOMACH SIMMONS & DUNN, 500 Capitol Mall,
4 Suite 1000, Sacramento, California, before me, KATHRYN
5 DAVIS, a Certified Shorthand Reporter in the State of
6 California, duly authorized to administer oaths and
7 affirmations, there personally appeared

8 KATHERINE MROWKA,
9 called as witness herein, who, having been duly sworn,
10 was thereupon examined and interrogated as hereinafter
11 set forth.

12 --oOo--

13 (Whereupon, Exhibits 34 - 36
14 premarked for identification.)

15 EXAMINATION BY MS. SPALETTA

16 Q BY MS. SPALETTA: Good morning, Kathy Mrowka.
17 My name is Jennifer Spaletta. I am the attorney for the
18 Central Delta Water Agency. We are here today to take
19 your deposition in two pending enforcement matters
20 dealing with West Side Irrigation District and
21 Byron-Bethany Irrigation District.

22 Do you understand that?

23 A Yes, I do.

24 Q Before we get started today, we are going to go
25 around the room and let everyone introduce themselves.

DEPOSITION OF KATHERINE MROWKA

1 A Okay.

2 MR. JENKINS: Starting with me. I'm Deputy
3 Attorney General William Jenkins. I'm here defending
4 Kathy and representing the Prosecution Team.

5 MR. TAURIAINEN: Andrew Tauriainen, Office of
6 Enforcement, State Water Board. Prosecution Team.

7 MR. PRAGER: John Prager, State Water Board,
8 Office of Enforcement.

9 MS. ZOLEZZI: Jeanne Zolezzi, General Counsel
10 for West Side Irrigation District, Banta-Carbona
11 Irrigation District and Patterson Irrigation District.

12 MR. KELLY: Dan Kelly for Byron-Bethany
13 Irrigation District.

14 MR. RUIZ: Dean Ruiz, South Delta Water Agency.

15 MS. LEEPER: Elizabeth Leeper, Kronick Moskovitz
16 on behalf of Westlands Water District.

17 MR. O'LAUGHLIN: Tim O'Laughlin representing the
18 San Joaquin Tributaries Authority.

19 MR. HENNEMAN: Ken Henneman, consultant to BBID.

20 MS. SPALETTA: That is everyone around the room.

21 I'm going to note quickly for the record that
22 before we started, we marked three exhibits. Exhibit 34
23 is the Amended Notice of Taking Deposition of Kathy
24 Mrowka, which was issued by Central and South Delta
25 Water Agencies.

DEPOSITION OF KATHERINE MROWKA

1 A At least two, but I think more likely three.

2 Q And was that at various State Board proceedings?

3 A Yes.

4 Q So your deposition today will be very similar to
5 the times when you've testified under oath before. The
6 purpose of a deposition is to gain information. And it
7 is very important that you provide complete and accurate
8 testimony today because your testimony may, in fact, be
9 used at a hearing or in a court proceeding.

10 Do you understand that?

11 A Yes, I do.

12 Q Is there any reason you cannot provide complete
13 and accurate testimony today?

14 A No.

15 Q There will be a transcript prepared from the
16 deposition today. So it is very important that we give
17 each other time to finish our sentences, so that the
18 court reporter can get down an accurate record.

19 Also, after I ask a question or another attorney
20 asks a question, your attorney will have an opportunity
21 to object, and then you'll be allowed to answer the
22 questions. So we do need to have a little bit of a
23 pause between questions to allow for the objections.

24 Do you understand that?

25 A Yes, I do.

DEPOSITION OF KATHERINE MROWKA

1 Q Regarding objections, most of the time, your
2 counsel will object to the form of the question, that it
3 is vague or overbroad or there is something wrong with
4 the way it has been asked. If that happens and you do
5 not understand my question, I would like you to just
6 tell me you don't understand the question and ask for
7 clarification, and I'll try to ask a better question.

8 I presume that some of my questions today won't
9 be good when we start and we'll have to make them
10 better, so don't be afraid to ask me to clarify my
11 question. If you don't ask me to clarify the question,
12 I will assume that you understood the question.

13 Do you understand that?

14 A Yes.

15 Q Sometimes your attorney may object on the ground
16 that I've asked you for some privileged information.
17 And in that instance, your attorney will instruct you
18 not to answer. Unless your attorney instructs you not
19 to answer, you do need to answer the question. Okay?

20 A Yes.

21 Q If you are tired and you need a break for any
22 reason, please just ask. The only thing I would prefer
23 is that you don't ask for a break while a question is
24 pending. So you need to answer the question and then
25 we'll take a break.

DEPOSITION OF KATHERINE MROWKA

1 The other thing that will be important today is
2 your role in these cases was part of a group. I'm going
3 to be asking you for your best recollection or
4 knowledge. I don't want you to guess or speculate.

5 If information is from another place and you
6 don't know for sure, then that's okay. You can just
7 tell me that you don't want to guess, you don't want to
8 speculate. And then I'll ask you questions to find out
9 where I might be able to get the information.

10 Do you understand that?

11 A Yes.

12 Q Let's start by learning a little bit more about
13 you. Where did you go to college?

14 A My undergraduate was Humboldt State
15 University. My graduate degree was Sacramento State
16 University.

17 Q What degrees did you obtain?

18 A I have an Environmental Resources Engineering
19 Degree from Humboldt and a Master's in Civil
20 Engineering, Water Resources specialty from Sac
21 State.

22 Q And do you have any certifications?

23 A Yes, I do. I am a professional engineer.
24 I'm licensed in the State of California.

25 Q Any other certifications?

DEPOSITION OF KATHERINE MROWKA

1 A No.

2 Q Have you had any other specialized education or
3 training, other than that you've described?

4 A I've had work-related specialized training
5 dealing with a variety of topics, such as hearings
6 and various other matters over the course of my
7 employment.

8 Q Any water rights training?

9 A Yes.

10 Q Where was that from?

11 A Largely from my employer. However, I've gone
12 to seminars and other types of training which were
13 offered by other parties, public-type venues.

14 Q And what about training in water availability
15 analysis?

16 A On that, I've had lots of experience, and my
17 training comes from my Master's program. I had
18 specialized classes that dealt with hydrology and
19 hydraulics.

20 Q So when I say "water availability," what does
21 that mean to you?

22 A That means to me the analysis of hydrological
23 records. And also to me, it means to me that
24 analysis of demand-based records.

25 Q I'm sorry. I didn't understand the second part

DEPOSITION OF KATHERINE MROWKA

1 of your answer.

2 A It means the analysis of demand, water demand
3 records.

4 Q Is there anything else to the term "water
5 availability analysis"?

6 A It is a complicated subject. Can you ask a
7 different -- can you clarify what question you want?

8 Q Sure. I asked what "water availability" meant
9 to you. You indicated it meant an analysis of
10 hydrologic records and demand records. Is there
11 anything else that you understand is involved in water
12 availability analysis?

13 A It's obtaining or locating all available data
14 sources, it's comparing and contrasting those data
15 sources to determine which data sources you should
16 utilize. There's a lot of facets of that type of work.

17 Q Do you have any specialized training or
18 education regarding water quality?

19 A No.

20 Q What is your experience with the West Side
21 Irrigation District?

22 A Insofar as --

23 Q Are you familiar with the West Side Irrigation
24 District?

25 A Yes, I am.

DEPOSITION OF KATHERINE MROWKA

1 Q And how are you familiar with it?

2 A I have been employed with the Division of
3 Water Rights for 29 years. And over the course of
4 that employment, I've addressed different matters
5 related to West Side at different times during that
6 career.

7 Q Have you ever actually been there?

8 A No.

9 Q What is your familiarity with the Byron-Bethany
10 Irrigation District?

11 A My familiarity is as a water rights holder
12 and reviewing and analyzing their specific water
13 rights case files.

14 Q Have you ever been to the Byron-Bethany
15 Irrigation District?

16 A No.

17 Q Okay. We talked about your education. When did
18 you obtain your Master's?

19 A I think 1983 but I'm fuzzy on that. I would
20 have to look at my resume.

21 Q What was your first job after obtaining your
22 Master's?

23 A I obtained my Master's while I was employed
24 at the State Water Resources Control Board, so I had
25 no "first" job after. I continued with my present

DEPOSITION OF KATHERINE MROWKA

1 employer.

2 Q What was your job when you were obtaining your
3 Master's?

4 A I was in the Division of Water Rights.

5 Q And what was your position?

6 A At that time I was, I believe, an associate
7 engineer.

8 Q What were your job responsibilities?

9 A During that period, part of the time that I
10 was obtaining that Master's -- it took me a couple
11 of years -- I was working in the Hearings Program.
12 And I believe I had a shift at some point during
13 that time while I was obtaining my Master's. I
14 can't recall if I was in permitting, because part of
15 that time I was obtaining my Master's.

16 Q How many years were you in that position?

17 A The associate position?

18 Q Yes.

19 A It was at least ten.

20 Q And what was your next position?

21 A Senior engineering.

22 Q When did you begin that position?

23 A Again, I did not review my resume before
24 coming here today, so I'm somewhat fuzzy. I was up
25 in the senior for a long period of time before I

DEPOSITION OF KATHERINE MROWKA

1 moved to program manager.

2 MR. JENKINS: You can estimate. Just don't
3 guess.

4 THE WITNESS: Okay, yes, because I don't have
5 that in front of me.

6 Q BY MS. SPALETTA: That is okay.

7 A I was a senior for in excess of ten years.

8 Q What were your job responsibilities as a senior
9 engineer?

10 A I was a senior specialist in the Hearings
11 Program for eight years approximately. I was also
12 senior supervisory in the permitting functions. And
13 that was, at least, six years in that function,
14 overseeing a staff of four to five people with a
15 variety of background in engineering or
16 environmental science.

17 Q This was in the Division of Water Rights?

18 A Yes.

19 Q What was your next position?

20 A Program manager.

21 Q When did you become a program manager?

22 A September 2014.

23 Q What program did you start to manage in 2014?

24 A Enforcement Program.

25 Q What are your job responsibilities there?

DEPOSITION OF KATHERINE MROWKA

1 A I currently have got five units under me. My
2 traditional is four units under me, but I have a
3 drought-enhanced extra unit at the moment.

4 So my responsibilities are to oversee
5 complaints investigations, also to oversee our
6 drought-related investigations, enforcement actions
7 related to those; to evaluate whether watersheds
8 should have sufficient water supply to satisfy
9 demand, and different demand levels for different
10 priorities of rights; and issue any and all related
11 notices associated with any of those program areas.

12 Q I'd like to just get a list of the five units
13 that you are currently responsible for overseeing. What
14 are the five units?

15 A Units one through five. They don't have
16 distinguished titles.

17 Q They don't?

18 A No.

19 Q What does unit one do?

20 A Let's see. Let me categorize it in a more
21 meaningful fashion. I have one unit whose tasks are
22 solely related to complaints. I've got two other
23 units whose tasks are a variety associated with both
24 the drought issues and complaints.

25 I've got one unit that primarily does drought

DEPOSITION OF KATHERINE MROWKA

1 issues but also does complaints in their additional
2 time. And one unit that solely -- the fifth unit is
3 solely related to the drought and it is a temporary
4 unit. So it is solely related to drought
5 investigations and enforcement actions.

6 Q What is the definition of a "unit"?

7 A A unit is four to five employees from ourselves.
8 And it can be comprised of engineers or environmental
9 scientists. I also have engineering technicians.

10 Q So then with five units, how many people are you
11 supervising in total?

12 A The standard for my four units of
13 supervision, those units generally have four staff
14 in each, plus the senior. So that is their standard
15 staffing. The fifth unit is somewhat different this
16 year because it is drought-related. And I have
17 eight staff that report to that particular senior.

18 Q Who is the senior for the drought unit, the
19 temporary one?

20 A Kyle Wooldridge.

21 Q So with the four units that have approximately
22 four employees and the fifth unit that has eight staff,
23 is that 24 people that you are supervising?

24 A That's approximately right. Did you count
25 the seniors in there?

DEPOSITION OF KATHERINE MROWKA

1 Q I don't know. Maybe another five in there for
2 the seniors?

3 A Yeah.

4 Q Which of these units have been involved in the
5 West Side Irrigation District's enforcement action?

6 A So that would be -- the Brian Coats unit is
7 involved, insofar as it is related to the modeling
8 of supply and demand, and any notices related to
9 that task. And then I also have a senior specialist
10 that reports directly to me, and he has been
11 assisting me on this matter.

12 Q Who is that?

13 A Paul Wells. And then I've had staff from
14 Victor Vasquez's unit assisting also.

15 Q So three different units have been involved in
16 the West Side's -

17 A Paul Wells is not in a unit. He is an
18 individual. But two units have been involved, plus the
19 individual.

20 Q Which unit is Victor Vasquez associated with?

21 A He's in a complaints unit, generally
22 speaking. But all staff are tasked with assisting
23 during the drought with drought matters.

24 Q And which unit is Brian Coats associated with?

25 A He is primarily a modeling unit. His staff

DEPOSITION OF KATHERINE MROWKA

1 does other tasks also. But for this, I've used him
2 for modeling and for all of the information related
3 to the water supply situation.

4 Q And Paul Wells, do I understand that he is not
5 affiliated with one of the units?

6 A That is correct. He reports directly to me.

7 Q Is there anyone else that has been involved with
8 the West Side enforcement action?

9 A As far as staff I supervise?

10 Q Correct.

11 A No.

12 Q Can you describe what your responsibilities have
13 been with respect to the West Side enforcement action?

14 A Certainly. My responsibilities first were
15 with respect to the issue of the water supply
16 situation, and looking at the staff work products to
17 determine whether or not there is sufficient water
18 supply to satisfy water demands. So that was the
19 primary type of task.

20 And the secondary type of task, which I was
21 involved in, was that when staff advised me that
22 persons had not ceased use, based on their review of
23 records, I determined whether we should proceed
24 forward with an enforcement action.

25 Q So did you make the determination as to whether

DEPOSITION OF KATHERINE MROWKA

1 to proceed forward with the West Side Irrigation
2 District's enforcement action?

3 A All of my decisions are made in consultation
4 with John O'Hagan, who is my assistant deputy
5 director.

6 Q So is it fair to say that the decision to
7 proceed with the West Side enforcement action was made
8 jointly by you and John O'Hagan?

9 A Yes, it is.

10 Q Was there anyone else involved in that decision?

11 A No.

12 Q Okay.

13 A Under our Delegations of Authority, we have
14 to advise and inform the upper chain of command when
15 we take an action. However, that is just an advise
16 and inform type of issue. They do not direct us as
17 to what the contents of the action is or what types
18 of actions to take.

19 Q And that advise and inform obligation relates to
20 the decision to take an enforcement action?

21 A That is correct. Any matters of controversy
22 nature is how the delegation document reads. We
23 must advise and inform on any matter of a
24 controversial nature.

25 Q Okay. You divided your responsibilities into

DEPOSITION OF KATHERINE MROWKA

1 two subparts: one being the water supply, water
2 availability part; and the other being the determination
3 of whether to proceed with enforcement.

4 Is that accurate?

5 A That's correct.

6 Q For the first part -- the water supply, water
7 availability work -- what exactly did you do?

8 A On that work, what the staff does for me is
9 that they look at the water data as to what the
10 supplies are under full natural flow. And I believe
11 you already have declarations on the specifics of
12 that. I can go into specifics if you want on that.

13 So they evaluate the water supply situation
14 and then the demand situation for demand for water
15 full natural flow. And they will come to me with
16 recommendations based on what they are seeing, not
17 only from the records, but by looking at expected
18 rainfall events, what is actually going on in the
19 streams systems right then -- other types of
20 information like that based on all available
21 websites that we have been able to ascertain have
22 data related to water supply.

23 And then we will discuss and make preliminary
24 determinations whether or not there is sufficient
25 supply for different classes of water rights. So I

DEPOSITION OF KATHERINE MROWKA

1 work with the staff with respect to those tasks.

2 Q And which staff did you work with?

3 A I worked with Jeff Yeazell and Brian Coats.

4 Q So when Mr. Yeazell and Brian Coats brought this
5 information to you, was it your responsibility to make
6 the decision as to whether there was sufficient water
7 available for different rights or was that a decision
8 that was made by someone else?

9 A It is a combination because while I talked to
10 staff and we make our decision and our
11 recommendations, I'm always in conference with my
12 supervisor, John O'Hagan, with respect to these
13 issues because we want to make sure that we
14 thoroughly vet all the aspects and especially that
15 we check all available records. We don't want to
16 have any omissions. So we always do a lot of
17 conference regarding the issues.

18 Q So it sounds like Mr. Yeazell and Mr. Coats
19 would compile information, and then they would provide
20 it to you, and you would review it in conjunction with
21 Mr. O'Hagan to make decisions?

22 A That is correct. If I didn't feel that there
23 was sufficient information, then I would not move
24 the matter forward to Mr. O'Hagan. But in any case,
25 where I felt there was sufficient information that

DEPOSITION OF KATHERINE MROWKA

1 it warranted consideration, then I would have a
2 conversation with Mr. O'Hagan.

3 Q Okay. So with respect to how this decision
4 process went, did the decision about water availability
5 end with Mr. O'Hagan or did it have to be elevated
6 before a final decision was made?

7 A Under the Delegations of Authority document,
8 the letter that issues that says to people there
9 isn't enough water available under your priority of
10 right, it is signed by Tom Howard. So we provide to
11 Mr. Howard our recommendation.

12 Q And then he either approves it or not?

13 A Correct.

14 Q How many times during 2015 did you provide Mr.
15 Howard with a recommendation regarding water
16 availability?

17 A There were multiple times. We provided Mr.
18 Howard with recommendations with respect --
19 separately with respect to the post-1914 water
20 rights and pre-1914 water rights with respect to
21 different watershed areas because the San Joaquin
22 watershed water supply situation was significantly
23 more dire than the Sacramento River basin situation.

24 And so, we had to provide multiple forecasts,
25 multiple times where we said this situation, it does

DEPOSITION OF KATHERINE MROWKA

1 not look like a sufficient supply for this
2 particular class of rights. So there were multiple
3 times we informed him.

4 Q So when you provided this information to Mr.
5 Howard, how was that done? Was it done verbally, by
6 email, by memo? What was the process?

7 A We sent him an email with the staff's
8 recommendation and usually a graphic to show him
9 what the data was showing.

10 Q And then what would happen?

11 A And then he would tell us whether we should
12 proceed or not.

13 Q Was there ever an incident during 2015 where you
14 provided him with information, and he told you he didn't
15 agree with it or did he agree with each of your
16 recommendations?

17 A Sometimes -- let me see. I want to correct
18 what I said. Sometimes we would also provide him
19 with the proposed letter for him to look at that we
20 wished to mail out to the parties. I wanted to tell
21 you that that was also another work product that we
22 provided to Mr. Howard. Since it would be under his
23 signature, he needed to review the letter.

24 On your other question -- what was it, if you
25 could remind me?

DEPOSITION OF KATHERINE MROWKA

1 Q Sure. You are explaining a process where you
2 provided Mr. Howard with a recommendation --

3 A Uh-huh.

4 Q -- a graphic and a proposal letter.

5 A Correct.

6 Q Now I'm asking you if Mr. Howard always accepted
7 your recommendations, or if there was some back and
8 forth between Mr. Howard and you and Mr. O'Hagan on
9 these issues.

10 A At times there would be back and forth
11 because Mr. Howard would want edits on a text of the
12 letter for his signature; or he would wish to know
13 how many persons would be affected by the proposed
14 determination. Just straight math, you know.

15 And he wanted to know -- part of our process
16 was that we would contact affected state agencies
17 and let them know that this action would affect
18 them. We wanted to make sure we'd done our
19 contacts. I believe there was one or two times that
20 he reminded us, you know, have you guys contacted
21 people that would be affected. So along those
22 lines.

23 Q Are you a member of the West Side Irrigation
24 District's Enforcement Action Prosecution Team?

25 A Yes.

DEPOSITION OF KATHERINE MROWKA

1 Q When did you become a member of the Prosecution
2 Team?

3 A I became a member at the time that we issued
4 the Cease and Desist Order. Prior to that, I was
5 serving as program manager reviewing items. There
6 was not a Prosecution Team until that item was
7 issued.

8 Q So the water availability determination work
9 that was done prior to the formation of the Prosecution
10 Team, do you understand that work was done as part of
11 the West Side enforcement action or as part of a
12 different function?

13 A When we did the water availability, it was a
14 general program function where we were evaluating
15 the water supply situation to determine if there was
16 sufficient water for different classes of right
17 holders. So it was more of a general action.

18 Q And then once that general action was taken
19 regarding water availability, was there any further more
20 specific water availability analysis related to West
21 Side Irrigation District?

22 A No.

23 Q Was there any more specific water availability
24 analysis related to Byron-Bethany Irrigation District?

25 A No.

DEPOSITION OF KATHERINE MROWKA

1 Q Why not?

2 A Because those general actions, for instance,
3 with respect to West Side, we informed parties with
4 post-1914 water rights in that watershed that there
5 was no water available for them. These were mass
6 mailings to all affected post-1914 rights holders.

7 The same when we did Byron-Bethany is that
8 the pre-1914 right in their specific watershed, and
9 that action was issued to all parties with rights
10 between 1903 and 1914.

11 Q For the West Side Irrigation District matter, is
12 it correct to say that the enforcement action is based
13 on the fact that there was a finding by the State Board
14 of no water available for the version under West Side's
15 license?

16 A When we issued our water shortage
17 notification, that was a notice. That wasn't an
18 actionable item. That was a notice to parties there
19 was no water available. The issue arose when
20 diversion occurred and it was unauthorized diversion
21 because there is no water under the priorities of
22 right. So the issue arose when we would look at the
23 specifics of whether or not West Side was diverting
24 and there was water for that diversion.

25 Q So I'm not sure that answers the question

1 specifically. Let's go ahead and look at the actual
2 West Side CDO. Maybe we can get a more specific
3 question.

4 We previously marked it as Exhibit 2. It should
5 be in your binder. Do you see that?

6 A Yes.

7 Q Do you agree that Exhibit 2 is the draft CDO for
8 West Side?

9 A Yes.

10 Q If we turn to page 6 of 7 of the draft CDO and
11 look at paragraph 35, it says, "This enforcement action
12 is based on lack of available water supply under the
13 priority of the right." Do you see that?

14 A Yes, I do.

15 Q Did you draft this notice?

16 A Yeah. The staff drafted and I reviewed.

17 Q Who drafted it?

18 A I'm trying to recall because some of these
19 were drafted by our attorneys and some were drafted
20 by staff in conjunction with the attorneys.

21 Q Who finally approved it before it went out?

22 A It is under John O'Hagan's signature.

23 Q Did you approve it before it went to John?

24 A Yes.

25 Q So the question I have is for this, reading in

1 paragraph 35, that says, "This enforcement action is
2 based on lack of available water supply under the
3 priority of the right."

4 A Uh-huh.

5 Q Who made the determination that there was a lack
6 of available water supply under the West Side priority
7 of right?

8 MR. JENKINS: I'm going to object to vagueness
9 as to what you mean by finding, but that is just for the
10 record.

11 Q BY MS. SPALETTA: Let's clarify that because I
12 want to make sure that we are all on the same page.

13 On page 1 of the Draft Cease and Desist Order,
14 right above paragraph 1 it says, "The State Board, or
15 its delegee, finds that..."

16 Do you see that?

17 A Yes.

18 Q Do you understand that these numbered paragraphs
19 in the CDO reflect the factual or legal findings of the
20 State Board or its delegee that support the enforcement
21 action?

22 A Yes.

23 Q Okay. So then turning back to page 6, paragraph
24 35. The question was: Who made the determination that
25 there was a lack of water supply available under West

DEPOSITION OF KATHERINE MROWKA

1 Side's priority of right?

2 A That task was done when we did the evaluation
3 under our water supply and demand evaluation, so the
4 general model.

5 Q So that would have been whatever the general
6 modeling was that supported the notice that went out on
7 what date? Do you remember? Was it May 1st?

8 MR. JENKINS: The question is do you remember
9 what date the notice went out.

10 THE WITNESS: Yes. And I have to refresh my
11 memory. I believe that's approximately correct.

12 MR. TAURIAINEN: I'm suggesting that you refresh
13 your memory by looking at paragraph 18 of the Cease and
14 Desist Order draft.

15 THE WITNESS: Right. It does state May 1st.

16 Q BY MS. SPALETTA: Okay. So what supply was
17 analyzed to make the determination that there was a lack
18 of available water supply under West Side's water right?

19 A We evaluated full natural flow, which is the
20 unimpaired flows. It does not include water
21 imported to the watershed. It does not include the
22 reservoir releases because that is not full natural
23 flow.

24 So we evaluated for multiple gauge stations
25 the full natural flow in order to make our

1 assessment of the supply situation. And then for
2 Delta users, that there were other factors
3 considered, such as return flow.

4 Q Who made the decision to evaluate only those two
5 sources of supply?

6 A Our evaluations -- we decided to use full
7 natural flow based on sound engineering principles.
8 We wanted to ensure that all available sources of
9 supply were taken into consideration; that we
10 basically parsed out all available supply to water
11 users based on their priority dates.

12 MS. SPALETTA: Could I have the court reporter
13 read back my question, please?

14 (Whereupon, the record was read.)

15 Q BY MS. SPALETTA: Could you answer that question
16 first, please?

17 A Who made the decision to use these sources of
18 supply?

19 Q Correct.

20 A I don't know that because I was employed in
21 this program starting September 2014, I guess it
22 was. It has been a full year now. And they were
23 already modeling at that point. They had been
24 modeling throughout 2014.

25 And so I don't know who first made the

DEPOSITION OF KATHERINE MROWKA

1 decision to use full natural flow. But it was the
2 technique that they were using at the time that I
3 gained this position.

4 Q Did you ever provide any comments or input
5 towards that decision?

6 A No, because I wasn't in that program function
7 at the time the decision was made.

8 Q Were you part of the discussion regarding a
9 decision to include the Delta return flows?

10 A I believe I was.

11 Q And can you tell me about that discussion and
12 how the decision was made?

13 A Yes. We have participated in multiple
14 stakeholder outreach meetings throughout this year
15 to make sure that we had the best available
16 information for the water supply situation.

17 And one of the comments that we received was
18 with respect to the return flow. Parties felt that
19 we should include some return flows in this
20 discussion. And we were able to identify a
21 published document, a written document, from another
22 agency that informed us of what would be applicable
23 return flows.

24 Q Which document was that?

25 A I don't have the specific title off the tip

DEPOSITION OF KATHERINE MROWKA

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?

DEPOSITION OF KATHERINE MROWKA

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

DEPOSITION OF KATHERINE MROWKA

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?

1 A At the West Side point of diversion, you
2 would have whatever flows have been abandoned to the
3 stream by upstream diverters. You would have the
4 natural flow associated with rainfall events. Any
5 kind of accretions that have occurred upstream of
6 that location. You would have any return flows at
7 the end of the upstream district.

8 Q Okay. So for each of those things that you just
9 described, what effort was made to evaluate that source
10 of supply at the West Side point of diversion in Old
11 River?

12 A When we looked in our global-type watershed
13 evaluation, we evaluated the flows -- the full
14 natural flows at upstream locations that were
15 provided. The gauge data is at specific gauges.
16 And we evaluated demands on the watershed basis --
17 because of the fact that water right priorities --
18 where they lie in a watershed is not consistent.

19 You can have in any one location in a
20 watershed both junior and senior right holders. And
21 so we have to look at the seniority system in an old
22 watershed-type picture due to the fact that it is so
23 interwoven where your senior and junior right
24 holders sit, their physical locations.

25 Q Let's breakdown your prior answer. What was

DEPOSITION OF KATHERINE MROWKA

1 done to evaluate the available rainfall-sourced natural
2 flow at the West Side point of diversion?

3 A So there what we did was we took the global
4 picture and we evaluated whether, throughout the
5 watershed, there was sufficient water to serve
6 post-1914 water rights and determine, at the date we
7 issued our notification, that there wasn't
8 sufficient water for any of the post-1914 water
9 rights.

10 Q So what was the source of data used to evaluate
11 the rainfall force?

12 A We used the Department of Water Resources
13 data.

14 Q And then you also mentioned earlier -- just
15 backing up. The Department of Water Resources data is
16 the full natural flow data?

17 A Yes.

18 Q You also mentioned accretions to the channel?

19 A Yes.

20 Q What was done to evaluate the accretions to the
21 channel?

22 A We looked at the return flow issue because
23 that is water coming in. As to groundwater
24 accretion, there are no published reports which we
25 could use for that data that we were able to

1 identify. So we were not able to evaluate that
2 issue.

3 During the outreach meeting, we were told by
4 one party that he felt that there wasn't as much of
5 the groundwater accretion today due to the
6 significant number of groundwater diverters that
7 exist today.

8 Q Who was that?

9 A I don't recall. I see his face but I can't
10 recall the name offhand.

11 Q Do you know who he was affiliated with?

12 A Not offhand, no. I'm sorry.

13 Q Who was in charge of looking for the published
14 reports about groundwater accretions?

15 A Brian Coats. And he would have likely asked
16 his staff to research it, but I don't know for sure.

17 Q Now, you said one of the other sources of flow
18 available to West Side would have been abandoned flows?

19 A If there had been abandoned flows upstream.

20 Q And what would that include?

21 A If a irrigator had used water and then had
22 water that exited their canal system as tailwater
23 and reentered the stream system and it was outside
24 the district bounds, it may have been abandoned.

25 Q And what effort was made to compute the

DEPOSITION OF KATHERINE MROWKA

1 abandoned flows available at West Side point of
2 diversion?

3 A We evaluated whether there were provocations
4 that spoke to the issue.

5 Q Who is "we"?

6 A That would be Brian Coats and Jeff Yeazell.

7 Q And what was the feedback you got back from them
8 as to what they found?

9 A We were not able to identify much by way of
10 publications.

11 Q Did you seek that information from the
12 stakeholders in the area?

13 A I believe at the outreach we said to please
14 give us any information that you have to help us
15 with this effort on the model.

16 Q When you are talking about the outreach, what is
17 that?

18 A We had an outreach session for the San
19 Joaquin River and a separate one for the Sacramento
20 River prior to issuing water shortage notifications
21 where we invited some of the persons that have
22 larger rights or agents that deal with water right
23 holders to seek their feedback.

24 Q When was the outreach session for the San
25 Joaquin River stakeholders?

DEPOSITION OF KATHERINE MROWKA

1 A It was within a two to three-week window of
2 issuing the water shortage notifications.

3 Q So two to three weeks before the water
4 availability notice was sent out, you invited these
5 people to the State Board for a meeting?

6 A Uh-huh.

7 Q And did you provide those people with the
8 detailed spreadsheets prior to the meeting?

9 A We provided them with the graphics that
10 depicted the water supply situation.

11 Q Did you provide them with any kind of a written
12 summary of how the supply and demand were computed in
13 the spreadsheets?

14 A We had several handouts for them. I don't
15 recall the specifics of all the handouts.

16 Q But you did not provide the detailed spreadsheet
17 prior to this stakeholder meeting?

18 A If you are referring to the spreadsheet which
19 has all of the water right holders on it, no.

20 Q All right. And for the Sacramento outreach,
21 when was that held?

22 A Again, roughly two to three weeks prior to
23 issuing water shortage notifications.

24 Q And again, were the Sacramento stakeholders
25 provided with the detailed spreadsheet or were they just

DEPOSITION OF KATHERINE MROWKA

1 provided with the graphics?

2 A They were provided with the graphics and I
3 believe maybe some additional information.

4 Q What additional information?

5 A I don't recall.

6 Q Which water availability analysis -- the San
7 Joaquin River analysis or the Sacramento River analysis
8 -- was used to determine water availability for West
9 Side?

10 A West Side is on the San Joaquin side.

11 Q So the San Joaquin River?

12 A It is on Old River which is a tributary of
13 San Joaquin.

14 Q Which one of the water availability analyses was
15 used to determine lack of water availability for West
16 Side?

17 A It would be the San Joaquin.

18 Q The San Joaquin watershed?

19 A Yes.

20 Q So looking again at the draft CDO, can you point
21 me to the paragraph that says that the San Joaquin River
22 availability analysis was used for West Side?

23 A So item 17 -- and I'm sorry because the Old
24 River, the location of West Side is more Delta so --
25 San Joaquin Delta.

DEPOSITION OF KATHERINE MROWKA

1 Q Which water availability analyses was used to
2 support the determination of unavailability for West
3 Side?

4 A The one identified in paragraph 17.

5 Q Which is the Sacramento --

6 A -- San Joaquin Delta.

7 Q The Sacramento/San Joaquin Delta analysis?

8 A Yes.

9 Q And the Sacramento River outreach meeting was
10 held two to three weeks before that notice came out on
11 May 1st?

12 A That's my recollection.

13 Q Was West Side invited to participate in that
14 outreach meeting?

15 A I do not know offhand.

16 Q How about BBID?

17 A I did not issue those invitations.

18 Q Who did?

19 A John O'Hagan did.

20 Q And who made the decision about who to invite?

21 A I think that a number of us conferred to try
22 to make sure that we invited a number of parties
23 that had significant interests in the water
24 availability analysis.

25 Q Was there any discussion about inviting West

DEPOSITION OF KATHERINE MROWKA

1 Side?

2 A I do not recall.

3 Q How about inviting BBID?

4 A I don't remember.

5 Q And for the Delta agencies, were they invited to
6 the Sacramento outreach meeting?

7 A Because the Delta issue is complex, I'm not
8 sure. I thought they were invited. I just don't
9 recall if they were invited to both or only one.

10 Q Okay. Going back to your list of the different
11 sources of supply that were used to prepare the water
12 availability determination that served as the basis for
13 the West Side enforcement action, you mentioned
14 abandoned flows. And you gave me an example a few
15 minutes ago of someone having tailwater that they
16 abandoned out of their service area.

17 Are there any other examples of abandoned flow?

18 A Some parties might say water that is bypassed
19 under our right or require fisheries bypass had been
20 abandoned after it served its purpose.

21 Q Is that something that the State Board
22 considered in looking at the abandoned flows available
23 in Old River?

24 A Not to my knowledge.

25 Q Do you know why not?

DEPOSITION OF KATHERINE MROWKA

1 A Because the fishery flows were not parsed out
2 as separate from the full natural flows when we did
3 our evaluation. Although parties under specific
4 rights have to bypass or may have to bypass, we
5 didn't parse that out and hold that water separate.
6 We viewed that as part of the entirety of the water
7 supply available for the senior right holders.

8 Q So let's separate that out because there are two
9 different kinds of fish flows. There are the kind that
10 are bypassed natural flow required for fish flow
11 purpose, and then there are also affirmative releases
12 from storage that are required for fish flow purpose,
13 correct?

14 A Yes.

15 Q Are there any other kinds of fish flows?

16 A Not to my knowledge, only release or bypass.

17 Q So I think what you've just described to me is
18 how you treated the bypassed natural flow fish flow,
19 correct?

20 A Correct. They were part of the overall water
21 supply viewed as available for appropriation.

22 Q Now let's talk about the other kind of fish
23 flow, the kind that is mandated to be released from
24 storage. How were those treated?

25 MS. MORRIS: Objection. Calls for a legal

1 opinion.

2 Q BY MS. SPALETTA: I'm not asking for you to give
3 a legal opinion. I really just want to know factually
4 how you treated any water that was released from storage
5 for fish flow purposes as part of the water availability
6 analysis.

7 A Because the water availability analysis is
8 based on full natural flow, it does not take into
9 consideration reservoir operation.

10 Q Why was that excluded?

11 A Because it is not part of the full natural
12 flow.

13 Q Why was there a decision made to not include it
14 in your water availability analysis?

15 A Because what we considered in the analysis
16 itself was the quantities available at that time
17 period as full natural flow. We just considered
18 those flows.

19 Q Let me ask the question a little differently.
20 You indicated that abandoned flows would be available
21 under West Side's appropriative right. Was there any
22 discussion about whether there were any abandoned fish
23 flows that had been released from storage that should be
24 accounted for in that analysis?

25 A We discussed the issue -- I discussed the

1 issue with my staff, Brian and Jeff. And then when
2 we looked at it, we realized that that was water
3 stored in a different season. It wasn't part of
4 full natural flow. And so, it was not taken into
5 consideration when we are determining how much
6 natural flow is available for diverters.

7 Q I think you already testified today that an
8 appropriate diverter is not limited to diverting
9 natural flow, correct?

10 A Yes, I did.

11 Q So if they are not limited, what was the
12 rationale for not looking at other sources of flow,
13 besides natural flow?

14 A That -- just a moment.

15 Q Take your time. Take your time.

16 A I have to think.

17 MR. JENKINS: Can you answer the question?

18 MS. MORRIS: Could you reread the question? I'm
19 sorry. I forgot what the pending question was.

20 (Whereupon, the record was read.)

21 THE WITNESS: Right. And so when we are looking
22 at issues like a reservoir operator that is meeting
23 specific fishery requirements at specific locations,
24 that water is not yet abandoned. It is meeting a
25 requirement of the State Water Board Order, things of

1 that nature. And while it is fulfilling that function,
2 it is not abandoned. So, therefore, not considered, as
3 far as full natural flow, available.

4 Q BY MS. SPALETTA: Has the State Board determined
5 when the fish flow releases are abandoned?

6 MS. MORRIS: Objection. Calls for a legal
7 opinion.

8 Q BY MS. SPALETTA: Do you understand the
9 question? I think you just described to me that your
10 rationale for not including the fish flows released from
11 storage is that you and your staff did not consider them
12 to be abandoned.

13 A I said whilst they were fulfilling the
14 requirements of a State Water Board order or edict, they
15 are not abandoned.

16 Q Did you, or the other people you worked with,
17 look at when those flows had stopped fulfilling those
18 requirements?

19 A Because our evaluation of natural flow -- our
20 full natural flow was up higher in the watershed to
21 determine what was coming through the system, we did
22 not look at that issue, insofar as if it were down
23 very low in the Delta. We were determining up
24 higher in a location series, you know, what is
25 available supply to move down through the system.

DEPOSITION OF KATHERINE MROWKA

1 Q Let me give you an example just to make sure
2 that we are all on the same page. If the Bureau of
3 Reclamation was releasing 100 CSF from New Melones to
4 meet the dissolved oxygen standard at Ripon, did your
5 water availability analysis address at all that 100 CSF
6 after it passed the Ripon measuring point?

7 A When we were doing our evaluation, we always
8 looked -- not just at full natural flow but what was
9 the real-life situation going on at various stream
10 gauges throughout the watersheds. So we always
11 looked to see what was happening at those gauges
12 prior to making our decisions on the water
13 availability situation.

14 Q Who looked at the gauges?

15 A Brian Coats.

16 Q And what gauges did he look at?

17 A He would look at various gauges through the
18 different watersheds to see how the stream responses
19 were, what was going on. Especially as we had storm
20 events and things like that, we wanted to see --
21 were we seeing stream responses at the gauges. So
22 what was happening in terms of these stream
23 responses. So it depended on which watershed, what
24 gauges we were reviewing there.

25 Q So what gauges were reviewed relevant to the Old

DEPOSITION OF KATHERINE MROWKA

1 River diversion location for West Side?

2 A Again, Brian did that work for me. I do know
3 that he looked at Mossdale. I don't know the others.

4 Q And how was that information used?

5 A That was used to give us a real-time snapshot
6 as to what was going on for stream responses.

7 Q Did any of your water availability graphs depict
8 what you were seeing in the real-time gauge data?

9 A Insofar as full natural flow is based on
10 gauge data, yes.

11 Q I thought you just testified that --

12 A It has been -- full natural flow is gauge
13 data that has been unimpaired. It is not -- it is
14 gauge data but it has been unimpaired by the
15 Department of Water Resources to take out the
16 influence of reservoir operations, and things like
17 that, to determine what would have been there under
18 natural conditions but it is still gauge data.

19 Q Maybe we are talking about two different kinds
20 of gauge data. The gauge at Mossdale, is that designed
21 to look at unimpaired full natural flow?

22 A No. It just simply reads what it sees as
23 stream flows.

24 Q And so are you telling me that in addition to
25 the full natural flow gauge data, that someone on your

DEPOSITION OF KATHERINE MROWKA

1 staff, probably Brian Coats, also looked at other gauge
2 data that measures something other than full natural
3 flow?

4 A He would look at it because we wanted to
5 always be aware of what was going on in the
6 watersheds.

7 Q So which gauges did --

8 (Brief interruption.)

9 MR. JENKINS: Sorry.

10 Q BY MS. SPALETTA: Which gauges did Mr. Coats
11 look at that were relevant to something other than full
12 natural flow?

13 A He would look at multiple gauges in different
14 watersheds, depending on what watershed we were
15 evaluating there.

16 Q Is there any record of that?

17 A No, not that I'm aware of.

18 Q We marked a couple of different exhibits
19 previously related to the water availability analysis.
20 And there is one identified as Exhibit 10, the 2015
21 Sacramento River Basin Supply and Demand.

22 That is the analysis that I believe you
23 previously testified was used to support the West Side
24 notice of unavailability on May 1st. Where is the gauge
25 data that we have been discussing depicted on

DEPOSITION OF KATHERINE MROWKA

1 Exhibit 10?

2 A If you look at the notes, it talks about
3 which CDEC, which is which stations it used, for
4 gauging daily full natural flow.

5 Q So those are the full natural flow gauges.

6 A Uh-huh.

7 Q What are the other gauges that you have not been
8 able to identify here, other than Mossdale?

9 A What we looked at, at other gauges, was to
10 ascertain stream response. It was for our knowledge
11 of that.

12 Q How did it influence, for example, the May 1st
13 notice of unavailability?

14 A The notice of unavailability is based on this
15 graphic. And what we always did, though, was we
16 wanted to see what streams looked like throughout
17 the regions for our own information.

18 Q So am I understanding correctly, then, the graph
19 that we are looking at as Exhibit 10 was the basis for
20 the May 1st unavailability notice that West Side
21 received?

22 A I would presume this is the correct one, yes.

23 Q But Exhibit 10 does not include any of the data
24 that was gathered from the review of the gauge station
25 in the rivers that you've just described?

DEPOSITION OF KATHERINE MROWKA

1 A That was not the basis for our findings that
2 there was insufficient supply.

3 Q Has anyone gone back now after the fact and
4 looked at the gauge data -- for example, from Mossdale
5 or from other places in Old River -- to determine if
6 there was potentially a different amount of water
7 available for West Side to divert under its
8 appropriate right?

9 A Can you repeat that, please?

10 MS. SPALETTA: Would you read back the question?
11 (Whereupon, the record was read.)

12 THE WITNESS: Our reviews of local gauge
13 information occurred prior to determining if it was
14 appropriate to issue a finding that there was lack of
15 supply.

16 It would also occur as we determine whether to
17 tell people there is now water available for them. So
18 we do them in two ways. But I don't recall whether or
19 not we did one, did a review of the local gauge data,
20 until we were interested in determining if there's water
21 now available to appropriate.

22 Q BY MS. SPALETTA: Has there been any review of
23 local gauge data specific to determining the amount of
24 water available for West Side Irrigation District?

25 A I don't know what Mr. Coats -- the most

DEPOSITION OF KATHERINE MROWKA

1 recent time he did that. I know he has done it
2 recently because of the issue of releasing from --
3 telling people there is water now available. I
4 don't know how many times he did it in the interim.

5 Q Did Mr. Coats conduct any such reviews specific
6 to West Side's point of diversion?

7 A We would have done the evaluation specific to
8 what the gauge data shows, and then looked at right
9 holders in order of priority.

10 Q So my question is really more yes or no. Has
11 Mr. Coats done a specific water availability
12 determination review of gauge data for West Side
13 Irrigation District?

14 A All of our work has been based on categories
15 of rights, such as post-1914, how far could supplies
16 stretch. In some cases, you know, it might be 1927
17 priority but they have been done in that kind of
18 context.

19 Q So there hasn't been one specific to West Side?

20 A It's done based on order of priority within
21 the priority system.

22 Q I believe the West Side water right has a
23 priority right of 1916. Has there been an analysis done
24 specific to the 1916 priority date?

25 A We would have evaluated if there was water

1 supply for 1916 as we did the total review based --
2 because all of our reviews considered what year is the
3 highest priority that can be served or the lowest
4 priority that can be served on available supply.

5 MS. SPALETTA: Let's take a five-minute break.
6 We have been going for about an hour.

7 (Whereupon, a recess was then taken.)

8 Q BY MS. SPALETTA: We are back on the record
9 after a short break. I want to ask you some questions
10 regarding the draft CDO which is Exhibit 2.

11 I believe you testified earlier that it was John
12 O'Hagan who finally approved this document.

13 A Yes.

14 Q And you approved it prior to it having been sent
15 to him; is that correct?

16 A Correct.

17 Q Who drafted it?

18 A I believe this one was primarily drafted by
19 my counsel.

20 Q Is that Mr. Tauriainen?

21 A Uh-huh.

22 Q Is that a "yes"?

23 A Yes.

24 Q So in the deposition, it is very important that
25 we have a "yes" or a "no" as opposed to an "uh-huh"

DEPOSITION OF KATHERINE MROWKA

1 because sometimes that comes across poorly on the
2 transcript. So the answer is yes.

3 The findings that are included in the draft CDO,
4 findings one through 35, what is the process that
5 occurred to reach each of these findings?

6 A I'm afraid I don't understand.

7 Q Well, I understand Mr. Tauriainen drafted this,
8 but was he provided with some information to suggest
9 that you and your staff, or Mr. O'Hagan and someone
10 else, had reviewed information and made certain findings
11 or did Mr. Tauriainen make those findings for the
12 purpose of the draft? How did that work?

13 A Oh. Staff had reviewed information on water
14 diversions. And I believe on this particular case,
15 the Watermaster's office inspected it and advised us
16 that diversions were occurring.

17 Q Are there some investigative reports or memos
18 that were used as a foundation for the draft CDO?

19 A I believe the Watermaster's staff prepared
20 such document.

21 Q Okay. I think we have that, so I'll pass it
22 down to you. I have a June 18th, 2015 memo that we will
23 mark as our next exhibit in order.

24 (Whereupon, Exhibit No. 38 was
25 marked for identification.)

DEPOSITION OF KATHERINE MROWKA

1 MR. JENKINS: Do you want her to look at it?

2 MS. SPALETTA: Yes, please.

3 Q I've marked as Exhibit 38 a June 18th, 2015 memo
4 from John Collins, a staff environmental scientist from
5 the Office of the Delta Watermaster. Is this the memo
6 you were referring to from the Watermaster's office?

7 A Yes.

8 Q Were there any other memos or investigations
9 that were written up to support the draft CDO?

10 A The only documentations for support for the
11 field investigations were from the Watermaster's
12 Office. I did not ask my staff to conduct
13 investigations separate from that.

14 Q So the information that is contained in the
15 June 18th, 2015 memo, is that the only information that
16 was available to you regarding the diversions by West
17 Side or was there other information that you gathered?

18 A I believe that West Side had submitted
19 information to us in regards to our Informational
20 Order.

21 Q Anything else?

22 A I stand corrected. I don't think it was in
23 regards to our Informational Order but in response
24 to our unavailability notice.

25 Q The last paragraph of the June 18, 2015 memo

DEPOSITION OF KATHERINE MROWKA

1 that we have marked as Exhibit 38 states, "In question
2 is whether WSID has the right to redistribute tailwater
3 to other customers under the notice of April 23rd,
4 2015."

5 Do you see that?

6 A I'm sorry. Where are you?

7 Q The last sentence of Exhibit 38.

8 A Okay. What was your question again?

9 Q I asked if you saw it.

10 A Thank you. Yes.

11 Q Do you understand what it means?

12 A I can guess what it means.

13 Q I don't want you to guess. Did you have any
14 discussions with Mr. Collins about his memo?

15 A Not with respect to that sentence.

16 Q Do you know why he was interested in the
17 April 23rd notice?

18 A I would have to speculate.

19 Q This memo deals with West Side Irrigation
20 recapturing tailwater, correct?

21 A I'm sorry.

22 Q Take a minute to review the memo, and then I'll
23 ask you some questions about it.

24 A "Witness reading.)

25 Q Are you ready?

DEPOSITION OF KATHERINE MROWKA

1 A Yes.

2 Q So the third paragraph of the memo discusses a
3 conversation that Mr. Collins had with the operator,
4 Rick Martinez, where Mr. Martinez stated that the pumps
5 were capturing tailwater runoff from the Bethany drain
6 at an estimated rate of eight cubic feet per second.

7 Do you see that?

8 A Yes, I do.

9 Q Was that one of the reasons why this enforcement
10 action was brought?

11 A This enforcement action was brought because
12 West Side was diverting.

13 Q So Mr. Collins obtained information that West
14 Side was diverting tailwater from the Bethany drain.
15 How did you and your staff treat the pumping of
16 tailwater from the Bethany drain?

17 A No different than other flows which are
18 comprised of a mix of sources. The Bethany drain
19 water comes from multiple upstream districts, in
20 addition to the City of Tracy.

21 Q Did you treat the Bethany drain water as having
22 been abandoned by West Side?

23 A It is water from multiple sources.

24 Q But that wasn't my question. Did you treat the
25 Bethany drain water as having been abandoned by West

DEPOSITION OF KATHERINE MROWKA

1 Side?

2 A It is my understanding that only a portion of
3 Bethany drain water comes from West Side lands.

4 Q Where do you understand the water in the Bethany
5 drain to come from?

6 A From multiple sources. At one time including
7 canneries and things of that nature, but it comes
8 from at least two upstream districts and also the
9 City of Tracy, in addition to waters from West Side.

10 Q And what is that understanding based on?

11 A It is based on evaluation of various
12 documents that I've looked at recently.

13 Q What documents?

14 A The licensing reports, the inspection reports
15 that are in the file for West Side.

16 Q I'm going to ask some very basic questions about
17 the Bethany drain. Do you know where the Bethany drain
18 is located?

19 A Yes.

20 Q Is it located within West Side Irrigation
21 District's boundaries?

22 A If you are talking about district boundaries
23 versus licensed place of use boundaries, those are
24 different. Which are you talking about?

25 Q Let's talk about licensed place of use.

DEPOSITION OF KATHERINE MROWKA

1 A It is -- a portion of it is within the
2 licensed place of use.

3 Q And what about the district boundaries?

4 A Less of it is within the district boundaries.

5 Q And the water that goes into the Bethany drain,
6 while the water is flowing in the drain within West
7 Side's boundaries, do you understand that water to be
8 under the control of West Side?

9 A I'm uncertain of whether you mean district
10 boundaries or licensed place of use boundaries.

11 Q District boundaries.

12 A What was the question again?

13 Q While water is flowing in the Bethany drain
14 within West Side's district boundaries, do you
15 understand that water to be within the control of West
16 Side?

17 MS. MORRIS: Objection. Calls for legal
18 conclusion.

19 Q BY MS. SPALETTA: You can answer.

20 A It's my understanding that water within the
21 district boundaries, it is not yet abandoned.

22 Q So who has control of it while it is in the
23 district boundaries?

24 A I would presume the district.

25 Q So is it your understanding that West Side could

DEPOSITION OF KATHERINE MROWKA

1 take that water out of the Bethany drain and use it
2 while the water is within the district's boundaries?

3 A That is my understanding.

4 Q And would they need a separate appropriative
5 permit to do that, based on your understanding?

6 A Not while it had not yet left the district's
7 boundary.

8 Q This summer, 2015, did the water in the Bethany
9 drain leave the district's boundaries?

10 A Yes.

11 Q When did that occur?

12 A It occurs -- there is multiple sources in the
13 drain that were never within the district's
14 boundaries that flow from other parties into the
15 drains, such as the City of Tracy. And then there
16 is waters from the district's boundaries that then
17 subsequently left district's boundaries.

18 Q When did the water leave the district's
19 boundaries?

20 A Once it exited the boundaries.

21 Q Let's mark as an exhibit a map. Let me first
22 ask a foundational question. Did you and your staff map
23 the district's boundary and the location of Bethany
24 drain?

25 A There are maps already in the water right

1 file.

2 Q Do those maps in the water right file show the
3 Bethany drain and the district's boundaries?

4 A The licensing maps show the location of the
5 drain, some of the material from the inspections
6 associated with licensing tasks. And there is also
7 submittal from the district in there that shows the
8 lands that are considered to be in the boundary and
9 those which are not. So there are two types of
10 submittals -- two types of maps in that file.

11 MS. SPALETTA: I'm going to pass down a map
12 that we will mark as our next exhibit in order.

13 (Whereupon, Exhibit No. 39 was
14 marked for identification.)

15 Q BY MS. SPALETTA: We have marked as Exhibit 39 a
16 map prepared by engineers to show the West Side
17 Irrigation District intake facilities.

18 I'll give you a minute to look at the map. And
19 then I would like to ask you if you think it accurately
20 depicts the West Side boundary and the intake
21 facilities.

22 A The map only shows a portion of the
23 district's boundary.

24 Q Do you believe the portion that is shown
25 accurately depicts the district's boundaries?

DEPOSITION OF KATHERINE MROWKA

1 A I would have to compare it to a map that I'm
2 more familiar with to state.

3 Q So I'm going to ask you for the purposes of our
4 deposition today, that you assume that it does. Do you
5 see that the approximate district boundary as the
6 black-dashed line? Do you see that?

7 A I see it as depicted on the map.

8 Q Do you also see the Bethany drain as the
9 blue-dashed line?

10 A I do see that.

11 Q Does that look like the location of the Bethany
12 drain that you are familiar with?

13 A Roughly.

14 Q So this map depicts the Bethany drain emptying
15 into the West Side intake channel. Do you see that?

16 A I do see that.

17 Q And it looks like it empties into the intake
18 channel right at the boundary of the district boundary.
19 Do you see that?

20 A I see that on that drawing.

21 Q Okay. So my question is whether your
22 understanding is that the water from the Bethany drain
23 ever left the district boundary during the summer of
24 2015.

25 A And would you repeat, please.

DEPOSITION OF KATHERINE MROWKA

1 Q My question is did the water in the Bethany
2 drain ever leave the West Side Irrigation District's
3 boundary during the summer of 2015?

4 A It is shown on the map as leaving the
5 boundary.

6 Q How so?

7 A There is a portion where it is showing
8 outside of the district boundary on this map that
9 you handed me.

10 Q Can you hold the map up and show me with your
11 finger what you are pointing to?

12 A Here (indicating.)

13 Q So you are pointing to the section of the
14 Bethany drain that goes out of the boundary and comes
15 back into the boundary before the drain empties into the
16 intake canal?

17 A Yes.

18 Q So do you see the section of the drain right
19 before it empties into the intake canal?

20 A Yes.

21 Q For the water that was in that drain within the
22 West Side boundary, right before it enters into the
23 intake canal, is it your understanding that West Side
24 had the ability to use the water in that drain this
25 summer?

DEPOSITION OF KATHERINE MROWKA

1 A Unfortunately, the map which you've presented
2 is only a portion of the drain area. And without
3 reviewing a map that shows a more complete picture,
4 I would not be comfortable answering that.

5 Q Well, let's take a step back then. What exactly
6 was the action that West Side took with respect to the
7 Bethany drain water that formed the foundation of the
8 enforcement action?

9 A The foundation of the enforcement action was
10 related to the water supply situation based on the
11 water supply modeling.

12 Q Did the water supply modeling include the
13 Bethany drain water as a source of supply?

14 A No, it did not.

15 Q So looking at paragraph 28 of Exhibit 2. I'll
16 give you a minute to look at that. Do you know who owns
17 the Bethany drain?

18 A No.

19 Q Would it have mattered for the purposes of the
20 enforcement action?

21 A No. I would have looked at district
22 boundaries.

23 Q The first sentence of paragraph 28 says, "The
24 district Bethany drain is located on Old River upstream
25 from the district's pumping station."

DEPOSITION OF KATHERINE MROWKA

1 Do you see that phrase?

2 A Yes, I do.

3 Q Is the drain actually located on Old River?

4 A As I said earlier, I'd have to compare this
5 map to maps that I'm more familiar with to make that
6 statement.

7 Q So as you sit here today, you do not know
8 whether the drain is located on Old River?

9 A It is my understanding the drain discharged
10 to Old River.

11 Q Do you understand that the West Side Irrigation
12 District's intake canal is part of Old River or is not
13 part of Old River?

14 A The intake canal is a manmade facility.

15 Q Does the State Water Resources Control Board
16 consider the West Side intake canal to be part of Old
17 River or not?

18 A I do not know.

19 Q If the district's Bethany drain is not located
20 on Old River but is only located on the intake canal,
21 does that make a difference for the purposes of the
22 enforcement action?

23 A I don't believe so.

24 Q Why not?

25 A Because there are many water rights that have

DEPOSITION OF KATHERINE MROWKA

1 been issued throughout the state on channelized
2 sources, and that has not been an indicative factor
3 on whether or not the water is subject to
4 appropriation.

5 Q Are there any other water rights that divert
6 from the West Side intake canal besides West Side?

7 A I've not reviewed to check on that.

8 Q So the next phrase of paragraph 28 in Exhibit 2
9 says, "... such that the district is not directly
10 recapturing the tailwater." Do you see that?

11 A Yes.

12 Q How was that relevant to the enforcement action?

13 A It is relevant insofar as determining whether
14 diversions were occurring from water sources subject
15 to the permitting jurisdiction of the State Water
16 Board.

17 Q Do you consider the West Side intake canal to be
18 a water source specific to the jurisdiction of the State
19 Water Resources Control Board?

20 A Certainly it is covered under an
21 appropriative right, insofar as it is part of the
22 license facilities here.

23 Q I'm not asking you if the facilities are part of
24 the right. I'm asking if the water in the intake canal
25 is subject to the appropriative authority.

DEPOSITION OF KATHERINE MROWKA

1 A Insofar as it is water subject to
2 appropriation, yes.

3 Q So if the district had been directly recapturing
4 the tailwater out of the Bethany drain, as opposed to
5 letting the tailwater go into the intake channel and
6 then pumping it back out, would that have made a
7 difference?

8 A It is a matter of whether it involves the
9 district or district water sources. So, that does
10 matter.

11 Q Has the State Board made a determination that
12 West Side did not have a right to utilize all of the
13 water that was in the Bethany drain?

14 A I'm sorry. Can you repeat?

15 Q Has the State Board made a determination that
16 West Side did not have a right to use all of the water
17 that was within the Bethany drain?

18 MR. JENKINS: I'm going to object. Vague as to
19 the State Board. Do you mean the Prosecution Team?

20 Q BY MS. SPALETTA: I will amend the question to
21 ask as of the Prosecution Team.

22 A Okay.

23 MR. JENKINS: All right.

24 THE WITNESS: I'm sorry. What was the question?

25 Q BY MS. SPALETTA: Has the Prosecution Team made

DEPOSITION OF KATHERINE MROWKA

1 a determination that West Side was not allowed to use
2 all of the water that was within the Bethany drain
3 during the summer of 2015?

4 A Yes.

5 Q And where is that determination noted in the
6 draft CDO?

7 A It is in item 28.

8 Q Can you point me to the sentence?

9 A Yes. "Although the district may reclaim the
10 from its diversions, subject to certain
11 restrictions, such re-diversion is based solely on
12 use of the district's recapture of its own return
13 flows without addition of water from Old River, nor
14 by enhancing the water quality of the return flows
15 by diluting them in Old River."

16 Q So for the portion of Bethany drain right before
17 it enters into the intake channel, what were the sources
18 of water on the drain this summer?

19 A It is my understanding that the drain
20 collects water from two upstream districts, City of
21 Tracy and also from West Side. There are also two
22 wells located within the district, and some of their
23 discharge may have been within the drain also.

24 Q So we are just talking about these four sources
25 of water that are flowing in the Bethany drain. For the

DEPOSITION OF KATHERINE MROWKA

1 portion of the drain that is located within West Side's
2 jurisdiction boundary, did the Prosecution Team
3 determine that West Side was not allowed to use the flow
4 in the drain that came from the other two districts?

5 A The Prosecution Team evaluated the issue of
6 treated wastewater -- sales specifically.

7 Q Do you know whether or not the water in the
8 Bethany drain includes treated wastewater?

9 A I believe actually that is conveyed in Old
10 River but --

11 Q So as you sit here today, you don't know?

12 A Don't know what?

13 Q Where does the City of Tracy's treated
14 wastewater go? Does it go into the Bethany drain or
15 does it go somewhere else?

16 A I was -- let's see.

17 It is discharged to Old River.

18 Q Is it discharged to Old River through Bethany
19 drain or through a different facility?

20 A I believe it is just discharged to Old River
21 but I'm not certain.

22 Q You are not sure whether it is discharged
23 through the Bethany drain or through a different
24 facility?

25 A I do know it goes through Old River.

DEPOSITION OF KATHERINE MROWKA

1 Q But you don't know whether it goes into the
2 Bethany drain?

3 A I'm very certain it is in Old River.

4 Q I'm asking the question as to whether you know
5 if the treated Tracy wastewater goes into Bethany drain
6 or not.

7 A I'm uncertain.

8 Q So for the two districts, other than West Side,
9 that have water that goes into the Bethany drain, is it
10 the Prosecution Team's position that West Side was not
11 allowed to use that water and that was the basis for the
12 enforcement action?

13 A Would you repeat that?

14 MS. SPALETTA: I'll ask the reporter to read the
15 question.

16 (Whereupon, the record was read.)

17 THE WITNESS: The basis for the enforcement
18 action was the overall water availability evaluation.
19 We did look at the issue of return flows and did not
20 feel that, due to the commingled sources, that water
21 provided a basis for diversion.

22 Q BY MS. SPALETTA: So what exactly about the
23 commingled sources that you found problematic?

24 A The fact that that water is water subject to
25 appropriation and that could normally be taken under

DEPOSITION OF KATHERINE MROWKA

1 the license, but for the fact that the licensed
2 priority was insufficient to divert.

3 Q What was the basis for the finding that the
4 waters in the Bethany drain were subject to
5 appropriation?

6 A That the waters are not solely within the
7 control of the district.

8 Q What was the basis for the finding that the
9 water from the Bethany drain were not solely within the
10 control of the district?

11 A They come from other districts outside of the
12 district boundaries.

13 Q So is it the Prosecution Team's position that if
14 a water district collects drain water from other
15 sources, that water district cannot utilize the drain
16 water without an appropriative right to the drain water?

17 A Yes.

18 Q What is that based on?

19 A That is based on the fact that such waters
20 are subject to appropriation.

21 Q When do they become subject to appropriation,
22 when they enter the drain or when they exit the drain?

23 A They are subject to appropriation since they
24 are not under the control of that -- of the
25 district.

DEPOSITION OF KATHERINE MROWKA

1 Q Of which district?

2 A Of the West Side.

3 Q So while the waters are flowing in the Bethany
4 drain within West Side's district boundaries, would that
5 change the analysis?

6 A These are not waters that are return flows of
7 West Side.

8 Q I realize that. But once those waters have been
9 put into the Bethany drain and they are flowing in that
10 drain within West Side's jurisdictional boundary, can't
11 West Side take them because West Side maintains control
12 of them at that point?

13 A When West Side's license is in full effect,
14 yes, because you have an appropriative right at that
15 point to divert them.

16 Q Is the Bethany drain water a designated source
17 of supply under West Side's license?

18 A No.

19 Q So what does West Side's license have to do with
20 West Side taking water out of the Bethany drain?

21 A The license is only for Old River.

22 Q Only for Old River?

23 A (Witness nods.)

24 Q So if West Side had taken the water from these
25 other sources out of the Bethany drain while the Bethany

DEPOSITION OF KATHERINE MROWKA

1 drain was within West Side's jurisdictional boundary,
2 would there have been any reason for the enforcement
3 action as to the drain water?

4 A Could you repeat, please?

5 MS. SPALETTA: I'll ask the court reporter to
6 read it back.

7 (Whereupon, the record was read.)

8 THE WITNESS: A diverter can recycle their water
9 and use that recycled water while it is still within
10 their control, but these are other waters that were from
11 outside sources subject to the standard rules of
12 appropriation.

13 Q BY MS. SPALETTA: So if the City of Tracy or
14 these other districts had specifically agreed with West
15 Side to allow West Side to accept their flows, does that
16 change the analysis?

17 MS. MORRIS: Objection. Incomplete
18 hypothetical. What flows are you talking about, return
19 flows or wastewater?

20 Q BY MS. SPALETTA: The return flows.

21 A So the State Water Board's jurisdiction over
22 appropriation would still prevail. Private
23 agreements don't negate the state's
24 responsibilities.

25 Q BY MS. SPALETTA: So are you telling me that --

DEPOSITION OF KATHERINE MROWKA

1 do you know who the other two districts are that drain
2 into the Bethany drain?

3 A I believe Banta-Carbona and one more.

4 Q Are you sure about that?

5 A I had only reviewed that material recently,
6 and it is in the license inspection reports.

7 Q So if I'm understanding what you are saying
8 correctly, you are saying that if the Banta-Carbona
9 Irrigation District has return flows that enters the
10 Bethany drain, that as soon as that Banta-Carbona return
11 flow enters the Bethany drain, it becomes subject to
12 appropriation; is that correct?

13 A If it is outside the district's boundaries.

14 Q What if it enters the drain within the
15 district's boundaries?

16 A Outside of the Banta-Carbona boundary is what
17 I mean. There are many districts that we are
18 talking about.

19 Q What if the Banta-Carbona Irrigation District's
20 return flow water leaves the Banta-Carbona boundaries
21 and enters the West Side boundaries in the Bethany
22 drain? Is it subject to appropriation or is it within
23 the control of West Side at that point?

24 A It is not subject to use as return flows that
25 have not left your control. It is subject to

1 standard appropriation.

2 Q What law are you relying on for that?

3 MS. MORRIS: Objection. Calls for legal
4 opinion.

5 Q BY MS. SPALETTA: I know you are not a lawyer.
6 I'm just asking what your understanding is based on. Is
7 it based on a particular Water Code, a regulation, a
8 prior decision, something somebody told you? What are
9 you relying on for that conclusion?

10 A I'm relying on my understanding of return
11 flow and whether, you know -- that are subject to
12 use by the party generating the return flow.

13 Q So looking back at our map that we marked as
14 Exhibit 39. In this case, the Bethany drain water
15 actually did flow into the intake channel, correct?

16 A On the map that you provided, yes.

17 Q I'm asking you factually. The State Board did
18 an investigation of West Side. Did the State Board
19 determine that the Bethany drain water was actually
20 flowing out of the Bethany drain and into the intake
21 channel?

22 A We looked at a map where it appeared that the
23 Bethany drain discharged to Old River.

24 Q So your map looked different than the one that
25 I've shown you as Exhibit 39?

DEPOSITION OF KATHERINE MROWKA

1 A Yes.

2 Q I'm going to represent to you right now that the
3 Bethany drain water actually discharged into the intake
4 channel approximately a thousand feet away from the West
5 Side Irrigation District's pump. And then West Side
6 Irrigation District pumped that water at its pump back
7 into its service area for delivery.

8 Given those facts, do you still believe that the
9 enforcement action with respect to West Side's use of
10 the drain water is appropriate?

11 A Yes.

12 Q Why?

13 A Due to the fact that the drain water is not
14 solely return flow from West Side's use.

15 Q So one of the bases, then, for the enforcement
16 action is the fact that the drain water came from other
17 sources other than West Side water?

18 A Yes.

19 Q Is another reason for the enforcement action the
20 fact that the drain water entered the intake channel
21 before it was picked up by West Side's pump?

22 A Your map looks different than the map that I
23 looked at.

24 Q But I'm asking you if that is a basis for the
25 enforcement action.

DEPOSITION OF KATHERINE MROWKA

1 A Again, what was your question?

2 Q It looks to me like item 28 of Exhibit 2 relies,
3 in part, on the fact that the district is "diverting
4 intermingled tailwater and Old River water."

5 A Correct.

6 Q Why is that relevant?

7 A It is relevant because it goes to the issue
8 of source of water because the intake canal contains
9 Old River water. As depicted on here with the
10 Bethany drain discharging to the intake canal, the
11 intake canal itself enhances the water quality by
12 using Old River water to dilute tailwaters.

13 Q How do you know that?

14 A Because the license inspection report
15 indicated that the TBS of the influent water from
16 Old River was 800 to 1,000 TBS. And so after water
17 is used, it tends to have a lower water quality.
18 And there is discussion, I believe, in that license
19 report but also -- yeah, it is in that license
20 report with respect to water quality issues.

21 Q What license report?

22 A It is a license inspection report found in
23 the Water Rights File for West Side.

24 Q From what year?

25 A I believe it was the '80s.

DEPOSITION OF KATHERINE MROWKA

1 Q So for the purposes of the enforcement action in
2 2015, was there any water quality data that was
3 collected from the West Side intake canal?

4 A No.

5 Q Is there any water quality data that was
6 collected from Old River?

7 A No.

8 Q Is there any water quality data that was
9 collected from the Bethany drain?

10 A No.

11 Q Was there any water quality data that was
12 collected from the West Side Irrigation District's
13 pumping station?

14 A No.

15 Q So for purposes of the 2015 enforcement action,
16 is there any data that you have from 2015 to show that
17 the water that West Side pumped at its pumping station
18 had any quality differences from the water that was
19 discharged from the Bethany drain?

20 A The licensed inspection report talks to the
21 issue of CVP contract water and the TDS of that
22 water, and how much better the water quality was
23 from that water, and how it helps to assist the
24 water quality issue overall which West Side
25 experiences.

DEPOSITION OF KATHERINE MROWKA

1 Q And that was a report from the 1980s?

2 A Yes.

3 Q My question was: Do you have any data from 2015
4 regarding the water quality differences? It is a yes or
5 no question.

6 A No.

7 Q Was there any effort to collect such data?

8 A Not as yet. I haven't finished preparing my
9 witness statement.

10 Q We are in the month of November. So if you went
11 out and collected the water quality data now, do you
12 think that that would be relevant to the enforcement
13 action from the summer?

14 A I'm currently reviewing sources of
15 information, and I would not -- I've not yet
16 reviewed all sources to determine what information
17 exists.

18 Q So you are thinking you might be able to find
19 some water quality data from the summer?

20 A It is very possible.

21 Q Are you aware of situations where other parties
22 have used Water Code Section 7075 to move return flows
23 through a natural channel, and then pick them up
24 elsewhere without an appropriative permit?

25 A I have not read that Water Code Section in

DEPOSITION OF KATHERINE MROWKA

1 many years.

2 Q Water Code Section 7075 says: "Water which has
3 been appropriated may be turned into the channel of
4 another stream, mingled with its water and then
5 reclaimed. But in reclaiming it, the water already
6 appropriated by another shall not be diminished."

7 Does that refresh your memory?

8 A Yes.

9 Q So are you aware of any instances where someone
10 has utilized Water Code Section 7075 to move tailwater
11 or return flow water from one point to another?

12 A I believe Aerojet may have.

13 Q And is that a situation where the State Board
14 required them to obtain an appropriative permit?

15 A It was a parsed answer for a portion of the
16 groundwater that they were discharging to Sacramento
17 River. We said it would be subject to our
18 permitting authority. And a portion was circulating
19 groundwater not expected to have contributed to
20 stream flow. And that portion we said no, you don't
21 need a permit.

22 Q What was the basis for saying no to the second
23 portion?

24 A It was extensive research of the sources.
25 The second portion was water that would never have

DEPOSITION OF KATHERINE MROWKA

1 contributed to the flows of the stream in the first
2 place. And so on that, because there was no
3 contributory factor, we decided they did not need an
4 appropriative right.

5 Q Was that analysis performed with respect to the
6 return flows that were discharged from the Bethany
7 drain?

8 A That example was for Aerojet.

9 Q I'm asking you if a similar analysis was
10 performed for the return flows discharged from the
11 Bethany drain.

12 A I'm still working on my witness statement and
13 I'm looking at issues such as this.

14 Q My question is whether that analysis was
15 performed prior to the decision to issue the enforcement
16 action.

17 A No.

18 Q Why not?

19 A In part, because of the way -- the inability
20 to divert under the water right to generate the
21 tailwater.

22 Q I don't understand.

23 A Because under the priority date of the water
24 right, there was insufficient stream flow from the
25 Old River to divert. Thus, there was no associated

DEPOSITION OF KATHERINE MROWKA

1 tailwater.

2 Q Do you understand that the diversions by West
3 Side in June of 2015 were diversions pursuant to their
4 water right license or pursuant to some separate claimed
5 right to divert?

6 A Pursuant to the license.

7 Q And what is that understanding based on?

8 A That understanding was based on the fact that
9 I'm not aware that West Side has a pre-1914 right.

10 Q Is it possible for someone to obtain a right to
11 use tailwater that is separate and apart from a permit
12 or license?

13 A Would you repeat that?

14 Q Is it possible for someone to obtain a right to
15 use tailwater that is separate and apart from any permit
16 or license?

17 A If the tailwaters are a portion of the water
18 considered to be subject to appropriation, you could
19 obtain a right to it.

20 Q The last sentence of paragraph 28 in Exhibit 2
21 says, "Therefore, WSID's diversion of intermingled
22 tailwater and Old River water is an unauthorized
23 diversion of water."

24 Do you see that?

25 A Yes.

DEPOSITION OF KATHERINE MROWKA

1 Q If West Side had not intermingled the tailwater
2 but had just taken it directly from the drain while the
3 drain was within its jurisdictional boundary, would
4 there have been a basis for the enforcement action?

5 A There would have been a basis insofar as
6 there are waters from other parties, not strictly
7 return flow from West Side.

8 Q Let's talk about paragraph 30 and 31 of
9 Exhibit 2, so I'll give you a minute to look at them.

10 A (Witness reading.)

11 Q Did you review?

12 A Yes.

13 Q So I reviewed these paragraphs. My
14 understanding was that the enforcement action with
15 respect to West Side's use of treated wastewater from
16 the City of Tracy was taken because West Side had not
17 obtained -- West Side or the City had not obtained an
18 approval of the State Board under Water Code Section
19 1211. Is my understanding correct?

20 A Yes.

21 Q Why did the Prosecution Team believe that in
22 this situation, approval from the Board under Water Code
23 Section 1211 was required?

24 A Because there was either a change in place or
25 purpose of use of treated wastewater in such a

DEPOSITION OF KATHERINE MROWKA

1 manner as it would diminish instream flow.

2 Q So the first part of that answer was "there was
3 either a change in place or purpose of use." What was
4 the change in place of use?

5 A Previously, the water had been discharged to
6 Old River and the change was to use it in the West
7 Side land.

8 Q What was the change in purpose of use?

9 A Previously, it was discharged water and the
10 new purpose of use was the irrigation.

11 Q How much water was previously discharged by the
12 City?

13 A I'd have to refresh my memory.

14 Q What would you need to look at to do that?

15 A Either -- probably the sales contract would
16 do it.

17 Q It looks like in paragraph 14 it references an
18 estimate of approximately 14 cubic feet per second.

19 A Thank you. Yes.

20 Q Was that 14 cubic feet per second water that the
21 Prosecution Team believes was available for
22 appropriation in Old River?

23 A It is discharged to the wastewater.

24 Q Is it available for appropriation?

25 A It becomes part of the stream flow subject to

DEPOSITION OF KATHERINE MROWKA

1 appropriation.

2 Q Was it included in the supply side of the water
3 availability analysis this year?

4 A It was looked at when we look at specific
5 streams, stream gauges, to see stream response and
6 see what is going on in specific locations.

7 Although, that wasn't part of the computer model.

8 Q Which stream gauge accounted for the 14 CFS from
9 the City of Tracy?

10 A I'd have to look at a map to know that.

11 Q Okay. So you said there were two reasons why
12 the Section 1211 approval was required. One was because
13 of change in place of use or purpose of use, which as
14 you've described. The second was because there was a
15 decrease instream flow?

16 A That is one of the issues relative to 1211,
17 yes.

18 Q I'm looking at Section 1211 (a) and it says:
19 "Prior to making any change in the point of discharge
20 place of use, or purpose of use of treated wastewater,
21 the owners of any wastewater treatment plant shall
22 obtain approval of the Board for that change."

23 And subsection (b) says: "Subdivision (a) does
24 not apply to changes in the discharge or use of treated
25 wastewater that do not result in decreasing the flow in

DEPOSITION OF KATHERINE MROWKA

1 any portion of the watercourse."

2 Is that what you are referring to?

3 A Yes, it is.

4 Q So who made the analysis of whether or not this
5 particular change resulted in a decrease in the flow of
6 any portion of the watercourse?

7 A I looked at that issue.

8 Q And what was the portion of the watercourse that
9 you evaluated?

10 A I looked at whether it would decrease flows
11 downstream of the confluence of the intake canal and
12 Old River.

13 Q Why did you pick that segment?

14 A I picked that segment because that appeared
15 to be the most appropriate location to review.

16 Q Which way does water flow in Old River at the
17 intake canal?

18 A At the intake canal itself?

19 Q Where the intake canal meets Old River, which
20 way does the water in Old River flow? Does it flow to
21 the west or does it flow to the east?

22 A It flows away from the City of Tracy.

23 Q So --

24 A Yeah, I don't look at the map arrows but --

25 Q Do you understand that the water is flowing to

DEPOSITION OF KATHERINE MROWKA

1 the west, like, out to the ocean or is it flowing to the
2 east?

3 A It is flowing west.

4 Q To the west?

5 A (Witness nods.)

6 Q Is this area of Old River tidally-influenced?

7 A Yes it is.

8 Q So at different times of the way, does the water
9 actually flow to the east because of that?

10 A It is my understanding that the water height
11 may vary by up to four feet or thereabouts.

12 Q Do you know whether there is actually a change
13 in the direction of flow?

14 A I do not know that.

15 Q That wasn't something that you looked at?

16 A Not supply.

17 Q How far downstream going west of the intake
18 canal did you look at for the purposes of your analysis?

19 A Just immediately downstream of the
20 confluence.

21 Q What distance is that, 1,000 feet, 2,000 feet --
22 a different distance?

23 A I did not identify specific distance. I just
24 looked at that area to determine that there would be
25 an impact in the stream flow.

DEPOSITION OF KATHERINE MROWKA

1 Q And what did you do to determine if there would
2 be an impact in the stream flow in that area?

3 A I determined whether removal of treated
4 wastewater would diminish the quantity of surface
5 flow.

6 Q Did you perform a calculation?

7 A I did. I looked at subtracting the amount of
8 flow and made a determination that it would be minus
9 that amount of flow.

10 Q Do you have a staff report that shows the
11 calculation that you made?

12 A No. I did not prepare any written work
13 product on that.

14 Q So can you describe for us, then, what the math
15 looked like?

16 A Certainly. It looks like deduction of
17 14 cubic feet per second that results in a reduction
18 of instream flow.

19 Q What did you reduce it from?

20 A I just simply looked at if you had the supply
21 and you reduced it by 14 CFS, would there be a
22 change in flow.

23 Q Given the influence of the tide at this
24 location, are you positive that there would be a
25 decrease in flow of 14 CFS?

DEPOSITION OF KATHERINE MROWKA

1 A There will be at least portions of the day
2 that there would be a change in the flow.

3 Q What portions?

4 A The times when the tidal influence is less
5 significant.

6 Q What times are those?

7 A I'm not sure of the time of day when that
8 would occur. But I do know from reading the license
9 inspection report, the expected differences in
10 height of flow and that information was informative
11 to me.

12 Q So when you say "height of flow," you mean the
13 elevation of water in the channel?

14 A Yes.

15 Q Did you make a determination of whether the 14
16 CFS had an impact on the elevation of water in the
17 channel?

18 A I did not do that calculation.

19 Q Why not?

20 A I did not feel the need to do so.

21 Q Did you identify any water right holders located
22 in what you've described as the downstream area that
23 would be impacted by 14 CFS?

24 A Water Code 1211 does not require me to do so.

25 Q So you didn't do it because you didn't feel that

DEPOSITION OF KATHERINE MROWKA

1 you were required to?

2 A The Water Code provision specifies when you
3 need to require a change petition, and I simply
4 looked at the Water Code provision.

5 Q Was there anything else that was done to support
6 your decision that in this particular case, there was a
7 Water Code Section 1211 approval required?

8 A Yes. I looked at prior Board decisions,
9 specifically the Thousand Oaks decision in A-29408
10 and the associated wastewater change petition.

11 Q Can you give us that reference again?

12 A A-29408, and the associated wastewater change
13 petition issued by the State Board in that matter.

14 Q You said Thousand Oaks?

15 A Thousand Oaks.

16 Q Can you give me an example of a situation where
17 someone would be able to change the point of discharge
18 or place of use of treated wastewater but would not need
19 to get a 1211 approval?

20 A Not off the top of my mind.

21 Q Are you aware of any such situation?

22 A Yes. Now that I think about it, yes. It is
23 an ocean outfall.

24 Q So that is the only situation you can think of?

25 A Ocean outfall and thereabouts. I have seen

1 where it wasn't discharged to surface water subject
2 to our permitting jurisdiction where decisions were
3 -- that affected the decision.

4 Q Something other than ocean outfall?

5 A I've seen ones very close to the ocean with a
6 similar finding that it wasn't discharging to water
7 subject to the permitting jurisdiction.

8 Q Where was that?

9 A I no longer recall.

10 Q Was it somewhere in the Bay Area?

11 A I don't recall. And the decision was always
12 made whether the discharge was to water subject to a
13 permitting jurisdiction, as to whether or not there
14 would be a change in the flows, a diminution in
15 surface stream flows -- or stream flow, I should
16 say.

17 Q So you've talked about the fact that the Delta
18 is tidally-influenced. Where does the State Board
19 understand the line to be for waters that are subject to
20 its jurisdiction and waters that aren't?

21 MR. JENKINS: I'm going to object. It is this
22 combination of speculation and vagueness as to the State
23 Board. If you want her understanding, that is okay.

24 MS. SPALETTA: I'm only seeking her
25 understanding.

DEPOSITION OF KATHERINE MROWKA

1 MR. JENKINS: Okay.

2 MS. MORRIS: Objection. Calls for a legal
3 conclusion.

4 Q BY MS. SPALETTA: You can answer.

5 A If you don't mind repeating the question.

6 Q I'll ask the court reporter to read back the
7 question.

8 (Whereupon, the record was read.)

9 THE WITNESS: Surface water, surface streams and
10 filtering streams that are known in different channels
11 are under jurisdiction in permitting.

12 Q BY MS. SPALETTA: So in the Delta where there is
13 the influence of the tide, is there a place where the
14 State Board, that you know of, has said "we no longer
15 have jurisdiction over these waters" or do they extend
16 their jurisdiction all the way out to the Pacific Ocean?

17 A I don't know the answer.

18 Q Do you know how I would find the answer to that?

19 A Probably have to review past Board decisions
20 to see what they determined.

21 MR. O'LAUGHLIN: Is this a good place to stop?

22 MS. SPALETTA: This is probably a good place to
23 stop. Thank you.

24 (Whereupon, a lunch recess was taken.)

25 (Whereupon, Exhibit 40 was

DEPOSITION OF KATHERINE MROWKA

1 marked for identification.)

2 Q BY MS. SPALETTA: We are back after a lunch
3 break, so we are going to continue with your deposition.

4 First of all, while we were on the lunch break,
5 I went ahead and marked our next exhibit in order,
6 Exhibit 40, which was a map produced by the State Board
7 pursuant to the Public Records Act request and in
8 response to your deposition notice.

9 Do you recognize this map?

10 A I do.

11 Q What is it?

12 A It is a map of the West Side Irrigation
13 District and it depicts areas detached from the
14 district.

15 Q Is this the map that you were referring to that
16 you said you looked at as part of the license file?

17 A Yes.

18 Q So where on this map did you understand that the
19 Bethany drain entered Old River?

20 A Old River is not shown on this map.

21 Q You don't see Old River on this map?

22 A No. I see San Joaquin River.

23 Q Do you think that might be mislabeled?

24 A It is possible. I didn't prepare the map.

25 Q Where do you see the Bethany drain discharging

1 on this map?

2 A It is hard to tell on this map because it has
3 been shrunken down size-wise.

4 Q Are you still looking?

5 A No, it is hard to tell. It has been shrunken
6 down size-wise. The drainage system is supposed to
7 be denoted by two dash lines and a solid. And it is
8 hard to see that demarcation on this size of map.

9 Q I thought your prior testimony was that you'd
10 looked at a map --

11 A Uh-huh.

12 Q -- in the West Side style that showed the
13 Bethany drain discharging into Old River. Just to
14 confirm, the map we have marked as Exhibit 40, is that
15 the map you were referring to?

16 A I looked at two different maps because there
17 is another map in the file, too, that I also looked
18 at.

19 Q So this is one of them, but then there was
20 another one?

21 A Uh-huh. Right.

22 MS. SPALETTA: I'm going to mark our next
23 exhibit in order, Exhibit 41.

24 (Whereupon, Exhibit No. 41 was
25 marked for identification.)

DEPOSITION OF KATHERINE MROWKA

1 Q BY MS. SPALETTA: Exhibit 41 is a two-page
2 document that was also produced by the State Board in
3 response to request of production. Do you recognize
4 this map and photos?

5 A Yes.

6 Q Is this the second map you were referring to?

7 A It is one of the maps.

8 Q Are there any other maps that you reviewed,
9 other than the two we've marked here as Exhibit 40 and
10 Exhibit 41?

11 A Yes, because there is the licensing map also.

12 Q You believe the licensing map is a different
13 map.

14 A I'm not certain on that. I don't see the
15 date on this map to provide the confirming
16 information on when it was from. All of our
17 licensed maps are signed and stamped by engineers.
18 So I could confirm with that, but I don't see that
19 on this map.

20 MS. SPALETTA: Ms. Mrowka has represented at
21 her deposition today that she relied on the
22 licensing map as part of her analysis for the
23 enforcement proceeding.

24 I'm asking counsel for the State Board if it
25 would be possible to have a copy of the map she

DEPOSITION OF KATHERINE MROWKA

1 relied on provided to the parties.

2 MR. TAURIAINEN: Yes, I believe so. I don't
3 know what the timing would be to get that.

4 MS. SPALETTA: Obviously, the sooner the better.
5 Thank you.

6 Let's go ahead and mark as our next exhibit in
7 order a photograph that was produced by the State Board.
8 It will be Exhibit 42.

9 (Whereupon, Exhibit No. 42 was
10 marked for identification.)

11 Q BY MS. SPALETTA: Have you had a chance to look
12 at Exhibit 42?

13 A Yes.

14 Q And do you recognize this document?

15 A I did not prepare this document but --

16 Q Have you seen it before?

17 A I believe so.

18 Q Is it something that you considered in preparing
19 for the West Side enforcement action?

20 A I did not rely on this.

21 Q Do you understand the map that we have marked as
22 Exhibit 42 to show the Bethany drain tailwater flowing
23 into the Old River cut?

24 A I'm sorry. I see that is depicted on here.

25 Q And do you understand the Old River cut to be

DEPOSITION OF KATHERINE MROWKA

1 the same thing as the West Side intake channel?

2 A I believe it is.

3 Q So previously you testified that when the
4 enforcement action was brought, it was your
5 understanding that the Bethany drain emptied into Old
6 River?

7 A (Witness nods.)

8 Q Did you review this document before you formed
9 that understanding or after?

10 A I had based that statement on looking at maps
11 rather than the photograph.

12 Q So those are the maps that we marked as
13 Exhibits 40 and 41?

14 A And I believe a licensing map.

15 Q And the licensing map. Okay.

16 A And I do want to note that both Exhibits 40
17 and 41 do not state that that is "Old River." It
18 states the "San Joaquin River."

19 Q As you sit here today, do you know whether that
20 is correct?

21 A I believe it should be Old River. But when I
22 did my reviews, it was based on what is on the map.

23 Q But your enforcement action doesn't say that the
24 Bethany drain empties into the San Joaquin River, right?

25 A No, it does not.

DEPOSITION OF KATHERINE MROWKA

1 Q Is there anywhere that Old River is depicted on
2 Exhibits 40 and 41?

3 A Not that I notice.

4 Q We previously looked at a staff report that John
5 Collins had prepared related to the Bethany drain issue.
6 Do you remember that?

7 A Yes.

8 Q Is there any similar staff report, or any staff
9 report, prepared related to the Water Code Section 1211
10 violation issued?

11 A There has been correspondence but not a
12 report.

13 Q What correspondence has there been?

14 A My counsel has had correspondence with counsel
15 for the City of Tracy.

16 Q Any other correspondence?

17 A I believe counsel may have had, but this
18 would be speculating on who he talked to. I can't
19 really speculate. Counsel may have talked to other
20 parties regarding the issue but --

21 Q Other than reviewing that correspondence, what
22 other research did you do to support the 1211 violation
23 portion of the enforcement action?

24 A We had a private party that wrote to us --
25 you were asking with regard to correspondence --

DEPOSITION OF KATHERINE MROWKA

1 that indicated that there was a treated wastewater
2 sale occurring. So there was correspondence with
3 the private party.

4 Q Is that Mr. Steven Nicolai?

5 A Yes.

6 Q Is Mr. Steven Nicolai a water user, diverter?

7 A I do not know if he is a diverter. I know he
8 is an attorney.

9 Q Did you utilize information that you obtained
10 from Steven Nicolai to support the enforcement action?

11 A We contacted the City of Tracy to ascertain
12 the facts.

13 Q Did you have a meeting with Michael Lanahan, the
14 attorney for the City of Tracy?

15 A I did not personally. I believe my counsel
16 may have.

17 Q Did you have a meeting with anyone regarding the
18 1211 violation issue?

19 A I met with Mr. Nicolai.

20 Q Anyone else?

21 A Not to my recollection.

22 Q What did you and Mr. Nicolai talk about?

23 A Mr. Nicolai primarily was interested in a
24 sports stadium being constructed.

25 Q What did that have to do with the enforcement

DEPOSITION OF KATHERINE MROWKA

1 action?

2 A Not much, but that was the gist of the
3 conversation was for a sports stadium. It is Chris
4 Walker, I think, or something like that.

5 Q We are going to go back now, kind of step away
6 from the enforcement action, and talk about a couple of
7 other more general topics.

8 When we started the deposition today, I'd marked
9 the three deposition notices that were sent to you from
10 the Delta Agency, West Side and Byron-Bethany. Did you
11 ever see those notices before?

12 MR. JENKINS: What exhibits? I can't remember
13 the numbers.

14 Q BY MS. SPALETTA: Exhibits 34, 35, 36.

15 A Okay.

16 Q Have you seen them before?

17 A Yes.

18 Q Let's start with the first one, No. 34. On the
19 third page, there was a list of documents to be
20 produced. What did you do to gather these documents?

21 A What we did was we ascertained what was
22 available on our website because we have posted many
23 documents related to the water availability issue on
24 our website. We obtained the documents that we had
25 that were written documents, such as notices that

DEPOSITION OF KATHERINE MROWKA

1 there was water shortage.

2 Q What did you do specifically, not "we" but you.

3 A Me?

4 Q Yes.

5 A So I looked at this. And I was working on my
6 witness statement on Friday, and so I immediately
7 told my lawyer what I had been working on that day
8 and asked him to make it available.

9 Q Okay. For Item No. 6 which is "all documents
10 related to the threatened or actual injury to senior
11 right holders which influenced the curtailment decisions
12 in 2015," did you locate any documents on that topic?

13 A I believe that there may be documents related
14 to that. I noticed in the binder that you have the
15 complaint filed by the State Water Contractors.

16 Q Are there any other documents that relate to
17 that topic?

18 A However, the complaint did not influence our
19 water availability modeling or findings or any of
20 that nature. Although I notice that you have that
21 in this binder, it was not a document that we used
22 for our work.

23 Q So did you actually identify senior right
24 holders who were designed to be protected by the
25 curtailment decisions?

DEPOSITION OF KATHERINE MROWKA

1 A We identified, based on water supply, how far
2 the supply could reach in service to the seniority
3 system of water rights.

4 Q Were the State and Federal Water Projects
5 considered part of the senior water right holders that
6 would be protected?

7 A The State and Federal Projects were curtailed
8 when we curtailed the post-14 appropriative rights.

9 Q So the State and Federal Projects were not
10 considered part of the senior water rights to be
11 protected by the curtailment?

12 A They were considered in their priority date
13 of order. We also looked at whether there were any
14 issues regarding area of origin. However, we had
15 curtailed the projects. As a result of finding
16 there wasn't enough water for them, that issue
17 became moot.

18 Q The seventh category was documents related to
19 the "threatened or actual injury to public trust
20 resources which influenced the curtailment decisions in
21 2015."

22 Were you aware of any such documents?

23 A Curtailment in 2015 happened in several
24 different venues. We had our standard Term 91
25 curtailment. We had our watershed-type curtailment

DEPOSITION OF KATHERINE MROWKA

1 that we have been discussing today. Then we also
2 had the fishery-type curtailment which occurred in
3 watersheds outside the watershed that we are
4 discussing today.

5 And so we used public trust information for
6 curtailment in Antelope Creek, Deer Creek and in
7 Scott River. The power right flow there is for
8 public trust considerations. But we did not use
9 those in San Joaquin, the Delta and Sacramento basin
10 general curtailment when we are talking about water
11 right priority types of curtailment.

12 Q Okay. So there were no documents, then, that
13 were produced pursuant to category 7?

14 A No.

15 Q What did you do to prepare for your deposition
16 today?

17 A I reviewed the water rights file from the
18 website.

19 Q Anything else?

20 A I reviewed the deposition notice and I
21 reviewed the hearing notice.

22 Q Are there any other documents that you looked
23 at?

24 A I checked my list of all the resources I
25 thought I might use in my witness statement, and we

DEPOSITION OF KATHERINE MROWKA

1 provided those in response to the deposition notice.
2 But I checked that on Friday and I haven't decided
3 which of those materials I'm using because I haven't
4 prepared the witness statement.

5 MS. SPALETTA: Just to clarify, Mr.
6 Tauriainen, those are the documents that you sent us
7 links to around 3:30 Sunday afternoon?

8 MR. TAURIAINEN: Correct. One of the documents
9 was attached.

10 Q BY MS. SPALETTA: Okay. Did you speak with
11 anyone to prepare for your deposition, other than your
12 counsel?

13 A Yes.

14 Q Who did you speak to?

15 A I spoke to John O'Hagan.

16 Q Anyone else?

17 A Yes. I spoke to Brian Coats and Jeff
18 Yeazell.

19 Q What did you talk to Mr. Coats about?

20 A I talked to Mr. Coats about the water
21 availability analysis.

22 Q What specifically?

23 A I refreshed my memory a little bit on some of
24 the work which we had done for water availability,
25 the supply issue. I wanted to make sure I was

DEPOSITION OF KATHERINE MROWKA

1 refreshed on that.

2 Q And what did you talk to Mr. Yeazell about?

3 A Generally, about that he felt that -- well,
4 generally about his spreadsheets.

5 Q And what did he say?

6 A He indicated that, you know, we talked a
7 little bit about pivot tables. So that is what we
8 discussed.

9 Q What was the content of the discussion?

10 A The content was a little bit of a refresher
11 about what some of the spreadsheets were.

12 Q Had you ever looked at the spreadsheets before?

13 A No. I looked over his shoulder at them once
14 or twice. They are quite extensive and we never
15 went through all the tabs.

16 Q If we pulled one up here today, would you know
17 how to work it?

18 A Oh heavens, no.

19 Q What did you talk to Mr. O'Hagan about?

20 A I talked to Mr. O'Hagan about -- because I
21 had not done a deposition before, what happens at a
22 deposition.

23 Q And what did he tell you?

24 A Generally, you know, just to expect, you
25 know, questions. And to go ahead and answer them,

DEPOSITION OF KATHERINE MROWKA

1 you know, to be honest, truthful.

2 Q Going okay so far?

3 A Yeah. It is going okay so far.

4 Q You are doing fine.

5 Going back to those spreadsheets, I understand
6 that the spreadsheets -- different versions of them --
7 were actually posted to the State Board website.

8 A Yes.

9 Q Did you do that or did someone else do that?

10 A No. Jeff prepares that type of work, Jeff
11 Yeazell.

12 Q Who is in charge of actually selecting which
13 spreadsheet would get posted to the website at different
14 periods of time?

15 A It would be Jeff and Brian because Brian does
16 the posting order. He asks -- he says where on the
17 website the posting needs to occur because we have
18 to inform the people that are our web masters where
19 we want the document posted.

20 Q What is a "posting order"?

21 A It is a form to fill out. "Please post this
22 document at this location on the website."

23 Q So we have a drive that has all of the documents
24 that were produced by the State Board including a bunch
25 of these spreadsheets, different versions. Do you know

1 how I would tell which ones of those spreadsheets were
2 posted to the web at different periods of time?

3 A Not offhand. Because insofar -- you know,
4 where documents remain on the web, it is easy to
5 tell. If a document was superseded by another copy
6 or another version at a later date, then I don't
7 know.

8 Q Would we have to go back to the posting orders
9 to make that determination?

10 A The posting request always contains the
11 document you want posted with it. I just don't know
12 their retention policy because it is not -- it is
13 simply a request to put materials on the web.

14 Q Did you have any input as to which spreadsheets
15 would get posted when?

16 A When we decided to post spreadsheets, we
17 always post the most current version.

18 Q But other than that, the decision was left up to
19 someone else?

20 A You know, I would ask that we post materials.
21 That is what we do. We post materials.

22 Q Did you ask Brian Coats to post specific
23 versions of this spreadsheet during 2015?

24 A The spreadsheet -- it is my understanding
25 that at any one time, there is one version because

DEPOSITION OF KATHERINE MROWKA

1 all modifications are incorporated into that
2 version.

3 Q When was it first posted to the website?

4 A I don't know that date.

5 Q How would I find that out?

6 A You would have to -- I don't know other, than
7 asking staff, and I'm not sure they would recall.
8 But I'd have to ask staff when we first posted to
9 the website.

10 Q Is there someone at the State Board who
11 maintains an archive of what the website looks like at a
12 certain point in time?

13 A I'm not aware of that.

14 Q One of the things that we've talked about in
15 these depositions is the fact that some of the demand,
16 in the demand side of the supply-planned analysis, was
17 demand associated with entities such as the Exchange
18 Contractors or the Sacramento River Settlement
19 Contractors. Are you familiar with that?

20 A Yes.

21 Q And the Exchange Contractors, for example,
22 received some stored water during 2015. Are you
23 familiar with that?

24 A Yes, I am.

25 Q What discussions were there, between you and

DEPOSITION OF KATHERINE MROWKA

1 other people at the State Board, about how to treat that
2 fact for purposes of the supply and demand analysis?

3 A Can you repeat, please?

4 MS. SPALETTA: I'll have the court reporter
5 repeat that.

6 (Whereupon, the record was read.)

7 THE WITNESS: My discussions weren't as
8 broad-reaching as talking to State Board. I talked to
9 my supervisor, John O'Hagan, regarding how to address
10 issues on the modeling.

11 Q BY MS. SPALETTA: So what discussions did you
12 and Mr. O'Hagan have regarding that topic?

13 A We had discussions because I was aware that
14 the Exchange Contractors were receiving water
15 instream in the San Joaquin system to satisfy their
16 demand this year.

17 And so we discussed the change in their
18 delivery methodology for this year. And we had
19 discussions with respect to the fact that Exchange
20 Contractors claim both riparian and pre-1914 rights.

21 Q You said you had discussions regarding the
22 change in the delivery methodology?

23 A Right.

24 Q Whose delivery methodology?

25 A Exchange Contractors for their CVP contract

DEPOSITION OF KATHERINE MROWKA

1 water.

2 Q What was the change?

3 A They used instream conveyance on the San
4 Joaquin.

5 Q As opposed to --

6 A That is not their normal delivery point.

7 Q What is their normal delivery point?

8 A Delta-Mendota Canal.

9 Q Didn't they actually receive stored water
10 through both points of delivery in 2015?

11 A My understanding is their primary was San
12 Joaquin instream conveyance.

13 Q As a result of these discussions you had with
14 Mr. O'Hagan, how was the supply and demand model changed
15 to reflect those conditions?

16 A The model was changed insofar as the Exchange
17 Contractors relied upon riparian right when pre-1914
18 was not available -- when supply under pre-1914 was
19 not available.

20 Q Was the demand that was met by stored water
21 accounted for in the supply and demand model?

22 A The supply and demand model is for the full
23 natural flow conditions. It does not account for
24 reservoir operations, other than as that affects
25 full natural flow calculations.

DEPOSITION OF KATHERINE MROWKA

1 Q So I believe that the Exchange Contractors'
2 riparian demands were somewhere around 800,000
3 acre-feet. Does that sound correct to you?

4 A I don't know offhand.

5 Q To the extent that those demands were met with
6 stored water, as opposed to natural flow, were there any
7 adjustments made to that demand number in the supply and
8 demand analysis?

9 A For statement holders, we had issued an
10 Informational Order that asked them to tell us how
11 they intended to operate this year on a
12 month-by-month basis. And we used the information
13 provided in response to the Informational Order to
14 adjust our modeling.

15 Q So what did the Exchange Contractors tell you in
16 response to the Information Order about how much they
17 expected to receive of stored water versus how much they
18 expected to take under their riparian and pre-1914
19 rights?

20 A I don't have the specifics in front of me.

21 Q As you sit here today, do you know whether or
22 not the supply and demand model was adjusted to account
23 for how much stored water the Exchange Contractors
24 actually received during 2015?

25 A So, on the demand side of the picture, it

DEPOSITION OF KATHERINE MROWKA

1 considers water rights -- either pre-1914, post 1914
2 or riparian. It doesn't consider contracts.

3 Q So if a water right was met through a contract,
4 I'm gathering that the demand was not adjusted to
5 reflect that?

6 A We asked that question in part to provide
7 that information under the Informational Order. So
8 we were aware of when parties had shifted demand to
9 somebody else's water right by using a contract
10 because that would be a demand still. There would
11 be a demand under the servicing party's water right.

12 Q So unless the Exchange Contractors told you that
13 on the Information Order, it would not have otherwise
14 been included. Is that what your testimony is?

15 A My testimony is that insofar as contractual
16 service is a demand under the servicing party's
17 water right, it is considered in the model.

18 Q In your binder you have in front of you, we'd
19 marked the notices of intent to appear that were filed
20 by the Prosecution Team in each pending action.
21 Exhibit 3 is the Notice of Intent to Appear in the West
22 Side matter. Exhibit 4 is the Notice of Intent to
23 Appear in the Byron-Bethany matter.

24 For the West Side matter, I see that you are
25 designated to testify regarding key issues 1 and 2. Do

DEPOSITION OF KATHERINE MROWKA

1 you see that?

2 A Uh-huh.

3 Q But you are not designated to testify regarding
4 the water availability determination. Is it your
5 understanding that you will not be providing testimony
6 on the water availability facility determination for
7 purposes of West Side?

8 A I have not yet prepared my witness statement.

9 Q So at this point, you don't know?

10 A I'm uncertain as yet.

11 Q What do you understand key issue No. 1 to
12 involve?

13 A Do you know which type of notice this is
14 under?

15 Q The hearing notice has not been marked. So they
16 are designated as 1 and 2 in the hearing notice?

17 A Uh-huh.

18 Q And then for Exhibit 4, you are designated to
19 testify on three topics: The water availability
20 determination and key issues 1 and 2. Do you see that?

21 A Uh-huh -- yes.

22 Q So do you understand that you will be testifying
23 regarding water availability for Byron-Bethany?

24 A I have not finished preparing my witness
25 statement, so I don't know yet.

DEPOSITION OF KATHERINE MROWKA

1 MS. SPALETTA: I don't think I have any other
2 questions at this time. I'm going to turn it over to
3 Mr. Kelly, unless you need to take a break.

4 THE WITNESS: I'm fine.

5 EXAMINATION BY MR. KELLY

6 Q BY MR. KELLY: Ms. Mrowka, good afternoon. I'm
7 Dan Kelly. I represent the Byron-Bethany Irrigation
8 District in both of the pending enforcement actions.

9 I have some general questions for you, some
10 specific questions, and then I'm going to follow a
11 timeline. So if I jump around a little bit and it
12 doesn't make any sense, that is because it might not
13 make any sense to you, but we'll have to go through it.

14 A couple of questions for you about water
15 availability. Did you make any decisions with respect
16 to how water availability determinations were made in
17 2015?

18 A Yes.

19 Q What were those?

20 A I made decisions with respect to issues such
21 as return flow and adding in a return flow element
22 to the model. That is an example.

23 Q Okay. So what did you decide about adding in
24 return flows into the model?

25 A That since we were able to locate a published

DEPOSITION OF KATHERINE MROWKA

1 item that indicated how much return flow should be
2 adding to the Delta portion of the model, that we
3 should do so.

4 Q So you said the "Delta portion of the model."
5 So did you make a decision with respect to return flows
6 in the Delta being included in the model?

7 A Yes. I assisted with that, yes.

8 Q And what was that decision, specifically?

9 A To include them.

10 Q To include what?

11 A I believe the factor was 40 percent.

12 Q Did you make decision to include return flows
13 from anything else? Now, we are talking about the
14 supply side of the model when you say to add in
15 40 percent. Was that a modification to the supply side?

16 A I believe that's detailed in the action
17 items. I believe that only -- I have to refresh my
18 memory on that, which side of the model.

19 Q What would you need to do to refresh your
20 memory?

21 A I need to look at the statements regarding
22 the actions.

23 Q You need to look at the enforcement actions
24 themselves?

25 A Yes.

DEPOSITION OF KATHERINE MROWKA

1 Q Feel free to go ahead and do that. I think the
2 BBID is marked as Exhibit 14 and the West Side should be
3 Exhibit No. 2.

4 A Okay.

5 Q And just let me know when you've refreshed your
6 recollection.

7 A Thank you. (Witness reading.)

8 I don't see it offhand in the BBID item.

9 Q How about the West Side Irrigation District?

10 A And which exhibit number is that?

11 Q That should be Exhibit No. 2, I believe.

12 A (Witness reading.) I'm not seeing it noted
13 there, but we did make the adjustments to the model.

14 Q I'd like to mark this next in order. And Ms.
15 Mrowka, this may actually reflect that addition.

16 Let's go ahead and mark this.

17 (Whereupon, Exhibit No. 43 was
18 marked for identification.)

19 Q BY MR. KELLY: Ms. Mrowka, have you seen this
20 before?

21 A Yes, I have.

22 Q On the right-hand side, there are just some text
23 there. In the second to the last paragraph, the last
24 sentence in that, is that what you are talking about,
25 the 40 percent?

DEPOSITION OF KATHERINE MROWKA

1 A Uh-huh. Yes.

2 Q It says, "For the Delta contribution, an assumed
3 40 percent of riparian and pre-1914 was used as return
4 flow."

5 A Yes, it is.

6 Q That was a decision that you made to include
7 that in the supply side of the model?

8 A It is in the model. I don't know if the
9 model, you know, which variable factor he put it on
10 the spreadsheet because I did not see which way he
11 entered it; but it is considered as a portion of the
12 flows that are available for diverters.

13 Q Okay. And you said that you've seen this
14 exhibit before. What is the purpose of this chart, if
15 you know, Exhibit 43?

16 A It's to provide the public with information
17 regarding what we were seeing in terms of the water
18 supply situation.

19 Q And what does it show?

20 A It shows a water supply situation in which
21 there is insufficient water available to serve all
22 demands.

23 Q Can you show me what line or part of this chart
24 shows the water supply portion of the determination?

25 A The demand portion, such as where the blocks

DEPOSITION OF KATHERINE MROWKA

1 they post-1914 demand -- I'm sorry. That is the
2 demand portion. The water supply is the lines that
3 are there. So what we have is the full natural flow
4 forecast lines that are on the bottom portion of the
5 graphic.

6 Q Would those be the dashed pink and dashed
7 dark-green lines?

8 A Dashed pink and dashed some color. I don't
9 know if it is gray --

10 Q "Some color" is a good way to describe that.

11 A I just don't know.

12 Q I struggle with these, Ms. Mrowka, because I'm
13 actually color blind.

14 A Oh, ok

15 Q So when I see these, I take guesses and I wait
16 for the witness to correct me. So I'll just say that it
17 is the dashed line that is marked "adjusted 99 percent
18 FNF forecast"?

19 A Yes.

20 Q Probably it is more accurate than me saying it
21 is dark green because it is apparently purple.

22 So are there any other lines that would indicate
23 water supply on this chart, on Exhibit 43?

24 A Prior to that, there is the daily full
25 natural flow line that is shown in blue. So it is a

DEPOSITION OF KATHERINE MROWKA

1 backward look to show what the water supply
2 situation actually was. And then after the backward
3 look, there is a projection forward regarding the
4 estimated or the forecast water supply situation.

5 Q And is it your understanding that full natural
6 flow captures the entire picture of water supply in the
7 basin?

8 A I believe I previously stated that there are
9 some other factors especially, such as this return
10 flow issue we just discussed.

11 Q Return flow. So return flows are not included
12 in full natural flow or are they included?

13 A The water originally -- no. That's on the
14 demand -- hang on a minute. I was tongue-twisted
15 there for a second.

16 So the full natural flow water supply does
17 not take into account the return flow because it has
18 been -- this is the return from other users. So it
19 has been used once and it is back in the stream
20 system. It is not part of the full natural flow.

21 Q So on the San Joaquin side, do you know if
22 Millerton/Friant is on the San Joaquin side of the
23 valley?

24 A It is.

25 Q It is. And is water stored in Millerton Lake?

DEPOSITION OF KATHERINE MROWKA

1 A Yes.

2 Q Who stores water there?

3 A Bureau of Reclamation.

4 Q So if the Bureau of Reclamation releases water
5 from Friant for any of its purposes, and water is used
6 and then returned to the San Joaquin River, are those
7 return flows included in full natural flow?

8 A We added return flow in the Delta portion of
9 the stream system.

10 Q Now when you say you added return flow in the
11 Delta, did you add return flows from the use of full
12 natural flow component or did you add return flows from
13 all uses of water from any source, if you know?

14 A We assumed a 40-percent factor of riparian
15 and pre-14 demand was used as return flow.

16 Q So from any source, it didn't have to be from
17 full natural flow?

18 A For the Delta portion only.

19 Q Why for the Delta portion only?

20 A Because that is the only place where we had
21 published information to tell us what was the actual
22 figure.

23 Q And if there are water users in the watershed
24 pumping groundwater and then discharging the return
25 flows from groundwater into the stream systems, is that

DEPOSITION OF KATHERINE MROWKA

1 included in full natural flow?

2 A Not percolating groundwater.

3 Q If there are municipalities that have wastewater
4 treatment plants and those treatment plans are
5 discharging water somewhere in the watershed, are those
6 discharges included in the full natural flow figures?

7 A No.

8 Q On Exhibit 43 both the lookback, which I'm
9 calling the daily full natural flow, the blue line, and
10 the projection lines, the 90-percent forecasted and the
11 99-percent forecast, appear to be almost exclusively
12 below the post-14 demands since March the first of 2015.

13 Is that accurate?

14 A Yes.

15 Q And --

16 A Oh, 2015. You said 2014.

17 Q 2015. I'm sorry. Is that accurate?

18 A Yes.

19 Q And so was this chart used for curtailment
20 decisions?

21 A It reflects all of our modeling that formed
22 the basis for curtailment decisions.

23 Q And so if we look at March 1st, am I correct in
24 saying that this chart shows that on March 1st, there
25 was insufficient water to meet any post-1914 demand?

DEPOSITION OF KATHERINE MROWKA

1 A Yes.

2 Q And on March 1st if any post-1914 water right
3 holder, if anyone was diverting water under the
4 post-1914 right, would they have been violating the
5 Water Code Section 1052 because there was insufficient
6 water to meet their water right?

7 A Yes.

8 Q So the same can be said to be true on April 1st.
9 As a matter of fact, for the entire month of April, if
10 any post-1914 water right holder diverted water in the
11 month of April, were they violating the Water Code's
12 prohibition on the unauthorized diversion use of water?

13 A Yes.

14 Q And if I showed you a graph on the Sacramento
15 River that showed the same thing, and if I plotted on
16 that demand chart where the California Department of
17 Water Resources was, if that full natural flow is below
18 the line for DWR's priority, would DWR have been
19 violating the Water Code's prohibition on the
20 unauthorized use and provision of water?

21 MS. MORRIS: Objection. Incomplete
22 hypothetical. Assumes facts not in evidence.

23 Q BY MR. KELLY: You can answer.

24 A On any specific date, if there is not water
25 under your priority of right, then diversions are

DEPOSITION OF KATHERINE MROWKA

1 unauthorized.

2 Q So how come you didn't bring an enforcement
3 action against DWR for the unlawful diversion and use of
4 water?

5 A We had not investigated the issue with
6 respect to the DWR.

7 Q On the San Joaquin River, why did you not bring
8 an enforcement action against the United States Bureau
9 of Reclamation for unlawful diversion of storage in
10 rivers and lakes?

11 A I am not allowed to disclose enforcement
12 actions until such time as they are in the public
13 venue.

14 Q Have you had any discussions with anybody --

15 A We have conducted investigation on USBR at
16 Friant.

17 Q How about the Department of Water Resources at
18 Oroville?

19 A I'm uncertain if that report has been
20 completed or not.

21 Q You testified a little bit earlier about
22 commingling water. And this is in the context of the
23 West Side Irrigation District Draft CDO. I believe I
24 understood your testimony. I'm going to try to
25 summarize it and I want you to tell me if it is correct

DEPOSITION OF KATHERINE MROWKA

1 or incorrect.

2 You testified that West Side could not recapture
3 the discharges from the Bethany drain into what I'll
4 call the cut because they couldn't take advantage of
5 improved water quality because the discharge water was a
6 poorer quality, and they couldn't prove they were only
7 taking that poor-quality water out of the cut. They had
8 to be taking some Old River water.

9 Is that a correct general summary of what your
10 testimony was?

11 A No. My testimony was that there are multiple
12 sources of water at that location.

13 Q And are sources of water important when it comes
14 to your ability to take water under your water right?

15 A They can be.

16 Q How can they be?

17 MS. MORRIS: Objection. Calls for a legal
18 opinion.

19 Q BY MR. KELLY: You can answer.

20 MR. JENKINS: You can answer.

21 THE WITNESS: Okay. I was just waiting for
22 somebody to tell me.

23 Q BY MR. KELLY: The rule is that the only time
24 that you don't answer a question is if your attorney
25 instructs you not to answer. Unless your attorney

DEPOSITION OF KATHERINE MROWKA

1 instructs you not to answer, you can answer the
2 question.

3 A Okay. And if you'd repeat the question then.

4 MR. KELLY: Would you please read back the
5 question?

6 (Whereupon, the record was read.)

7 THE WITNESS: Well, they can be because
8 depending on the source of water, the seniority goes to
9 your water right which may indeed specify a particular
10 source. So it can matter.

11 Q BY MR. KELLY: And so is it your testimony that
12 West Side couldn't pick up the same quantity of
13 discharge water out of the cut because the cut included
14 water other than the discharge water?

15 A My testimony was that there is an issue with
16 respect to the fact that there are multiple parties
17 contributing water to the cut, and that there is the
18 issue of where the district boundaries are and the
19 control of the district's portion of that water that
20 is generated as their own return flow.

21 Q So if West Side discharges eight CFS into the
22 cut and pulls out seven CSF from the cut, is there
23 anything wrong with that?

24 A It depends on whether they've maintained
25 control of the water.

DEPOSITION OF KATHERINE MROWKA

1 Q But it has nothing to do with the source of the
2 water in the cut, right?

3 A I did not say that.

4 Q Well, does it have anything to do with the
5 source of the water in the cut?

6 A I am testifying that insofar as it is their
7 own return flow, it is an issue whether they
8 maintain control over their return flow.

9 Q Do you know what is required to maintain control
10 of your own return flows?

11 MS. MORRIS: Objection. Calls for a legal
12 opinion.

13 THE WITNESS: Yes. The water needs to be taken
14 back under control -- never have left your boundaries
15 and taken back under control within your boundaries.

16 Q BY MR. KELLY: So it is your testimony or your
17 understanding that Water Code 7075 wouldn't allow you to
18 move that water, the natural watercourse, and pick it up
19 somewhere else later and reuse it?

20 A I'm testifying with respect to only this
21 situation.

22 Q Right. And I want to understand. You just
23 testified that if it leaves your boundary, you've lost
24 control of it. What I'm asking you is Water Code 7075,
25 which Ms. Spaletta read to you earlier, allows a water

DEPOSITION OF KATHERINE MROWKA

1 right holder to discharge water, comingle it and then
2 reclaim it.

3 Are you saying that Water Code 7075 would have
4 no application to West Side's discharge and recapture of
5 water?

6 A I'm making no statement with regards to that
7 Water Code section.

8 Q What is your understanding of the source of
9 water that one diverts from a watercourse? Is that
10 important?

11 A It can be.

12 Q And is it your testimony or is it your
13 understanding that parties would need to track molecules
14 to prove that the water they were diverting was from the
15 source they were entitled to take it from?

16 MS. MORRIS: Objection. Calls for legal
17 opinion.

18 THE WITNESS: Would you please repeat the
19 question?

20 Q BY MR. KELLY: Let's say if West Side Irrigation
21 District had a water right to take water from Old River
22 and it was diverting from Old River, but Old River only
23 had 30 percent water that would naturally be in Old
24 River and the other 70 percent was contributions from
25 other sources that were not Old River sources.

DEPOSITION OF KATHERINE MROWKA

1 Would West Side only be entitled to the
2 30 percent that was naturally in Old River?

3 A A lot of that is going to be based on the
4 actual factual evaluation. It depends if parties
5 are moving water from storage down to a downstream
6 customer and using instream conveyance but are
7 maintaining their control. It depends if they are
8 having an instream flow dedication under Water
9 Rights Section 2707. It is an individual factual
10 determination.

11 Q So how would West Side's transmission of its
12 water under 7075 differ from anyone else who used a
13 natural watercourse to transport water? I'm asking that
14 because you just used that as an example. You said if
15 somebody else was moving water that they hadn't let
16 control go of, and they were moving water. How does
17 West Side differ from any other water user that utilizes
18 Water Code Section 7075?

19 A Because they are receiving water from other
20 persons or entities.

21 Q Couldn't they be conveying their own water?

22 A I'm not going to speculate. I'm not aware of
23 any measurement of how much of their own discharge
24 there was in 2015.

25 Q When the State Water Board -- let me backup.

DEPOSITION OF KATHERINE MROWKA

1 Who made the ultimate call on whether or not to
2 impose water right curtailments?

3 A Tom Howard.

4 Q And who made the ultimate call on how water
5 availability would be determined in 2015?

6 A The methodology was determined in 2014 and
7 enhanced and modified based on stakeholder outreach
8 in 2015. I do not know who decided on the
9 methodology in 2014. It predated me.

10 Q It predated you --

11 A -- in this function.

12 Q You mean it predated you in your current
13 position with the State Water Board?

14 A That is correct.

15 Q So prior to the 2015 curtailments, what position
16 were you in at the State Water Board?

17 A I was a senior in one of the permitting
18 units.

19 Q And the permitting unit last year was not
20 involved at all in water availability or curtailments?

21 A I volunteered one staff person to help out
22 and saw him at the end of the inspection season.

23 Q This year was there any discussion -- okay.
24 Let's backup.

25 Mr. Coats testified that water right

1 curtailments were based solely on inflow; that when full
2 natural flow dropped below demand, that justified a
3 water right curtailment. Is that your understanding as
4 well as how curtailments worked this year?

5 A With the caveat that we did add in the return
6 flows in the Delta.

7 Q Okay. Anything else?

8 A No.

9 Q What is your understanding of the water supply
10 in the California Delta? Is it fresh? Is it naturally
11 salty? What condition would it be in, do you know?

12 MS. MORRIS: Objection. Vague and ambiguous as
13 to "California Delta."

14 MR. JENKINS: What part of the Delta?

15 Q BY MR. KELLY: Do you know what the California
16 Delta is?

17 A I know what the Legal Delta is.

18 Q You know what the Legal Delta is. What is the
19 Legal Delta?

20 A Well, it is defined in the Water Code.

21 Q And is it a geographic area?

22 A It is shown on a map. We have it on our
23 eWRIMS electronic database mapping layer.

24 Q Do you have any idea what the rough geographical
25 boundaries are of the California Delta?

DEPOSITION OF KATHERINE MROWKA

1 A Just roughly. I'd have to look at a map to
2 refresh if I wanted to know about specifics on that
3 issue.

4 Q Do you know how far downstream -- when I say
5 "downstream," I mean towards the ocean -- do you know
6 how far downstream the California Delta extends?

7 A Roughly.

8 Q Roughly how far does it extend?

9 A You mean in miles or what do you mean?

10 Q Geography. You know, does it extend past
11 Antioch or Pittsburg? Does it stop at Rio Vista? Does
12 it go to the Carquinez Strait? Do you have any idea how
13 far the Legal Delta goes?

14 A I have a mental picture.

15 Q Can you describe -- do you know where Pittsburg
16 is?

17 A Roughly.

18 Q Do you know if the Delta extends to Pittsburg?

19 A I would have to look at a map to refresh my
20 memory.

21 Q Do you know if Byron-Bethany Irrigation District
22 diversion districts are within the Legal Delta?

23 A I believe they are.

24 Q Do you know whether the West Side Irrigation
25 District's diversion facilities are within the Legal

DEPOSITION OF KATHERINE MROWKA

1 Delta?

2 A I would have to check and see.

3 Q Let's talk about BBID's diversion facilities.

4 Do you know if in a pre-project condition -- when I say
5 "pre-project," what do you understand "pre-project" to
6 mean?

7 A Prior to the Central Valley Project and State
8 Water Project.

9 Q In a pre-project condition, do you know what the
10 water quality in the Delta would be like in the month of
11 February on any given year type?

12 A I know roughly. I can't say what total
13 dissolved salt is, I mean --

14 Q So roughly what would it be like?

15 A Prevailing conditions in the tributary
16 streams. It would be similar to the prevailing
17 conditions in the tributary streams.

18 Q Which would be, is that generally fresh? Is it
19 salty? Is it --

20 A In February, generally fresh.

21 Q How about March, if you know?

22 A I don't generally look at water quality in
23 the Delta. Other than the Term 91 curtailments, my
24 shop does do those.

25 Q So do you know what sources contribute water to

DEPOSITION OF KATHERINE MROWKA

1 the Delta?

2 A Generally, yes.

3 Q Why don't you tell me what your general
4 understanding is.

5 A The San Joaquin and Sacramento River systems.

6 Q How about east-side streams? Do you know what
7 any of those east-side streams are?

8 A Are you referring to the ones that flow
9 through Lake Berryessa?

10 Q The Mokelumne, does that contribute?

11 A The Mokelumne, yes.

12 Q Any other rivers on the east side of the valley
13 contribute to the Delta?

14 A I always think of it as the larger San
15 Joaquin and Sacramento River basins but certainly
16 Merced and other rivers refer to those basins.

17 Q The Cosumnes River?

18 A Yes.

19 Q When full natural flow drops at the -- do you
20 know where the full natural flow stations are?

21 A I've seen them on the maps.

22 Q Where have you seen them? Roughly where are
23 they?

24 A They roughly coincide with the Rim
25 Reservoirs.

DEPOSITION OF KATHERINE MROWKA

1 Q They are in the Sierras?

2 A Generally. I don't know if the San Joaquin
3 side is considered Sierras or not but --

4 Q And so when full natural flow drops at the full
5 natural flow stations where those calculation points
6 are, if they dropped to zero, would there still be water
7 in the Delta, if you know?

8 A I haven't looked at that circumstance. This
9 year, there was flow more so on the Sacramento side
10 than the San Joaquin side, so we didn't see that
11 occur with zero everywhere.

12 Q And I don't mean flow. Would there be water
13 present in the Delta if full natural flow dropped to
14 zero, if you know?

15 A Below Mossdale I would expect, in all
16 likelihood, there would be some flow. I can't say
17 as to how much.

18 Q Again, I'm not asking if there would be flow.
19 I'm asking if there would be water present.

20 A I would presume so.

21 Q And would you presume so because it is tidally
22 influenced or would you presume so for a different
23 reason?

24 A I would presume so because reading the West
25 Side Irrigation District's license report, they

DEPOSITION OF KATHERINE MROWKA

1 indicated that the tidal influence was approximately
2 four feet.

3 Q And so when the curtailments issued in the
4 Sacramento River basin and the Delta, did pre-14
5 curtailments issue in the Sacramento River watershed and
6 Delta on the same day?

7 A On the Delta, yes.

8 Q And that was the 1914 to 1903 curtailment; is
9 that correct?

10 A Correct.

11 Q And so is it the Prosecution Team's position,
12 then, that on June the 12th water became unavailable,
13 let's say, in the City of Redding on the Sacramento
14 River the same day it became unavailable at BBID's point
15 of diversion?

16 A Our water supply models are global watershed
17 models.

18 Q Is it the Prosecution Team's position that water
19 became unavailable at the City of Redding the same day
20 it became unavailable at BBID's point of diversion in
21 the Delta?

22 A Insofar as full natural flows that are
23 conveyed down the stream channels are concerned,
24 yes.

25 Q So did the State Water Board do anything to

DEPOSITION OF KATHERINE MROWKA

1 determine whether there was actually water available at
2 BBID's point of diversion as of June 12th?

3 A Yes. We ran our water supply models.

4 Q Did the water supply model look at BBID's point
5 of diversion?

6 A The water supply model looked at the
7 available supply insofar as supply and demand
8 concerns are met.

9 Q Only on a watershed-wide basis, correct?

10 A That is correct.

11 Q Did you do any analysis -- did the State Water
12 Board do any analysis with respect to the availability
13 of water at BBID's point of diversion?

14 A Insofar as BBID was one of the parties we
15 considered in the model, we did do so.

16 Q Do you know where the Sacramento County Regional
17 Sanitation District facilities are?

18 A Roughly.

19 Q Where roughly are they? Are they in the Legal
20 Delta, do you know?

21 A Yes, I believe so.

22 Q Do you have any idea how much water they
23 discharge on a daily basis?

24 A Not myself, no.

25 Q Were those discharges included in the water

DEPOSITION OF KATHERINE MROWKA

1 supply side of your analysis?

2 A No, they were not.

3 Q How about the City of Stockton's discharge?

4 Were those discharges included in the water supply side
5 of the water availability analysis?

6 A Yes. Stockton holds a water right permit to
7 pull water from the stream in like amounts to their
8 wastewater discharge.

9 Q Do you know whether the City of Stockton
10 actually diverts the same amount of discharges?

11 A I don't know what they chose to do this year.
12 I know they are authorized to.

13 Q When you say you don't know what they chose to
14 do this year, didn't they respond to a request from the
15 State Water Board to tell you what they intended to do?

16 A Our counsel has advised that Stockton --
17 their source is solely their wastewater discharge,
18 and they are not subject to their curtailment that
19 you would normally see on a stream system.

20 Q So if their discharge had exceeded their
21 diversions, you wouldn't have included that difference
22 in the analysis?

23 A No.

24 Q The City of Tracy's wastewater treatment plant
25 discharges, did you include those in the water supply

DEPOSITION OF KATHERINE MROWKA

1 side of the analysis?

2 A No.

3 Q Did the State Water Board, in conducting its
4 water availability analysis, take a look at the source
5 of water and availability of water in the Delta in other
6 dry years?

7 A We looked at the 1977 report on the last
8 drought.

9 Q Anything else?

10 A Could you repeat your question?

11 MR. KELLY: Can you read back the question.

12 (Whereupon, the record was read.)

13 THE WITNESS: We looked at all of the historic
14 information that we could find regarding past actions by
15 the board during other drought circumstances.

16 Q BY MR. KELLY: Did you happen to look at the
17 late '20s and early 1930s and the state of the Delta
18 back then and the diversions that were occurring during
19 those dry years?

20 A Since much of that work was done in 2014, I
21 don't know exactly what they looked at for that
22 work.

23 Q If when full natural flow dropped below demand
24 on your chart and there was still a fresh water pool in
25 the Delta, what is your understanding as to who would be

DEPOSITION OF KATHERINE MROWKA

1 entitled to use that water?

2 MS. MORRIS: Objection. Vague.

3 MR. JENKINS: You can answer it if you
4 understand what the question was.

5 THE WITNESS: Right. And I'm not sure I
6 understand that question.

7 Q BY MR. KELLY: Okay. You mentioned the State
8 Water Contractors' complaint, right?

9 A Correct, because I noticed it was in the
10 materials of the binder that you provided.

11 Q Can you turn to Exhibit 19? And we'll get to
12 some emails later. I noted in the production of
13 documents that there are some emails in here where you
14 took a look at this and provided a summary, and emailed
15 a summary of this complaint to other people at the State
16 Water Board.

17 Do you recall that?

18 A Yes.

19 Q So you've seen this before?

20 A Oh, yes.

21 Q I want you to turn to page 53 in Exhibit 19. On
22 page 53, there are two depictions of the surface water
23 area of the California Delta. Does that look familiar?

24 A I see the page that you are highlighting.

25 Q Do you know what is depicted there, graphically

1 depicted there?

2 A I did not prepare this material.

3 Q Do you know what is graphically depicted there?

4 A They are -- it is labeled that one is "with
5 project" and one is "without."

6 Q Do you know what the picture is?

7 A It says it is the average concentration, so
8 presumably TDS.

9 Q Ms. Mrowka, do you recognize the map is showing
10 the Delta?

11 A I presume it is.

12 Q And the date on each of these is 6/13/15,
13 correct? That is the day after the curtailments were
14 issued, right?

15 A It is the day after.

16 Q And that is the date that is shown on page 53,
17 correct?

18 A Uh-huh.

19 Q And on the "with project," it shows a Delta that
20 is quite fresh. Would you say that is correct?

21 A It shows a Delta that is fresher than the
22 "without project."

23 Q And one would presume that that is because the
24 projects are required to meet water quality control
25 requirements in the Delta, pursuant to State Water Board

DEPOSITION OF KATHERINE MROWKA

1 orders; is that correct?

2 A It is correct that the projects have
3 requirements issued by the State Water Board to
4 meet.

5 Q And is that a reasonable explanation as to why
6 the "with project" condition is so fresh?

7 A Yes.

8 Q And then the "without project" shows that the
9 water quality is not as good?

10 A Correct.

11 Q And do you have any understanding why the water
12 quality would not be as good in the "without project"
13 condition?

14 A There would be less water being conveyed from
15 State and Federal Project reservoir storage
16 downstream to meet Delta criteria.

17 Q So the natural condition of the Delta, "without
18 project" condition would be -- the water quality
19 wouldn't be as good?

20 A During the time period depicted here, yes.

21 Q Right. Do you have any idea where in the Delta
22 BBID's diversion is? Would you be able to roughly pick
23 it out on this map?

24 A I would have to see a different type of map.

25 Q "With" or "without project" condition, if on

DEPOSITION OF KATHERINE MROWKA

1 June the 13th of 2015 and "without project" condition,
2 if there actually was this freshwater that is in the
3 Delta, and there is no projects, do you have any opinion
4 on who would be entitled to divert that water?

5 MS. MORRIS: Objection. Calls for illegal
6 opinion.

7 THE WITNESS: Insofar as the water is being used
8 to meet a condition that the State Water Board issued,
9 as long as it is meeting that condition, it is still
10 under the purview of that State Water Board order.

11 Q BY MR. KELLY: So is it the Prosecution Team's
12 position, then, that all of the water in the Delta is
13 being used to meet water quality control requirements in
14 the Delta?

15 A I'm just saying insofar as it is used to meet
16 court-ordered conditions, until it has satisfied
17 that condition, it is still being used for that
18 purpose.

19 Q What Board order requires all the water that is
20 in the Delta to remain in the Delta to meet water
21 quality control requirements?

22 A All I know is that in order for the State and
23 Federal Projects to operate, they have to meet the
24 conditions issued by the State Water Board. And
25 absent meeting those conditions, they cannot operate

DEPOSITION OF KATHERINE MROWKA

1 on those dates that they don't meet the conditions
2 -- unless there is some Board order allowing them to
3 continue operating, such as this year's orders that
4 were drought emergency orders. That is what I know.

5 Q So do you know whether or not curtailments were
6 issued in order for that water to stay in the Delta, so
7 it could meet those water quality control requirements?

8 A This year, we issued a number of different
9 Delta orders due to the difficulties of managing
10 different issues, such as cold water pool.

11 Q I'm asking if the curtailments were issued for
12 that purpose.

13 A No. Curtailments are not based on those
14 Board orders. They are based solely on full natural
15 flow and if there is enough supply to meet demand.

16 Q But when full natural flow stopped, there was
17 still a large pool of water in the Delta, correct?

18 MS. MORRIS: Objection. Vague as to "pool."

19 THE WITNESS: There would be water. Of what
20 quality, I cannot say.

21 Q BY MR. KELLY: Doesn't the State Water
22 Contractors' complaint suggest that the water would have
23 been of sufficient quality in many portions of the
24 Delta?

25 MS. MORRIS: Objection. Calls for speculation.

1 THE WITNESS: The State Water Contractor's
2 complaint wasn't what we used for determining water
3 availability.

4 Q BY MR. KELLY: What did you consider or what did
5 the State Water Board do with respect to the pool of
6 water that remained in the Delta when full natural flow
7 ceased?

8 A We did not do anything regarding that because
9 our availability analyses are based on the full
10 natural flow at the gauges that were indicated on
11 our graphics at those stations with the added return
12 flows. None of those are considering if there was
13 salient waters in the Delta. That doesn't consider
14 that salient water.

15 Q How about fresh water?

16 A The analyses in the model don't address that
17 issue.

18 Q Why not? See, here is the problem that I have.
19 There is a lot of water in the Delta. I'm trying to
20 understand why the State Water Board cut off water
21 rights based on inflow and ignored the pool of water in
22 the Delta.

23 I'm just trying to find out who can give me that
24 answer. Do you have any idea?

25 A Our evaluation was what I would call a

DEPOSITION OF KATHERINE MROWKA

1 traditional engineering evaluation based on
2 available data.

3 Q Do you have any idea what the capacity, the
4 storage capacity, is of the watercourses within the
5 Legal Delta?

6 A I've seen numbers but I don't recall them.

7 MR. O'LAUGHLIN: Can we take a break?

8 MR. KELLY: We can take a break right now. I
9 apologize.

10 (Whereupon, a recess was then taken.)

11 MS. KELLY: Back on the record.

12 Q Ms. Mrowka, has the State Water Board, to your
13 knowledge, ever done anything to determine what the
14 sources of water are in the Delta at any given time of
15 the year?

16 A That is a broad -- State Water Board. I
17 can't speak for all the branches because Bay Delta
18 branch may have done work.

19 Q Sure. And I just asked if you were aware of.

20 A Oh. You said "State Water Board."

21 Q I said, are you aware of anything that the State
22 Water Board has done to determine what the sources of
23 water that are present in the Delta at any given time of
24 the year?

25 A I'm aware of the Board decisions which may

DEPOSITION OF KATHERINE MROWKA

1 speak to the issue in some way.

2 Q Are you aware of any fingerprinting analysis
3 that might have been done to show source contributions
4 to the South Delta -- wintertime, spring, summer or
5 anything like that?

6 A I've not read such works.

7 Q Do you think that for the purpose of
8 curtailments, it would be good to have an understanding
9 of the source contributions of water to the Delta, and
10 whether or not there was "without project" condition, a
11 pool of fresh water available to Delta diverters?

12 A Since that is not the methodology that we have
13 used, I have not found that information necessary to
14 determine the water supply.

15 Q Why didn't you use that kind of analysis?

16 A Because we relied upon a standard engineering
17 approach.

18 Q So Ms. Mrowka, are the curtailments based upon
19 BBID's priority date falling below a line that you
20 established as part of your analysis or is it based upon
21 the actual lack of availability at BBID's point of
22 diversion?

23 A It is based upon the fact that there was
24 insufficient water within the system to serve that
25 priority date of right.

DEPOSITION OF KATHERINE MROWKA

1 Q And so even if there was sufficient water
2 present in the Delta for BBID to divert all summer long,
3 that wouldn't have mattered?

4 A We looked at the flows as they moved
5 downstream for the stream system in our analysis.

6 Q So I think the answer to my question is no, but
7 I'm going to rephrase it and see if I can get a "yes" or
8 a "no."

9 You are telling me that the State Water Board's
10 water availability analysis didn't consider any water
11 that was present in the Delta when the curtailments were
12 issued; is that correct?

13 A What we considered was water that was present
14 on those dates in the stream system. And insofar as
15 that water would move to the Delta, we looked at the
16 Delta.

17 Q Right, but if on June 12th --

18 A Because we looked at the prorated
19 contribution of the stream systems to the Delta
20 flows, such as Sacramento River prorated
21 contribution, San Joaquin River prorated
22 contribution -- based upon the percentage of the
23 flows that were originating in those stream systems.

24 So we certainly looked to adjust the issue
25 based upon the contributions from Sacramento River

DEPOSITION OF KATHERINE MROWKA

1 watershed and San Joaquin River watershed.

2 Q Do you have any idea how long it takes
3 Sacramento River's water to get to the South Delta to
4 BBID's point of diversion?

5 A No. I generally know how much time it takes
6 for, like, Shasta water to get to Delta. So I do
7 know certain of these things. You know, I'm fairly
8 familiar with Friant routing time. So I'm more
9 conversant in some of the reservoir routing times.

10 Q So how long does it take for water to get from
11 the Shasta to the Delta?

12 A I think it is around in the order of five
13 days or so.

14 Q Five days. But the State Water Board issued
15 curtailments in Redding the same day it issued
16 curtailments in the Delta, correct?

17 A That is correct. But as you pointed out to me
18 on the graph that we talked about, the water supply
19 situation had been very poor for multiple days prior to
20 issuance of that order -- or not order but the
21 notification, the fact that there was insufficient
22 supply. So there had been a long precedent condition of
23 poor flow.

24 Q But if BBID went out to the Delta and there was
25 a lot of fresh water there available in the Delta, why

DEPOSITION OF KATHERINE MROWKA

1 shouldn't BBID keep diverting that water?

2 A BBID's water right is to a specific source.
3 And insofar as that source had insufficient supply,
4 then there is no water to divert.

5 Q What source of water can BBID divert from, do
6 you know? I'm asking because you just said it is only
7 for a specific source.

8 A Right. Because I know that the BBID
9 diversion facility is located on the canal on the
10 intake heading to the State Water Project Canal.
11 And that their original source had been obligated by
12 the State Water Project.

13 So I'm aware of that. But I don't know, you
14 know, the technical terms, if you would consider
15 your right as attached to the original source or
16 to -- I would think you had moved it to the new
17 point of diversion on that canal.

18 Q So I'll represent you that the original point of
19 diversion was on Italian Slough. And Italian Slough was
20 obliterated -- I think that is the word you used.

21 A I used that word.

22 Q -- when Clifton Court Forebay was constructed
23 and the Department of Water Resources provided BBID
24 compensation to move the diversion facilities to where
25 they are today on the intake channel.

DEPOSITION OF KATHERINE MROWKA

1 Do you have any knowledge or opinion as to what
2 the source of BBID's water is to satisfy its water
3 right?

4 A Yes.

5 Q What is that?

6 A Well, I believe BBID's water right is to the
7 intake canal at this time because that is their new
8 location for their intake.

9 Q Do you know what the source of water at BBID's
10 point of diversion is?

11 A I believe it is Delta flows.

12 Q Do you know what sources contribute to that
13 Delta flow at BBID's point of diversion?

14 A Insofar as our analysis is concerned, yes.

15 Q What?

16 A We looked at -- for the Delta, we looked at
17 the prorated flow that was produced by the
18 Sacramento River system and the San Joaquin River
19 system. And we found that the majority of the flows
20 available for Delta diversions were from the
21 Sacramento River system this year.

22 Q Did you compare that to any other years?

23 A We compared them on a month-by-month basis
24 because the natural flow conditions change based on
25 what is going on in those watersheds on a monthly

DEPOSITION OF KATHERINE MROWKA

1 basis.

2 Q Do you know what the source of the water is that
3 BBID would have diverted from June 12th or June 13th to
4 June 25th? Do you know what the source of that water
5 is? Do you know where it came from?

6 A Yes. It is at the intake canal.

7 Q Do you know what the source of that water is?
8 Do you know whether it was Sacramento River water, San
9 Joaquin River water, Mokelumne River water, do you know?

10 A I would have to look back because the
11 percentages of the prorated flows varied on a
12 month-by-month basis, so I would have to look at
13 that specific month for the prorated contribution
14 from the Sacramento River system and San Joaquin
15 system.

16 Q Did you conduct a fingerprinting analysis to
17 make that determination?

18 A What we did was we evaluated the flow regime,
19 the flows themselves, and looked at what was being
20 contributed by the different watersheds.

21 Q If I wanted to ask somebody at the State Water
22 Board why the water that was present in the Delta wasn't
23 factored into the curtailment decision, who would I talk
24 to? Who would have made that call to not consider that?

25 A That was 2014.

DEPOSITION OF KATHERINE MROWKA

1 Q Who would I talk to?

2 A I'm not sure. I think that Aaron Miller was
3 in charge -- had a lot to do with the modeling
4 efforts in 2014, though I'm not certain whether he
5 would have made that decision. He was the senior.

6 I believe the decision may have been up
7 higher than that. John O'Hagan previously held my
8 position. He held that position in 2014, so he is
9 the most likely source of knowledge on that issue.

10 Q Okay. You mentioned that BBID is on the intake
11 channel now. Are you familiar with the lay of the land
12 with Clifton Court and Banks Pumping Plant in the intake
13 channel?

14 A Somewhat.

15 Q Do you know what Clifton Court is?

16 A It is a forebay.

17 Q What is a forebay?

18 A It's a -- when you operate large pumping
19 facilities, they can draft a lot of water at one
20 time. So often you need to accumulate a supply, so
21 that you minimize your impact on surface streams.

22 Q When you say you need to accumulate a supply,
23 what do you mean? How do you accumulate a supply?

24 A You can create something as a forebay in
25 order to have a place to put water until you start

DEPOSITION OF KATHERINE MROWKA

1 drafting, so that you don't immediately affect some
2 of the other streams.

3 Q Do you know how Clifton Court is operated to
4 achieve that goal?

5 A I have only heard anecdotal information.

6 Q What have you heard?

7 A I've heard that they don't operate on a 24/7
8 type of basis.

9 Q Is it your understanding that DWR takes water
10 into Clifton Court and then closes the gates, for lack
11 of a better term, at Clifton Court and then can operate
12 Banks Pumping Plant without having an impact on the
13 water in the Delta?

14 MS. MORRIS: Objection. Speculation.

15 Q BY MR. KELLY: Is that your understanding?

16 A My understanding isn't as detailed as that.

17 Q Okay. What is your understanding?

18 A Simply, that they didn't operate 24/7; that they
19 operated schedule on/schedule off.

20 Q So what does "they didn't operate 24/7" mean?

21 A My understanding -- and I'm not sure if this
22 is correct -- that they don't operate their pumps
23 full-out on a 24-hour-a-day, seven-day-a-week basis,
24 but that they are more selective.

25 Q Do you know if Clifton Court Forebay is a

DEPOSITION OF KATHERINE MROWKA

1 regulating reservoir?

2 A I do not know.

3 Q Do you know whether BBID ever operates 24 hours
4 a day?

5 A I do not know.

6 Q Do you know whether BBID has any rights to
7 utilize Clifton Court Forebay in the intake channel?

8 A I have been reading the Statement of Water
9 Diversion and Use in which BBID says they are a
10 pre-14 water right holder.

11 Q Do you know whether BBID has a right to utilize
12 Clifton Court Forebay in the intake channel?

13 A I do know that they have a facility on the
14 intake channel.

15 Q Do you know whether BBID has a right to utilize
16 Clifton Court Forebay in the intake channel to divert
17 their water?

18 A I do know that they have the right of access
19 issued by the Department of Water Resources to
20 utilize the intake channel point of diversion which
21 they own.

22 Q Did you factor any of that into your
23 decision-making process when you prepared the ACL?

24 A No.

25 Q Are you familiar at all with the 25 percent

DEPOSITION OF KATHERINE MROWKA

1 voluntary reduction for riparians in the Delta in 2015?

2 A Somewhat.

3 Q Tell me what your understanding is of that
4 program.

5 A That the State Watermaster had offered
6 opportunity for parties to participate in a
7 program -- who are riparian diverters -- to
8 participate in a program to cut back their use by
9 25 percent by fallowing or other means.

10 Q And what did they get in exchange for cutting
11 back the 25 percent, if you know?

12 A It was my understanding that they would not,
13 then, be subject to additional cuts in their water
14 supply.

15 Q And so if they were assured they wouldn't be cut
16 back further, if available water dropped below the
17 75 percent of riparian demand, where would the extra
18 water come from that they needed to divert?

19 A I can't speculate because we didn't actually
20 encounter that situation this year.

21 Q What happened to the 25 percent of water saved?
22 Where did that go?

23 A The records are correlative, which means that
24 they are going to share in their supply across the
25 class of right holders. I couldn't speculate if one

DEPOSITION OF KATHERINE MROWKA

1 riparian used less, if it meant that there was full
2 supply for another riparian, because of the
3 correlative nature of those so --

4 Q So how did the State Water Board think that the
5 25 percent savings would be achieved?

6 A I'm not involved in that program, so I can't
7 speak to how their thought process worked.

8 Q Okay. Can you take a look at Exhibit No. 16 for
9 me, please. Tell me if you recognize what that exhibit
10 is.

11 A It is an organizational chart.

12 Q Are you familiar with it?

13 A I'd looked at it briefly when I first came in
14 the room.

15 Q Okay. Did you talk to Mr. Coats at all about
16 his deposition?

17 A Just briefly.

18 Q What did you talk about?

19 A If I can even recall. Just generally the
20 subject matter, the nature of the questions.

21 Q Did you ask him about that or did he offer that
22 to you, to talk about that?

23 A He was already talking to somebody when I
24 approached his desk area.

25 Q He was talking to somebody about --

DEPOSITION OF KATHERINE MROWKA

1 A It was an ongoing conversation.

2 Q I'm sorry. He was talking to somebody -- I
3 didn't mean to interrupt. I'm sorry.

4 Was he talking to somebody about his deposition?

5 A He was.

6 Q Who was he talking to?

7 A John O'Hagan.

8 Q Do you recall what the conversation was?

9 A It was a general conversation regarding the
10 deposition.

11 Q How about Mr. Yeazell? Did you talk to him
12 about his deposition?

13 A Yes.

14 Q Did he offer that information to you or did you
15 ask him?

16 A It was along the lines of "how did it go."

17 Q Was it a long conversation?

18 A It was on a sidewalk intersection crossing
19 the street.

20 Q Okay. Can you tell me where you are on
21 Exhibit 16 in this organizational chart, please?

22 A Certainly. I'm in the box that -- where am
23 I. I'm in the box under the yellow box that says
24 "Barbara Evoy," which is the second column from the
25 right.

DEPOSITION OF KATHERINE MROWKA

1 Q So on the right-hand side of the chart, there is
2 a yellow box that says "Division of Water Rights, Deputy
3 Director Barbara Evoy."

4 A Yes.

5 Q Below that is John O'Hagan?

6 A Yes.

7 Q And below that there is a box entitled
8 "Enforcement Section" with your name as manager?

9 A Uh-huh.

10 Q And then next to you is Amanda Montgomery?

11 A Uh-huh.

12 Q And so John O'Hagan is your supervisor?

13 A Yes, he is.

14 Q And his is Barbara Evoy?

15 A Right. But under the Delegations of
16 Authority, only certain matters are raised to
17 Barbara for her consideration. And also we are very
18 careful with respecting prosecutorial lines and
19 making sure that we don't have any issues with
20 respect to that.

21 Q Right. So you said through the delegation --

22 A Delegation of Authority document.

23 Q So the Delegation of Authority, is that a recent
24 delegation or has it been --

25 A No.

DEPOSITION OF KATHERINE MROWKA

1 Q When was the Delegation of Authority adopted?

2 A It is a long-standing document that gets
3 revamped periodically. It was revamped within the
4 last couple of years, but not last year.

5 Q So when you said things don't have to go up to
6 Barbara Evoy, does that mean that John O'Hagan has the
7 autonomous power to decide things for himself under that
8 delegation?

9 A It depends what the item is. If it is an
10 enforcement matter, Barbara Evoy does not review the
11 item. Under the Delegations of Authority, we have
12 to inform the Board of any controversial matters.
13 So we simply inform that we intend to issue. And we
14 don't provide for them the documents or opportunity
15 to review documents.

16 Q So when you say "you inform the Board," was does
17 that mean?

18 A We inform Barbara Evoy, Tom Howard and Caren
19 Trgovcich that we intend to issue an enforcement
20 item related to "X" and that is about it because
21 they are not apprised of the content. They see the
22 content when the public sees the content.

23 Q So Tom Howard doesn't make enforcement decision?

24 A No. This is an advisory notification.

25 Q And you said that you are very careful -- I

DEPOSITION OF KATHERINE MROWKA

1 think you said to maintain the prosecutorial -- what did
2 you say?

3 A To make sure that we maintain separation of
4 functions. We are very careful with that.

5 Q What does that mean?

6 A That means that anybody who may be serving as
7 Board advisory in a hearing venue or such proceeding is
8 not advised as to what we are doing.

9 Q And so for the BBID enforcement action, who was
10 on your side of that wall or that line?

11 A For, BBID obviously Andrew Tauriainen. And
12 then on my side, it is John O'Hagan, as far as my
13 chain of command goes.

14 Q Anybody else?

15 A That is my chain of command.

16 Q How about Brian Coats?

17 A He is subordinate. So he is on my side, yes,
18 but he is subordinate. I thought you were asking with
19 respect to my upper management chain of command.

20 Q No. I want you to tell me who was on your side?
21 If I call it a "wall," is that kind of a correct way to
22 say it? Is there a wall between you and the advisory
23 people?

24 A Absolutely.

25 Q Okay. And so who was on your side of the wall?

DEPOSITION OF KATHERINE MROWKA

1 A On my side of the wall could be any of the
2 staff that are under my supervision, depending on
3 the specific case. Because the staff is different
4 for BIDD than West Side. And so anybody on my staff
5 is on my side of the wall.

6 Q So I want to know for BIDD, who was on your side
7 of the wall?

8 A I have Brian Coats and Jeff Yeazell. And
9 BBID, I believe I'm also using Paul Wells.

10 Q And then who was above you on your side of the
11 wall?

12 A John O'Hagan.

13 Q How about Barbara Evoy?

14 A Not at all.

15 Q How about Caren Trgovcich?

16 A Nope.

17 Q Tom Howard?

18 A Nope. Nope. They only receive the advisory
19 notification when we issue the action item.

20 Q How about Michael George?

21 A Michael George is staff actually who was
22 investigatory in some of these Delta matters, so
23 they would be on my side.

24 Q Michael George was investigatory in the BBID
25 matter, wasn't he?

DEPOSITION OF KATHERINE MROWKA

1 A Correct.

2 Q So he is on your side of the wall?

3 A Correct.

4 Q Was anybody from the Department of Water
5 Resources involved in the investigation of BBID?

6 A Our participation with the Department of
7 Water Resources is because we use their data for our
8 work on water supply issues. So that is the primary
9 use we make of primary Water Resources. So on the
10 BBID matter, that would be how we interface with the
11 Department of Water Resources.

12 Q Who would the Department of Water Resources do
13 interface with on the BBID matter?

14 A We use their publications, plus their monthly
15 data that they supply with respect to full natural
16 flow. So I don't have the name off the top of my
17 head as to who would have provided that because they
18 provided that data. It is available online.

19 Q How about the State Water Project Analyses
20 Office? Did you have communications with anybody there
21 about BBID's diversions after June the 12th?

22 A I'm not certain as to that because I was
23 curious as to how many pumps there were and things
24 of that nature. So other than that kind of an
25 issue, ascertaining facilities locations.

DEPOSITION OF KATHERINE MROWKA

1 There was an issue after June 12th where I
2 wanted to ascertain how much was diverted for the
3 power facilities and where they took their water.

4 Q Did you ever talk to Nancy Quan?

5 A I'm not certain if I talked to Nancy. I
6 talked to Bill Coyle.

7 Q How about Maureen Sergeant?

8 A I think I sent an email to her that was
9 regarding facilities.

10 Q Why would you have sent her an email?

11 A Because I've known her for many, many years.
12 She is well aware of where things are located, so I
13 was curious as to the facilities location. Again, I
14 was concerned in the context of the power facilities
15 and Mountain House.

16 Q We established who is on your side of the wall.
17 Who was on the other side of the wall that you can't
18 communicate with?

19 A I can't communicate with Barbara Evoy --
20 anyone in the hearings branch because I don't know
21 which staff it could be assigned to when I first
22 have a matter.

23 I can't talk to, and don't talk to, Les
24 Grober because he is the assistant deputy for the
25 hearing side of the house. I don't talk to Diane

DEPOSITION OF KATHERINE MROWKA

1 Riddle because she is the program manager for the
2 hearing side of the house. Caren Trgovcich, Tom
3 Howard with respect to enforcement items.

4 Q So you don't talk to those people. I assume you
5 don't talk to anybody who is actually on the hearing
6 team either, Ernie Mona?

7 A I don't talk to any of the hearing staff
8 because that way it does not matter if our project
9 gets reassigned or anything else. Like, if staff
10 were to leave, I don't have an issue that way.

11 Q And does that prohibition of communications, is
12 that only related to the enforcement action or is that
13 related to the issues of controversy in the enforcement
14 action?

15 A I believe you've already heard us say that we
16 obtained Tom Howard's authorization for issuing
17 notifications on the water supply issue. And I
18 believe that goes to the question you just asked.
19 So we do talk -- although we don't talk to Les
20 Grober or the hearing staff with respect to water
21 supply issues. We talk to get the authorization
22 from Tom to issue that item.

23 Q Do you know whether Les Grober submitted a
24 declaration in any of the existing Delta litigation on
25 behalf of the State Water Board?

DEPOSITION OF KATHERINE MROWKA

1 A He did.

2 Q But he's not on the prosecution's side. He is
3 on the advisory side of the wall?

4 A That is his usual function.

5 Q Have you presented this to the Board on water
6 availability or curtailments in 2015?

7 A The Board has a monthly update on drought
8 conditions. They asked for current information as
9 part of that update.

10 Q And so is that a yes, that you've presented to
11 the Board on water availability and curtailments in
12 2015?

13 A Yes, in the context of actions already taken.

14 Q Do you ever communicate to any of the Board
15 members on actions you are going to take?

16 A As far as enforcement actions, no.

17 Q How about on curtailments?

18 A Other than the advisory notification, which I
19 am not privileged to know where that is distributed
20 to after we send it to the advisory person, which I
21 just mentioned was Barbara and Caren and Tom.

22 Q I want you to take a look at the BBID draft ACL,
23 if you will, for me. That should be Exhibit No. 14 in
24 the binder. Let me ask you another question real
25 quickly.

1 You said the State Water Contractors' complaint
2 played no part whatsoever in the decision to issue
3 curtailments or the enforcement action; is that correct?

4 A Well, today my whole unit -- my whole shop --
5 has not even asked for a response to complaint. We
6 have been too busy to do anything with that
7 complaint.

8 Q I understand. I'm just confirming that you said
9 that it played no role whatsoever in the issues in the
10 decision to curtail or bring enforcement action; is that
11 correct?

12 A That is correct.

13 Q I was just -- and I could find the email. I
14 just noted that you sent BBID's ACL the day it was
15 issued to the general counsel for the State Water
16 Contractors and nobody else. There is an email where
17 you sent that to her. Any particular reason why you
18 would have done that?

19 A I don't know the reason at this time. It is
20 a little while later now.

21 Q Okay. Take a look at the draft Administrative
22 Civil Liability Complaint. Did you have any role in
23 drafting this ACL?

24 A Yes.

25 Q Tell me what your participation was.

1 A I discussed this ACL with counsel, and also I
2 discussed the water availability elements with the
3 staff after the water availability notification was
4 issued, so I did those things.

5 Q Take a look at paragraph 18 for me on page 3 of
6 7. In the first sentence, I want you to read that to
7 yourself and let me know when you are done.

8 A (Witness reading.) I'm done.

9 Q Did the Prosecution Team issue this ACL against
10 BBID because BBID took water that senior water right
11 holders needed downstream of BBID's point of diversion?

12 A As I'd explained, senior and junior right
13 holders throughout the stream systems are
14 interspersed in location. And so our water supply
15 situation is a global analysis.

16 Certainly, there are senior right holders
17 that could be affected by the taking of water by
18 junior right holders. I can't state that specific
19 location as to where they sit on a stream, as
20 compared to BBID. But in our analysis, there were
21 senior right holders that required some supply
22 available to them.

23 Q Is there any other reason, other than taking
24 water that senior water right holders needed, is there
25 any other reason BBID would have unlawfully taken water?

DEPOSITION OF KATHERINE MROWKA

1 A There was no water available under the
2 priority date of the right based on water supply.
3 That is independent of whether somebody else needed
4 the water. There was no water under that priority
5 date.

6 Q I'm just trying to understand. The water that
7 BBID took, is that water that senior water right holders
8 were entitled to, that pre-1903 and riparian water right
9 holders were entitled to?

10 A There was simply no supply available under
11 the priority date.

12 Q Right. But BBID diverted water on June the
13 13th. I'm asking you whose water, then, did BBID
14 divert?

15 A I don't have that information for you today.

16 Q So in preparing this Administrative Civil
17 Liability Complaint, you didn't consider whose water
18 that was?

19 A We considered all of the right holders and
20 their relative seniority in each watershed where we
21 issued a water shortage notification. So we did
22 consider whose water supply was affected based on
23 priority date of right.

24 Q So whose water supply was affected by BBID's
25 diversions? Is it pre-1903 and riparian water right

DEPOSITION OF KATHERINE MROWKA

1 holders or someone else?

2 A For BBID, because they have a 1914 priority,
3 it could be anybody who is more senior to that 1914
4 priority, not necessarily limited to 1903.

5 Q Okay. So let me phrase it this way. BBID's
6 seniority date is May the 18th -- I think the claim is
7 May 18th. Does that ring a bell? I thought it was in
8 here.

9 So if we assume that BBID's claimed date of
10 priority was May 18th, 1914, is the ACL based on the
11 fact that BBID took water that was needed by those with
12 a priority May of May 17th, 1914, and senior and
13 riparians?

14 A Yes.

15 Q Anybody else?

16 A No.

17 Q Okay. Go to paragraph 25. Can you read that to
18 yourself and let me know when you are done?

19 A (Witness reading.) I'm done.

20 Q And then I want you to read the last sentence in
21 paragraph 27.

22 A Okay.

23 Q Why is the June 12th unavailability notice and
24 the receipt of it important for the ACL?

25 A Because we always like to document that

DEPOSITION OF KATHERINE MROWKA

1 parties receive notification.

2 Q So why is the receipt of the notification
3 relevant for the ACL?

4 A It is always relevant because parties can
5 either seek hearing or other actions. And the dates
6 are important as to date of receipt in order to
7 trigger their timelines under their relative code
8 provisions.

9 Q So do you know any hearing that BBID could have
10 requested as a result of receiving the June 12th notice?

11 A I'm just saying in general, you know,
12 reconsideration hearing dates are all triggered off
13 of notice.

14 Q What dates were triggered by the June 12th
15 notice?

16 A As it states in this particular item, the
17 right to hearing -- it is Item 42. "Any such
18 request for hearing must be in writing and received
19 or postmarked within 20 days of the date this notice
20 is received."

21 Q Ms. Mrowka, that's within 20 days of receipt of
22 the ACL, correct?

23 A Correct.

24 Q So I need to know -- I'm asking you what the
25 relevance of the June 12th notice or the receipt of that

1 is for the purposes of the ACL?

2 A Because we informed you as to the water
3 availability situation, and that is confirmation
4 that you had that information.

5 Q So is the ACL based on the diversion of water
6 when it was unavailable or is the ACL based on the
7 diversion of water after having received notice from the
8 State Water Board that it was unavailable?

9 A The State Water Board can consider
10 enforcement actions at any time an unauthorized
11 diversion occurs. Receiving notice regarding water
12 supply situation is something extra which we've done
13 for water rights holders this year -- and we did it
14 last year -- to make sure that they were apprised of
15 the situation.

16 Q So why is receipt of the notice important?

17 A We always like to track that information.
18 That is what we do.

19 Q But why do the fines start the day after the
20 notice?

21 A Because you had information that was provided
22 to you directly from us at the State Water Board
23 regarding the water supply situation.

24 MR. KELLY: Mark this as next in order,
25 please. What number?

DEPOSITION OF KATHERINE MROWKA

1 (Whereupon, Exhibit Nos. 44-45
2 marked for identification.)

3 Q BY MR. KELLY: Ms. Mrowka, please take a look at
4 Exhibit 44 first, please.

5 A Okay.

6 Q If you see on the bottom of Exhibit 44, it is an
7 email from John O'Hagan to Carol Peach and you are cc'ed
8 on this.

9 A Correct.

10 Q Did you receive this email, do you know?

11 A I likely did.

12 Q And John O'Hagan is asking Carol if IT could
13 provide him with the names of all persons currently
14 subscribed to the drought list for water rights.

15 A Correct.

16 Q Did you ask him to ask for that or did you have
17 any role in that request for information?

18 A I don't recall at this time.

19 Q Do you know why he was asking her for that
20 information?

21 A Certainly. He wanted confirmation with
22 respect to who received it. That particular list
23 has over 7,000 persons on it.

24 Q Okay. And then above that on June 17th, Carol
25 responded to him and it says, "FYI: You cannot use the

DEPOSITION OF KATHERINE MROWKA

1 list of members for other purposes nor share with
2 another division Board or outside entity." And in
3 parens, it says, "per OPA."

4 Is that correct?

5 A That is what it states.

6 Q Do you know what OPA is?

7 A Office of Public Affairs.

8 Q Office of Public Affairs. And do you know why
9 the State Water Board is not allowed to use the list of
10 members for other purposes?

11 A There are some limitations on sharing private
12 information that we respect in our system.

13 Q And then could you take a look at Exhibit 45 for
14 me, please?

15 A Okay.

16 Q This apparently looks to be a response to that
17 request, containing what appears to be about eight or
18 nine attorneys at my firm who are on that list: Mr.
19 Gilmore, some people from Sanjoaquin.gov.org. Somebody
20 else searched for matches for the name of my law firm's
21 old server at @lawssd.com and somebody named
22 erin@cvstrat.com; is that correct?

23 A Yes.

24 Q Do you know why this information -- well, do you
25 know whether or not this information was used for

1 anything other than the purpose for which these people
2 signed up?

3 A We use the information to confirm whether the
4 parties received the Lyris notification as noted in
5 paragraph 25.

6 Q Do you know why people sign up for the Lyris
7 list serves?

8 A Yes, because it is a convenient way to get
9 instant information regarding action.

10 Q Does the Prosecution Team believe that people
11 sign up for that to consent to service of process of
12 legal documents?

13 A Personally, I can only speak for myself that
14 it confirms for us that parties had reason to
15 believe that they received the unavailability
16 notice. And that is what this server is for. This
17 particular address is related to drought updates.
18 So we were confirming that you received the
19 information on the drought updates.

20 It is not confirmation of receipt of the
21 enforcement action. It is the drought update
22 information, which is what these parties signed up
23 for the Lyris for.

24 Q So I see in paragraph 25 of the ACL, there is a
25 reference to the email address of rgilmore@bbid.org

1 having received that.

2 A Uh-huh.

3 Q Is that an authorized use of that Lyris email
4 list serve names, do you know?

5 A I do not know.

6 Q Did anybody bother checking before they put it
7 in an Administrative Civil Liability Complaint?

8 A I believe we checked on certain things, but I
9 can't specify as to what issues. Certainly, we
10 always talk to our legal counsel with respect to
11 what information is public information that can be
12 shared and what is private information that should
13 not be shared.

14 Q Do you know if the list of names of all of the
15 attorneys at my firm that are on Exhibit 45 for the
16 dissemination, that they are signed up for the Lyris
17 list service authorized use of the Lyris sign-ups?

18 A I would have to ask legal counsel.

19 Q Did anybody ask, do you know, before this was
20 distributed pursuant to a Public Records Act request?

21 A My legal counsel was involved in preparation
22 of the response to the Public Records Act request
23 and reviewed all materials for that request. So I
24 believe that issue has been vetted through legal
25 counsel.

DEPOSITION OF KATHERINE MROWKA

1 MR. KELLY: Thank you. We'll mark this as
2 the next exhibit, Exhibit 46.

3 (Whereupon, Exhibit No. 46 was
4 marked for identification.)

5 Q BY MR. KELLY: Do you have Exhibit 46?

6 A Yes, I do.

7 Q Is that an email that you were cc'ed on?

8 A Yes.

9 Q Is this an email from Barbara Evoy to Tom
10 Howard?

11 A Yes.

12 Q With a copy to Caren Trgovcich, John O'Hagan and
13 to you?

14 A Yes.

15 Q Do you know what letter Barbara is referring to
16 in this email?

17 A Yes. It states in the attachment, "Notice of
18 2015 surface water shortage and potential for
19 curtailment of water." So this is the notification
20 that there may be inadequate supply for the year.

21 Q So this would have been one of those general
22 notices that the State Water Board sent out to all water
23 right holders and posted on its website?

24 A Yes. They were informative to tell the
25 public that the water supply situation did not look

DEPOSITION OF KATHERINE MROWKA

1 good.

2 Q And then the second sentence, "John is holding
3 until after your meeting with the GO tomorrow." What is
4 the "GO"?

5 A Governor's Office.

6 Q Governor's Office. So do you know, did people
7 from the State Water Board meet with the Governor's
8 Office on curtailments, if you know?

9 A I do know that this email says that they were
10 conversant with them regarding the general letter.

11 Q Are you aware of any meetings between anybody at
12 the State Water Board and the Governor's Office with
13 respect to curtailment?

14 A I do not know specifically.

15 Q You are not aware of any?

16 A I know that there are meetings at the
17 Governor's Office but I don't know the subjects
18 because I'm not involved.

19 Q Do you know who attends those meetings on behalf
20 of the State Water Board?

21 A The upper echelon, such as Caren and Tom, but
22 I don't know the subjects of those meetings.

23 Q How about Board members?

24 A It may be that our chair attends, but I'm
25 only speculating when I say that.

DEPOSITION OF KATHERINE MROWKA

1 MR. JENKINS: Do you know or not?

2 THE WITNESS: So I guess I don't know.

3 Q BY MR. KELLY: I'm only entitled to what you
4 know. I don't want you to speculate or guess. I'm only
5 entitled to what you know.

6 (Whereupon, Exhibit No. 47 was
7 marked for identification.)

8 Q BY MR. KELLY: Do you have Exhibit 47?

9 A Yes.

10 Q Exhibit 47 is a February 13th, 2015 email from
11 Les Grober to Brian Coats. You were copied on it, John
12 O'Hagan, Barbara Evoy, Diane Riddle and Amanda
13 Montgomery with regard to supply and demand curves for
14 the Delta Watershed.

15 A Yes.

16 Q Didn't you tell me -- correct me if I'm wrong.
17 I thought you said that Les Grober and Diane Riddle were
18 on the other side of the wall when it came to water
19 availability.

20 A I did.

21 MS. MORRIS: Objection. Misstates testimony.

22 MR. KELLY: I'm asking if that is correct.

23 MR. JENKINS: Go ahead.

24 THE WITNESS: I didn't say Amanda Montgomery.

25 Q BY MR. KELLY: No. I thought you said of the

1 people on the email -- I thought you said Diane Riddle
2 and Les Grober were on the other side of the wall on
3 water availability.

4 A They were on the hearings advisory team.

5 Q I guess what I'm saying -- I thought you said
6 that you didn't communicate with them on water
7 availability.

8 A I don't, generally.

9 Q I'd like for you to take a look at the second
10 email in that chain from Brian Coats to Les Grober where
11 you were copied again.

12 In that second paragraph it talks about, it
13 says, "John and I were discussing for this year using
14 the Freeport gage (average due to tidal influence)
15 Vernalis, Mokelumne and Cosumnes flows as supplies
16 available to the Legal Delta watershed but have not
17 finalized the decision."

18 Do you see that?

19 A I see that.

20 Q Were you involved in any discussions about
21 utilizing any of that for curtailments of water
22 availability?

23 A That method was not selected.

24 Q Do you know why?

25 A We determined I would stay with the

1 methodology from September 14th.

2 Q Why did you make that determination?

3 A Because we felt that it was appropriate to
4 use the full natural flow with the factors I've
5 discussed earlier today.

6 Q Why would it had been more appropriate to use
7 that method instead of using the method described in
8 this email?

9 A I would be speculating.

10 Q Were you involved in the decision-making
11 process?

12 A Yes.

13 Q Then you wouldn't be speculating as to why you
14 thought it was more appropriate, would you?

15 A The Freeport gauge discussion, it is solely
16 limited to this -- pre-curtaiment discussion --
17 this was a February item. Curtailments did not
18 occur for several more months.

19 We looked at this because we want to always
20 check all available methodologies, all available
21 data sources. It is part of our complete look at
22 the picture, but we didn't select this.

23 Q Do you know whether the analysis discussed in
24 that email would have resulted in more water being
25 available for people in the Delta than the analysis

DEPOSITION OF KATHERINE MROWKA

1 method you used?

2 A Since we did not apply this to the
3 spreadsheet, I could not state.

4 (Whereupon, Exhibit No. 48 was
5 marked for identification.)

6 Q BY MR. KELLY: Do you have Exhibit 48, Ms.
7 Mrowka?

8 A I do.

9 Q This is an email from Barbara Evoy to you and to
10 Jeff Yeazell. Am I saying his last name correctly?

11 A "Yeazell."

12 Q "Yeazell." Apologies to Mr. Yeazell.

13 It is dated Thursday, May 21st; is that correct?

14 A Yes.

15 Q And the subject is, "Tom called and he wants to
16 know where we are with the charts," right?

17 A Yes.

18 (Whereupon, brief interruption.)

19 MR. KELLY: Back on the record.

20 Q And Barbara Evoy says, "That we discussed
21 yesterday." This is an email to you. Do you know what
22 she is referring to, "That we discussed yesterday," do
23 you recall?

24 A Below it is talking with respect to the
25 25 percent riparian rights savings issue on the

DEPOSITION OF KATHERINE MROWKA

1 subject line slightly below that.

2 Q Okay. And after that, it says, "He needs to get
3 back to the Board." Do you know what that means? Do
4 you know what that was about?

5 A Tom advises the Board about matters.

6 Q Do you have any idea -- well, let me ask you
7 this. It says, "He needs to get back to the Board." Do
8 you know if the "he" refers to Tom?

9 A Inasmuch as the subject says "Tom called," I
10 would presume it is Tom.

11 Q And the Board would be the State Water Resources
12 Control Board?

13 A The members.

14 MR. KELLY: Let's go off the record for a
15 second.

16 (Whereupon, brief interruption.)

17 MR. KELLY: Back on the record.

18 Q Do you know what he needed to get back to the
19 Board about?

20 A Well, below it talks to the 25 percent
21 riparian savings program.

22 Q So do you know whether or not Mr. Howard talked
23 to Board members about the 25 percent voluntary
24 curtailment program?

25 A I was out at a Board workshop or something

DEPOSITION OF KATHERINE MROWKA

1 where it was discussed.

2 Q Do you know whether there were any discussions
3 between Tom and any Board members outside of that
4 workshop?

5 A I could not say.

6 Q Did the workshop occur after May 21st, do you
7 know?

8 A I don't know the date of the workshop.

9 Q But you are not aware of any conversations Tom
10 would have had with any of the Board members with
11 respect to the 25 percent curtailment, other than the
12 conversation he had at the workshop?

13 A I'm not generally participatory in Tom's
14 briefings in all matters.

15 Q That is not what I asked. I asked whether or
16 not other than the discussion at the workshop, whether
17 Mr. Howard would have had any discussions with any Board
18 members with respect to the 25 percent voluntary
19 curtailment program.

20 A I don't know.

21 MR. KELLY: Next, please.

22 (Whereupon, Exhibit No. 49 was
23 marked for identification.)

24 Q BY MS. SPALETTA: Do you have Exhibit 49, Ms.
25 Mrowka?

DEPOSITION OF KATHERINE MROWKA

1 A I do.

2 Q Exhibit 49 is an email from Barbara Evoy to
3 George -- and I am not going to try to pronounce his
4 last name.

5 A Kostyrko.

6 Q Thank you. K-o-s-t-y-r-k-o.

7 Timothy Moran, you, John O'Hagan and Cindy
8 Hensley were copied on it?

9 A Cindy is Barbara's secretary.

10 Q Cindy is Barbara Evoy's secretary?

11 A Yes.

12 Q And if you look down, there is a May 26th email
13 where Tim says, "Hi, Barbara. I just need to get an
14 idea of when the senior curtailment on the San Joaquin
15 is likely to be, if that's available yet, so I can get
16 details for a press release."

17 George said he would be the lead on this on the
18 morning of the 26th. And then the top email just after
19 noon, Barbara says, "We are working on timing right this
20 minute. We proposed sending out curtailments on Friday
21 but need to get the Board to nod first."

22 Do you know what that means?

23 A I would have to guess what that means.

24 Q I want to get answers from you and I want to
25 make sure they don't come from counsel, especially on

1 stuff like this. So I would appreciate, if you need to
2 talk to your counsel, we can take a break and you all
3 can have a conversation.

4 Otherwise, I would like for the response to my
5 questions to come directly from you, Ms. Mrowka. Is
6 that okay? I'm entitled to that, okay?

7 A Certainly. As I'd stated before, Tom Howard
8 is signatory on letters advising persons that there
9 is a water shortage. So Tom Howard also has an
10 advisory capacity to the Board.

11 Q So when the Board issued the curtailment notice
12 on June 12th, it is my understanding that the Board
13 considered those curtailment notices directives to stop
14 and the Board rescinded the command portion in mid-July
15 as a result of some court proceedings. Is that your
16 general understanding of what happened?

17 A My understanding is that we notify people
18 that there isn't sufficient water.

19 Q Prior to June 12th, were those curtailment
20 notices ever called "water shortage notices" or were
21 they called "curtailment notices"?

22 A I believe they have generally been called
23 "curtailment notices." It was convenient. People
24 understood what it meant.

25 Q What did it mean?

DEPOSITION OF KATHERINE MROWKA

1 A It meant that there was a lack of supply.

2 Q And it meant that the State Board was telling
3 them that they had to stop diverting, right?

4 A Well, it meant there was a lack of supply
5 under their priority date.

6 Q Well, the curtailment notice mandated compliance
7 and filling out a certification form, didn't it?

8 A It asked the parties to do so.

9 Q It directed the parties to do so, didn't it?

10 A It asked them to do so.

11 Q Did it direct them or did it ask them?

12 MS. MORRIS: Asked and answered.

13 THE WITNESS: It asked that they complete those
14 forms. There was no -- it said, you need to fill out
15 this form.

16 Q BY MR. KELLY: Can you take a look at Exhibit 20
17 in the binder, please. Do you have Exhibit 20 in front
18 of you?

19 A I do.

20 Q Towards the bottom of the page, there is
21 language that is underlined. Can you please read that
22 out loud for me?

23 A "With this notice, the State Water Board is
24 notifying pre-1914 appropriative claims of right
25 with a priority date of 1903 and later within the

1 Sacramento/San Joaquin watersheds and Delta of the
2 need to immediately stop diverting water with the
3 exceptions discussed below."

4 Q Can you turn to page 2 under the bold type
5 it says, "Compliant Certification Required." Can you
6 read the last sentence in that paragraph without reading
7 the HTTP link.

8 A "You are required to complete the form for
9 each pre-1914 claim of right identified through this
10 notice at..."

11 Q So is it your testimony today that this
12 June 12th notice was simply informing people that there
13 was no water available, and asking them to complete a
14 certification form? Is that your testimony today?

15 A It does ask them to complete the form.

16 Q So when you receive a document from the
17 government that says you are required to do something,
18 do you think that is just a request from the government?
19 Is that your testimony?

20 A I'm saying that it asked them to complete the
21 form.

22 Q I'm asking you about your testimony that when
23 you receive a document from the government that says you
24 are required to do something, whether or not you
25 construe that as simply the government asking you to do

DEPOSITION OF KATHERINE MROWKA

1 something. I'm asking you if that is your testimony.

2 Is it?

3 A My testimony is that the document speaks for
4 itself. It does ask parties to fill out the form.

5 Q And I asked you, Ms. Mrowka, and I'm entitled to
6 an answer.

7 MR. JENKINS: It is asked or answered.

8 Q BY MR. KELLY: That whether or not when you
9 receive a document from the government that says you are
10 required to do something, whether you construe that as a
11 simple request by the government to do it, or whether it
12 is mandated. I'm asking you how you read it.

13 A I would fill out the form.

14 Q Do you read it as a mandate or as a request?

15 A It asks people to fill out the form.

16 Q So people could choose not to fill it out?

17 A We had a lot of that.

18 Q And so in Exhibit 49, when it talks about
19 getting the Board to nod first, do you know what Barbara
20 was talking about?

21 A Under the Delegations of Authority
22 controversial actions, the Board has to be apprised
23 of controversial actions.

24 Q And so how would that work? So would a
25 curtailment of senior water right holders be a

DEPOSITION OF KATHERINE MROWKA

1 controversial action that would need to be run by the
2 Board first?

3 A I would think so.

4 Q Do you know how that works under the
5 "delegation" document?

6 A Under the "delegation" document, if it is a
7 controversial matter, they would need to make sure
8 that the Board was apprised of it.

9 Q When you say "they would need to," just Tom or
10 Barbara or --

11 A Tom or Barbara. It depends on, you know, who
12 is in that specific chain of command for a specific
13 action. In this case, the chain of command goes all
14 the way through Tom.

15 Q So it says, "get the Board to nod first." It
16 doesn't just say just advise them. Did you ever just
17 kind of make sure it was okay with Board members?

18 A I never had that task in relation to the
19 water shortage notifications.

20 Q Ms. Mrowka, when you need a break, just let me
21 know that you need a break and we'll take a break. I
22 lost track of how long we have going. So if you need a
23 break, let us know, Kathy.

24 A Thanks. I'm fine.

25 (Whereupon, Exhibit No. 50 was

DEPOSITION OF KATHERINE MROWKA

1 marked for identification.)

2 Q BY MR. KELLY: Exhibit 50, Ms. Mrowka, is an
3 email from George to Barbara Evoy. You were copied on
4 it?

5 A Yes.

6 Q And it is kind of a chain email that has at the
7 bottom of it an email from Barbara to John, Michael
8 George and to you that says "curtailment package." The
9 subject line is "curtailment package." It is June 1st,
10 2015 at 5:40 p.m.

11 It says, "...I believe these materials are the
12 ones that Tom sent to Felicia and the other Board
13 members on Saturday. Felicia will be calling in, so
14 there won't be an opportunity to show her new material
15 before the 8:00 briefing."

16 Do you know what "these materials" refers to in
17 that email?

18 A Yes. On the next page, it says, "Tom
19 attached is (1) the draft notice; (2) the draft
20 press release with a simplified graft for the San
21 Joaquin. (The Sacramento will be updated with a
22 more simplified version on Monday). And (3) draft
23 questions and answers."

24 Q So when you and other folks working on
25 curtailments reached a time when you were ready to do

DEPOSITION OF KATHERINE MROWKA

1 things, did you normally then send a package of
2 materials or information to the Board, so they could see
3 what you were going to do?

4 A I believe I already addressed that. We sent
5 to Tom the proposed letter for his signature and the
6 graphs, depending on which -- there is more than one
7 watershed and more than one graph, but this was one
8 watershed and one graph.

9 Q It talks about an 8:00 briefing. Were there
10 regular briefings with Board members on curtailments, do
11 you know?

12 A Obviously, I was on this email chain but I
13 don't recall other times. There may have been one
14 or two other times when I was involved in
15 discussions with a Board member. I just don't
16 recall how many times or dates.

17 Q Did you ever participate in any of these
18 briefings with Board members?

19 A On this one I'm on the email chain, so I
20 likely participated.

21 Q And were those briefings by telephone or were
22 they in person?

23 A This one indicates it is by phone.

24 Q And do you remember who was on the call?

25 A No.

DEPOSITION OF KATHERINE MROWKA

1 Q Do you know what the subject matter of the
2 discussion was? Do you remember any of the
3 conversation?

4 A No.

5 (Whereupon, Exhibit No. 51 was
6 marked for identification.)

7 Q BY MR. KELLY: Do you have Exhibit 51?

8 A Yes, I do.

9 Q This is an email from you to George on Tuesday,
10 June 2nd at 8:44 a.m.

11 A Right.

12 Q It says, "John just returned from briefing
13 Felicia. He said Thursday for curtailment."

14 A So it looks like I did not participate in the
15 June 1st briefing -- this briefing of Felicia.

16 Q So the reference to the 8:00 a.m. briefing in
17 Exhibit 50 was probably the 8:00 a.m. briefing that
18 happened on June the second?

19 A Probably.

20 Q And this is an 8:44 a.m.

21 A Right.

22 Q So you probably now didn't attend that one?

23 A Right. And that is why I didn't recall it very
24 well. It looks like I didn't attend.

25 Q Did John tell you anything else about the

DEPOSITION OF KATHERINE MROWKA

1 briefing with Felicia, other than that Thursday
2 curtailments would happen?

3 A I don't recall.

4 Q Do you know if Felicia ever made the call on
5 when or to hold back on curtailments?

6 A I don't recall Felicia ever making that sort
7 of decision.

8 Q Okay.

9 A Because, you know, I don't get much
10 correspondence from Felicia. And I did not see
11 anything, when we did our work for the PRA, that
12 Felicia instructed me as staff.

13 Q So there were several emails -- and everybody is
14 going to be happy to know that I'm not going to mark
15 them all.

16 Off the record.

17 (Whereupon, discussion held off record.)

18 Q BY MR. KELLY: So there are a lot of emails that
19 talk about Tom's conversations with Felicia and
20 Felicia's request for information. You are copied on
21 these and some of them are from you.

22 But it sounds like you are telling me that you
23 don't have any recollection of any specific
24 conversations you had with Felicia. You didn't get
25 emails from her. If I kept asking you about these

DEPOSITION OF KATHERINE MROWKA

1 emails, would your answers be consistent with that, that
2 you just don't recall conversations?

3 A I'm actually very, very poor at remembering
4 conversations. It is not my strong suit.

5 (Whereupon, Exhibit No. 52 was
6 marked for identification.)

7 Q BY MR. KELLY: Ms. Mrowka, Exhibit 52 is an
8 email from Barbara Evoy to you and John O'Hagan dated
9 June 11th. June 11th is the day before the pre-14
10 curtailments; is that correct?

11 A Yes.

12 Q It looks like Barbara just sent this as an FYI.
13 It copies an email from Tom Howard to quite a few folks.
14 I recognized some of the names, and so let me see if you
15 recognize them.

16 Wade Crowfoot is in the Governor's Office; is
17 that correct? Were you aware of that?

18 A Yes.

19 Q Mark Cowin is the director of DWR?

20 A Yes.

21 Q Chuck Bonham is the director of the California
22 Department of Fish and Wildlife?

23 A Right. And they are holders of many water
24 rights.

25 Q The Governor's Office isn't a holder of water

DEPOSITION OF KATHERINE MROWKA

1 rights, right?

2 A Yes. I am just saying Fish and Wildlife.

3 Q And DWR as well?

4 A That is correct.

5 Q Janelle Beland, she is the secretary of Natural
6 Resources; is that correct?

7 A I have no idea.

8 Q Carla Nemeth?

9 A Don't know.

10 Q Martha Guzman, do you know who that is?

11 A I've heard the name.

12 Q She is in the Governor's Office?

13 A I believe so.

14 Q Do you know who Gordon Burns is?

15 A Yes.

16 Q Who is Gordon Burns?

17 A At the EPA.

18 Q Matthew Rodriguez, do you know who that is?

19 A Yes.

20 Q Who is Matthew Rodrigues?

21 A Right next to Gordon Burns somewhere.

22 Q Do you know, was this like an advance notice to
23 some important people that the State Water Board was
24 going to curtail senior rights, or do you know why this
25 would have been sent to these folks and not to the rest

DEPOSITION OF KATHERINE MROWKA

1 of the public?

2 A I can't presume to know why this was issued.

3 Q I'm just asking if you know.

4 A I don't know offhand.

5 Q Was there ever any talk about giving water right
6 holders more than a couple of hours' notice that they
7 had to stop diverting?

8 A We had notified state agencies.

9 Q How about just the average water right holder
10 that didn't get notified at the time. Had you thought
11 about giving those folks a little more advance notice
12 than they got, like the rest of these important people
13 got?

14 A No.

15 (Whereupon, Exhibit No. 53 was
16 marked for identification.)

17 Q BY MR. KELLY: Ms. Mrowka, Exhibit 53 is an
18 email from Barbara to you and John. That forwards a
19 email from quite a few other people that appear to be
20 with the Water Board. Do you recognize this email?

21 A I recognize it.

22 Q And I'm curious. I just want to understand this
23 a little bit. Bruce Burton, his email says, "... the
24 State Water Board will not cut off health and safety
25 supplies but will work with them to identify the impact

DEPOSITION OF KATHERINE MROWKA

1 this curtailment may have on the supply portfolio."

2 Is that your understanding of what the State
3 Board's policy was with water right curtailments this
4 year?

5 A Bruce Burton is with the Division of Drinking
6 Water. And so Bruce's role was with respect to
7 managing the water supplies for the treatment water
8 purveyors. And so this is Bruce talking with
9 respect to his role.

10 Q And is it correct that the Board was not going
11 to cut off health and safety supplies through
12 curtailments?

13 A Certainly our contact letters, original
14 contact letters, indicated that parties should fill
15 out the online form and indicate if there was health
16 and safety consideration.

17 Q Do you remember meeting with anyone from the
18 Byron-Bethany Irrigation District with respect to the
19 water supply for the community of Mountain House?

20 A Yes.

21 Q What do you remember about that?

22 A I remember that we had a discussion with
23 respect to the Mountain House.

24 Q And tell me about the discussion.

25 A I was provided information about Mountain

DEPOSITION OF KATHERINE MROWKA

1 House and the community's needs.

2 Q As it relates to curtailments?

3 A As it relates to community needs and what the
4 impact would be.

5 Q And what would the impact be, do you recall?

6 A There was -- during that discussion, that was
7 with yourself and others, and that was prior to any
8 curtailments being issued. And so there was a
9 discussion about, you know, how many persons would
10 be affected.

11 Q At that meeting I was there, right?

12 A Right.

13 Q Mr. Gilmore was there?

14 A Right.

15 Q Mr. Howard was there. Do you recall that?

16 A I was recalling the meeting at your office.

17 Q A meeting here?

18 A I met with you with respect to Byron-Bethany.

19 Q Do you recall a meeting where myself and Mr.
20 Gilmore came to your office and met with John O'Hagan,
21 Tom Howard and you to discuss water supplies for the
22 Mountain House community in light of upcoming
23 curtailments?

24 A Gosh, I only recall more clearly the one
25 meeting.

DEPOSITION OF KATHERINE MROWKA

1 Q So what do you recall? You recall a meeting
2 here in my office?

3 A Uh-huh.

4 Q Tell me what you recall about that meeting.

5 A That you gave me information regarding
6 Byron-Bethany's water rights.

7 Q Do you know when that meeting would have been?

8 A It was prior to issuance of curtailments.

9 Q Would it have been early June or would it have
10 been May, do you know?

11 A It was -- I think May because you were
12 concerned with regard to finishing crops out.

13 Q Was there any concern expressed about the people
14 in the community of Mountain House?

15 A I think that was more general discussion
16 where you were telling me about Byron-Bethany's
17 services, including the power facilities and
18 Mountain House.

19 Q Who else was at that meeting?

20 A Let's see. It was a farmer who serves on the
21 Board for Byron-Bethany. I don't recall his name
22 off now.

23 Q Would it have been Russell Kagehiro?

24 A Yes, uh-huh.

25 Q Russell does not farm but --

DEPOSITION OF KATHERINE MROWKA

1 A He was relaying farmers' concerns regarding
2 having sufficient water supplies to finish crops.

3 Q And was it only you from the Water Board that
4 was at that meeting?

5 A Yes.

6 Q But you don't recall any meetings at the State
7 Water Board with Tom Howard, me and Rick Gilmore?

8 A It could have occurred. I'm a little fuzzy on
9 that detail.

10 Q Okay. I think I remember it but --

11 A Yeah, and it could be. It's just --

12 MR. KELLY: Next in order, please.

13 (Whereupon, Exhibit No. 54 was
14 marked for identification.)

15 Q BY MR. KELLY: Ms. Mrowka, Exhibit 54 is an
16 email from Barbara Evoy to you dated June 16th, 2015; is
17 that correct?

18 A Yes.

19 Q And Barbara appears as forwarding you a link to
20 an article on the Stockton Record. Do you recall, did
21 you read that? Do you know if you read that article?

22 A I did.

23 Q And it says here, "The article states they can
24 continue to divert for seven days, instead of the
25 immediate curtailment and seven days to get the form in.

DEPOSITION OF KATHERINE MROWKA

1 FYI."

2 It was just an FYI to you, right?

3 A Uh-huh.

4 Q Do you know whether or not anybody who received
5 the curtailment notice construed the seven day timeframe
6 to provide for seven days before you needed to
7 absolutely cut off water? Do you know if anybody
8 thought that?

9 A I would not know what individuals thought.

10 Q Well, the folks from the Stockton Record
11 certainly thought that, right? It was in the article?

12 A That is correct. I know that these people
13 thought that as stated in the article, but I don't
14 know what other people thought.

15 Q Do you have any idea how many people read the
16 Stockton Record, how many farmers in the Delta read the
17 Stockton Record?

18 A No.

19 Q When you received this, did it ever occur to
20 you, or anyone else at the State Board that you know of,
21 to let folks know they didn't have seven days, that
22 actually notwithstanding the article, that they had to
23 cease diversions immediately?

24 A Since I don't know how many people thought
25 that, I would not know who to send such

DEPOSITION OF KATHERINE MROWKA

1 correspondence to.

2 Q Was there ever any discussion about the State
3 Board putting out any information to clarify that the
4 seven day timeframe was not a grace period?

5 A No.

6 Q Are you okay? Do we need to take a break?

7 A I'm fine.

8 (Whereupon, Exhibit No. 54 was
9 marked for identification.)

10 Q BY MR. KELLY: Ms. Mrowka, this is an email from
11 Barbara to you just thanking you for your June 17th
12 email to a group of folks regarding what looks to be a
13 discussion regarding water right curtailments.

14 Do you recall this email?

15 A Yes.

16 Q And I notice that you sent this to Felicia
17 Marcus, as well as the three other primary recipients of
18 the email; is that correct?

19 A Yes.

20 Q Was this by telephone or was this an in-person
21 call?

22 A Oh, the drought calls are set up in advance
23 on a continuous basis for the tribal entities.

24 Q Did Felicia participate in that phone call?

25 A There were -- some of these calls in which

DEPOSITION OF KATHERINE MROWKA

1 she was unavailable.

2 Q How often would these calls occur?

3 A They were monthly. They are only now
4 becoming less frequent.

5 Q So Felicia would be on occasion, but not all the
6 time?

7 A Usually if they ended up with me, that meant
8 they didn't get Felicia. That meant that the other
9 people in the chain of command were already
10 occupied.

11 Q Do you know if other Board members ever
12 participated in that telephone call?

13 A Anytime I was speaking, there were no Board
14 members because there was lack of availability of
15 Board members and Tom and everybody else down to my
16 level.

17 Q Okay. We'll mark this next.

18 (Whereupon, Exhibits 55-56
19 marked for identification.)

20 Q BY MR. KELLY: Kathy -- Ms. Mrowka. I
21 apologize.

22 A No worries.

23 Q Ms. Mrowka, Exhibit 56 is an email from John
24 O'Hagan to Caren Trgovcich. You were cc'ed on it and
25 you were cc'ed on the email below that as well, another

DEPOSITION OF KATHERINE MROWKA

1 June 19th email. There is a chain of emails here.

2 The subject is the water rights held by the City
3 and County of San Francisco. Does any of that ring a
4 bell?

5 A Absolutely.

6 Q Tell me what that is about.

7 A Yes. The City and County of San Francisco
8 had some water right statements where there wasn't a
9 lot of good information. And so we were looking at
10 priority date issue for those. And then they had
11 other statements where there was good information.

12 Q And so it looks to me as though this was a
13 recognition that there was perhaps an error in the
14 eWRIMS database on the priority dates of those water
15 rights. Is that your recollection?

16 A We looked at the dates because of the
17 uncertainty as to the information we had at first.
18 This is part of our routine checking of our adequacy
19 of information in our database that we did at around
20 the time of the curtailment effort.

21 Q And the adjustment in the priority date, if I
22 recall things that I read correctly, meant that some of
23 San Francisco's water rights should have been curtailed
24 in that initial senior water right curtailment.

25 Is that your recollection as well?

DEPOSITION OF KATHERINE MROWKA

1 A What is interesting about these water rights
2 is that these were very small rights. These are not
3 the primary large City and County of San Francisco
4 water rights. They were on auxiliary sources and,
5 in fact, small. In fact, two of these rights, we
6 learned, weren't in use this year.

7 Q So why is that important from a curtailment
8 perspective if they are just little uses or if they are
9 big uses?

10 A Well, it is important when we are checking
11 the quality of the database to know that we are not
12 only looking at the larger water rights, but we are
13 looking at smaller -- we are equitably looking at
14 the data in our database.

15 Q I'm curious, then, if you know. Caren is
16 telling John O'Hagan here, "Please talk to me before you
17 call so I can inform the Governor's Office first."

18 Why would you need to inform the Governor's
19 Office if this was an inconsequential water right didn't
20 affect the supply?

21 A Until we let our magnitude chain know, it was
22 an inconsequential water right, they did not know.
23 So we had to let them know that these were not their
24 primary water rights that were at issue.

25 Q And so when the State Water Board was curtailing

DEPOSITION OF KATHERINE MROWKA

1 somebody like the City and County of San Francisco, did
2 that get run through the Governor's Office first?

3 A No.

4 Q Were heads-up given to the Governor's Office
5 first?

6 A No.

7 Q Do you have any idea why Caren said she wanted
8 to inform the Governor's Office first?

9 A Because I think it had to do with the fact
10 that the City and County of San Francisco is a very
11 high-priority water right holder, and it is
12 important to get the priority dates correct.

13 Q What makes San Francisco a high-priority water
14 right holder versus Byron-Bethany Irrigation District?

15 A Well, they have a high-priority date for
16 their water rights. It is a very early date of
17 water right.

18 Q It was in the first wave of curtailments, along
19 with BBID, right?

20 A Well, we always like to make sure we are
21 correct on our dates.

22 (Whereupon, Exhibit No. 57 was
23 marked for identification.)

24 Q BY MR. KELLY: Ms. Mrowka, Exhibit 57 is a chain
25 of emails. The second page started on Thursday,

DEPOSITION OF KATHERINE MROWKA

1 June 18th and ran into Monday, June 22nd, the final
2 email in this chain.

3 The third email on the first page is from Dave
4 Ceccarelli. Is that how you say his name?

5 A Uh-huh.

6 Q And you were copied on it. Actually, you were
7 not copied on it. You were copied on the email above
8 that from Barbara. But Mr. Ceccarelli -- and that is
9 C-e-c-c-a-r-e-l-l-i -- says that they received an
10 inquiry from the Treasurer's Office regarding
11 curtailments. I am assuming he means the State
12 Treasurer's office and not the Federal Treasury.

13 And Barbara's email says, "I am assuming this
14 might be CalPERS who I understand funded Mountain
15 House."

16 Are you aware of CalPERS' involvement in the
17 community of Mountain House?

18 A Superficially.

19 Q What is your understanding?

20 A That they funded a portion of the work out
21 there.

22 Q Do you know whether CalPERS is an investor in
23 Mountain House? I'm just asking if you know.

24 A Only through this type of email.

25 Q Okay. Were you involved in any of the

DEPOSITION OF KATHERINE MROWKA

1 discussions relating to communications between the State
2 Treasury and folks at the Water Board about Mountain
3 House?

4 A I was not directly involved in those
5 discussions.

6 Q Were you indirectly involved in those
7 discussions?

8 A Insofar as I'm cc'ed on the email.

9 Q Was that the limit of your involvement, just the
10 email communications?

11 A As far as CalPERS, yes.

12 Q As far as CalPERS' involvement or any
13 communication with the State Treasurer's Office with
14 respect to curtailments.

15 A Only through cc's and emails.

16 Q Any other emails besides this one that you know
17 of?

18 A Not that I'm aware of.

19 Q Ms. Mrowka, I am going to try not to mark this
20 as an exhibit. I have another email dated Monday,
21 June 22nd where Barbara forwarded Dave Ceccarelli's
22 email to you, the one we just looked at. It says,
23 "Please have them contact Kathy Mrowka and see if she
24 can address the question."

25 Do you know whether or not anyone from the

DEPOSITION OF KATHERINE MROWKA

1 Treasurer's Office called you directly?

2 A I don't know. I mostly dealt with the
3 Division of Drinking Water on Mountain House issues.

4 (Whereupon, Exhibit No. 58 was
5 marked for identification.)

6 Q BY MR. KELLY: Ms. Mrowka, Exhibit 58 is an
7 email from Barbara Evoy again to you, John O'Hagan and
8 Amanda Montgomery with respect to the "RTDOT discussion
9 on Delta outflow and conservation of storage."

10 What does RTDOT stand for, if you know?

11 A RTDOT, and I don't know the acronyms.

12 Q Would Real Time Drought Operations Team -- is
13 that it?

14 A Thank you. That does sound correct.

15 Q I only say that because I remembered it after I
16 asked you the question, so it was not a trick question.

17 At the bottom, the last email in this chain --
18 which was actually the first email in time -- is an
19 email from Ron Milligan to the Real Time Drought
20 Operations Team talking a little bit about Delta
21 operations and the temporary urgency change order. It
22 appears to be -- well, are you familiar with this
23 request in this email?

24 A I'm somewhat familiar.

25 Q Okay. And then Tom Howard forwarded it to

DEPOSITION OF KATHERINE MROWKA

1 Michael George, Diane Riddle, Caren Trgovcich, Barbara
2 Evoy and Les Grober. And you eventually got it as a
3 forwarded-information email.

4 Tom says in this email dated June 23rd: "I
5 expect to approve this ASAP but I'm not sure of the
6 reasoning. How do you think we should frame the
7 approval?"

8 Were you ever involved in any discussion about
9 the reasoning behind why this would get approved?

10 A I was not involved in the temporary urgency
11 change petitions for the projects this year.

12 Q Okay. In the email that you got it says, "FYI.
13 See NDOI discussion." What is NDOI, if you know?

14 A Net Delta Outflow Index.

15 Q So was the Net Delta Outflow Index relevant to
16 anything that you were doing?

17 A No. It was not used in the water supply
18 analysis work.

19 Q Do you know why, then, Barbara Evoy would have
20 sent this to you?

21 A Yes. She sent it to both myself and Amanda
22 Montgomery. I used to have a larger role in the
23 Water Transfers Program and Amanda today is the
24 chief for that program. So I maintain an active
25 interest in the Water Transfers Program out of my

1 own curiosity.

2 Q Okay. In Ron Milligan's email towards the
3 bottom of the page, it says, kind of in the middle of
4 the paragraph, "We also believe the various SWRCB
5 actions in the Central and South Delta to promote
6 conservation and curtailment of diversions is helping
7 achieve that goal."

8 I should have probably read the whole sentence.
9 It appears that that goal is the "protection of pelagic
10 species as outlined in our current TUC order."

11 Is that how you read that?

12 A That is what it says.

13 Q And so I'm just wondering because it talks about
14 the curtailment of diversions helping to achieve that
15 goal.

16 Have you ever had any discussions with anybody
17 at the State Water Board with respect to the value of
18 the curtailment of diversions in achieving the goal of
19 protecting pelagic species?

20 A No. Specifically, for the watershed-style
21 curtailments and not the fishery curtailments --
22 which is a different topic -- the watershed
23 curtailments, specifically, do not include any of
24 the water needed by fishery species.

25 Q And so Mr. Milligan was asking for a reduction

DEPOSITION OF KATHERINE MROWKA

1 in the releases required to maintain Delta water quality
2 in this email, isn't he, on the second page?

3 A It appears so.

4 Q And the reduction in releases to maintain Delta
5 water quality, it says here starting on June 1, "That
6 wouldn't have any impact at all on water availability
7 and curtailments in the Delta"?

8 A What you are talking about there is reservoir
9 releases. And reservoir releases were not a portion
10 of the water supply calculation.

11 Q Okay. So no, this had nothing whatsoever to do
12 with curtailments?

13 A No.

14 (Whereupon, Exhibit No. 59 was
15 marked for identification.)

16 Q BY MR. KELLY: Ms. Mrowka, Exhibit 59 is an
17 email from you to Taro Murano.

18 A Yes.

19 Q Who is Taro Murano?

20 A He is one of the seniors in the Enforcement
21 Program.

22 Q Is he on the prosecution side of the ethical
23 wall?

24 A Yes.

25 Q This is a chain of three emails. The first

DEPOSITION OF KATHERINE MROWKA

1 email was June 23rd, 2015 at 2:40 p.m. It is an email
2 from somebody named Kelly Geyer, G-e-y-e-r, that
3 attaches correspondence from BBID regarding the
4 curtailment notice.

5 It looks like you were not copied on that
6 original email. But a little less than 20 minutes
7 later, Tom Howard sent this to you, John O'Hagan,
8 Barbara Evoy and Caren Trgovcich; is that correct?

9 A Yes.

10 Q And then June 23rd, 2015 at 3:04 p.m, which is
11 five minutes after Tom sent it to you -- 24 minutes
12 after he received the letter -- your email says, "Tom
13 would like us to enforce ASAP. The flow data, etc,
14 support the action. Please let me know who is assigned
15 to this one."

16 Did I read that correctly?

17 A Yes.

18 Q Did you talk to Tom Howard about the
19 correspondence that Ms. Geyer had attached to her email
20 25 minutes earlier?

21 A I do not recall.

22 Q You testified earlier that you and John O'Hagan
23 made all the enforcement calls, and that neither Tom
24 Howard nor Barbara Evoy or Caren Trgovcich made any
25 enforcement calls; isn't that correct?

DEPOSITION OF KATHERINE MROWKA

1 A That is correct.

2 Q So can you explain to me why this says, "Tom
3 would like us to enforce ASAP." Do you know why this
4 decision came from Tom?

5 A The specific item showing that diversions
6 were occurring was sent to Tom's attention.

7 Q Did correspondence from Ms. Geyer say that
8 diversions were occurring?

9 A I don't have it. It is not attached here,
10 the specific correspondence.

11 Q We'll get a copy of that letter at the break.
12 I'll move onto a different exhibit.

13 (Whereupon, Exhibit No. 60 was
14 marked for identification.)

15 Q BY MR. KELLY: Exhibit 60, Ms. Mrowka, is a
16 June 24th email from Tom Howard to John O'Hagan. And
17 below it are a couple of emails in a chain, the first of
18 which was from you to John O'Hagan on June 24th at 4:26
19 p.m. Do you see that?

20 A Yes.

21 Q And the subject matter of your email was,
22 "Letter regarding failure to submit curtailment
23 certification forms."

24 If I recall correctly, the State Water Board
25 sent out a reminder to folks. And this is when filling

1 out the certificate form was still required, before the
2 rescission and clarification was issued.

3 So this was, I believe, a notice that the Board
4 was going to send out to everybody, reminding them that
5 they had to go and fill out that certification form
6 online to cease diversions; is that correct?

7 A It was prepared because we had poor response
8 rate.

9 Q Did it ultimately go out, the reminder letter?

10 A Yes, it did -- the Lyris.

11 Q Lyris, L-y-r-i-s, is that the email list serve?

12 A Yes.

13 Q So it just went out via Lyris. It didn't get
14 mailed out, is that what you are saying?

15 A I believe that is the case because it had a list
16 of parties that had not responded.

17 Q Okay. And in your email you said that the
18 mailing list -- so it might have actually been mailed.
19 I don't know. "The mailing list attached to this letter
20 includes a number of state agencies which have not yet
21 submitted their forms. Okay to send out on Lyris?"

22 Why did you raise the issue that some state
23 agencies hadn't certified ceasing diversions?

24 MS. MORRIS: Objection. Mischaracterizes the
25 email. It doesn't say she sent them, just for the

DEPOSITION OF KATHERINE MROWKA

1 record.

2 THE WITNESS: So what was that was a Lyris
3 notification to these parties that we did not receive
4 their form. And that, you know, we sent a mailing
5 list -- we posted a mailing list of parties who received
6 this notification. And there were a number of state
7 agencies.

8 And I always inform my management of any
9 controversial action. And any actions which affect
10 another state agency could be considered controversial.

11 Q BY MR. KELLY: So why is it controversial to let
12 the public know that a state agency didn't fill out its
13 certification forms, but not other water right holders?
14 Why is it controversial just because a state agency
15 didn't do it?

16 A We just want our management to know if we are
17 taking actions which could result in enforcement on
18 a state agency.

19 Q But why are state agencies treated any
20 differently from other water right holders when it comes
21 to things like this?

22 A It is just an advisory capacity notice.

23 Q And so --

24 A As to enforcement and things like that, state
25 agencies are the same if they violate. They are the

DEPOSITION OF KATHERINE MROWKA

1 same as anybody else, as far as our actions. This
2 is just advisory to my management.

3 Q Well, the state agencies got more than a couple
4 of hours' notice to stop diverting, right? We saw the
5 email that went to the state agencies that gave them at
6 least a day's head-up that they were going to be
7 curtailed, right? So they are not treated the same as
8 everybody else, are they?

9 A As to enforcement, they are the same. We are
10 uniform on our enforcement practices. As to the
11 fact that we notify them, we did notify them.

12 Q Have there been any enforcement actions brought
13 against any state or federal agencies?

14 A I'm still -- we have action items pending
15 that I can't discuss because they are pending
16 enforcements.

17 (Whereupon, Exhibit No. 61 was
18 marked for identification.)

19 Q BY MR. KELLY: Ms. Mrowka, Exhibit 61 is an
20 email from you to Paul Wells. If I recall correctly,
21 Mr. Wells -- is he on temporary loan to you?

22 A No. He works directly for me.

23 Q He works for you, so he is permanently within
24 your supervision?

25 A Yes. He is a senior specialist for me.

DEPOSITION OF KATHERINE MROWKA

1 Q Senior specialist in what?

2 A A senior specialist in enforcement.

3 Q And this is a June 25th email which was just a
4 couple of days after your email conveying Tom's desire
5 to enforce against BBID.

6 This says, "Please prepare a cover letter." The
7 subject matter is BBID. Is this a cover letter for an
8 enforcement action, do you know, referred to here?

9 A Yes.

10 Q It says, "We may do ACL also." BBID was issued
11 a draft ACL. Was there a draft CDO? I don't understand
12 why it says a draft "ACL also."

13 A We looked at our enforcement choices and we
14 elected to issue what we issued.

15 Q Whose call was it whether to issue a Cease and
16 Desist Order or an ACL?

17 A A lot of that was my choice in discussion
18 with John O'Hagan.

19 Q Was any of the discussion about the choice with
20 Tom Howard --

21 A No.

22 Q -- the gentleman who said to enforce against
23 BBID?

24 A No.

25 Q And so the call was yours?

DEPOSITION OF KATHERINE MROWKA

1 A In consultation with John O'Hagan.

2 MR. JENKINS: Kathy says she would like a break,
3 if you have a moment.

4 MR. KELLY: Absolutely. Let's take a break now.
5 Let's go off the record.

6 (Whereupon, a recess was then taken.)

7 MR. KELLY: Back on the record.

8 Let's mark Exhibit 62.

9 (Whereupon, Exhibit No. 62 was
10 marked for identification.)

11 Q BY MR. KELLY: Exhibit 62 is an email from John
12 O'Hagan to you and Brian Coats that contains another
13 chain of emails, probably too many pages of emails.

14 On the third page at the top is a email dated
15 Friday, September 4th, 2015 from Dee Dee D'Amano. Dee
16 Dee D'Adamo is a Board member; is that correct?

17 A Yes.

18 Q She is asking for some information. And the
19 first email or the emails on the front of the page are
20 emails among your staff and John O'Hagan with respect to
21 gathering information to provide to Dee Dee; is that
22 correct?

23 A Yes, it appears to be.

24 Q And is that information on curtailments?

25 A Let's see. I have to look at the items

1 first. (Witness reading.)

2 They are talking about the Executive
3 Director's reports. That is a look-back at actions
4 already taken. That is what the Executive Director
5 reports do. And it reports on actions already
6 taken.

7 Q Let me ask you this: Did you and your staff
8 regularly provide information to Dee Dee or other Board
9 members with respect to curtailments, enforcement and
10 compliance?

11 A A lot of our Board members have speaking
12 engagements and things like that. And they would
13 ask for information related to actions already taken
14 for purposes of speaking engagements.

15 Also, there was a lot of coordination work
16 done with other agencies -- Cal OES and a bunch of
17 other stuff -- that Board members, you know, were
18 responsible for going and making presentations. So,
19 yes, we provided information on actions taken to
20 Board members for presentations.

21 Q Okay. And then on the second page, I think I
22 heard you say "Drought Task Force." Is that what you
23 said?

24 A I know that some of the members were involved
25 in Drought Task Force work, just different types of

DEPOSITION OF KATHERINE MROWKA

1 public presentation work.

2 Q At the bottom of the second page on
3 Exhibit 62 -- I ask that because there is a reference
4 to DTF --

5 A -- the Drought Task Force.

6 Q -- to DTF meetings. Is that the Drought Task
7 Force meetings?

8 A Yes.

9 Q Do you know who attended the Drought Task Force
10 meetings?

11 A I think I have one of my staff that
12 participates because they always want current
13 information on the status of curtailments already
14 issued.

15 Q Was that a multi-agency group or was it just
16 within the State Water Board, if you know?

17 A I don't think it was just State Water Board,
18 but I'm not certain as to participation.

19 Q And do you know what the purpose of the Drought
20 Task Force is?

21 A Yeah. So that everyone was up-to-date on
22 current actions and could do a lot of advance
23 planning. Like the Office of Emergency Services had
24 a big role in trying to address water shortage
25 issues in different areas, especially San Joaquin

DEPOSITION OF KATHERINE MROWKA

1 County where wells were running dry. So there were
2 issues that go beyond what the State Water Board
3 does.

4 Q And so would the Drought Task Force be informed
5 of upcoming curtailments, so OES, or whoever else, could
6 prepare for a potential response?

7 A I do know we always informed them of when we
8 issue curtailments. I don't know if we informed
9 them of the potential curtailments.

10 Q Okay. Mark this next.

11 (Whereupon, Exhibit No. 63 was
12 marked for identification.)

13 Q BY MR. KELLY: Ms. Mrowka, Exhibit 63 is an
14 email from Rich Satkowski; is that right? Am I saying
15 that right?

16 A Yes, that is correct.

17 Q It is to Larry Lindsay. You and Diane Riddle
18 are copied on it. Who is Larry Lindsay?

19 A Larry Lindsay is in the Bay Delta Unit. He
20 is a senior.

21 Q So he is considered management? When you say
22 "senior," what does "senior" mean?

23 A He is a senior engineer. He has a unit that
24 reports to him.

25 Q If I look at the organizational chart that is in

DEPOSITION OF KATHERINE MROWKA

1 tab 16 in your binder, can you tell me where Larry
2 Lindsay would be on that?

3 A Certainly. So, Larry is in the Delta Unit
4 which were under the special project section, Diane
5 Riddle.

6 Q Are you on the right side or the left-hand side
7 of the organizational chart?

8 A On the right-hand side where the Division of
9 Water Rights sits.

10 Q Okay.

11 A So Larry is under Diane Riddle.

12 Q Under Diane Riddle. Okay.

13 A Uh-huh.

14 Q And so you said Larry has his own unit?

15 A Larry is a supervising senior.

16 Q And he reports to Diane Riddle?

17 A Yes.

18 Q Who reports to Les Grober?

19 A Uh-huh.

20 Q Who then reports to Barbara Evoy?

21 A Correct.

22 Q And how about Rich Satkowski?

23 A Rich is also in the Bay Delta Program. Rich
24 is a supervising senior with the unit.

25 Q I'm interested -- there is a email, the third

DEPOSITION OF KATHERINE MROWKA

1 email in this chain from Barbara Evoy in this chain
2 copying Les Grober, Diane Riddle and Michael George.
3 And the subject matter is -- well, the subject matter of
4 all of the emails is the "State Water Contractors Water
5 Rights Complaint."

6 And that, I am assuming, is the same complaint
7 that is Exhibit 19 that you have in your binder. Is
8 that your understanding as well, the reference to "State
9 Water Contractors Complaint"?

10 A Yes, it is.

11 Q Barbara Evoy's email to you says, "Please work
12 with Les/Diane..." I'm assuming it is Les Grober and
13 Diane Riddle.

14 A Yes.

15 Q "...and the modelers to see if this is an
16 approach that can be supported. The approach is along
17 the lines of what we had proposed to look at in our
18 "delta pool" proposal of December. (What is the effect
19 with and without the projects -- are they better off or
20 worse...)

21 Do you know what the "Delta pool" proposal of
22 December is?

23 A No.

24 Q This email of June 16th directs you to work with
25 Les and Diane to see if it is an approach that can be

1 supported. Did you work with Les and Diane and the
2 modelers to see if it was an approach that can be
3 supported?

4 A I worked with Rich Satkowski because the
5 State Water Contractors' modeling is Delta-centric.
6 It is beyond what my unit has capability of doing or
7 evaluating.

8 Q And so you were not involved in any discussions
9 with respect to that approach referenced in this email?

10 A With respect to discussions with whom?

11 Q This says, "Please work with Les and Diane and
12 the modelers to see if this is an approach that can be
13 supported."

14 I'm asking if you were involved in any
15 discussions with anybody at the State Water Board with
16 respect to whether it was an "approach" that could be
17 supported?

18 A Yes.

19 Q The "Delta pool theory"?

20 A The model, as to the State Water Contractors'
21 model. I had discussions on the model.

22 Q Who did you have discussions with?

23 A I had discussions with Rich Satkowski?

24 Q Anybody else?

25 A Diane Riddle.

DEPOSITION OF KATHERINE MROWKA

1 Q Anybody else besides Rich and Diane?

2 A I had to ask Diane if her staff was available to
3 look at the model for me because the complexity of Delta
4 modeling exceeds what my staff was able to do.

5 Q And were they available?

6 A Yes.

7 Q Did they do anything?

8 A Yes.

9 Q What did they do?

10 A They looked at the model.

11 Q Were they provided the model?

12 A They looked at this submittal that you see
13 and you have in this group, yes. They looked at
14 that.

15 Q And when you say "model," there is a lot of
16 stuff attached to this complaint. There is a memorandum
17 from CH2M Hill. There is information from a company
18 called Tetra Tech, Inc. There are some provisions in
19 here called "DSG Model" that have Tetra Tech's name on
20 it. When you say "looked at the model," what are you
21 referring to?

22 A The State Water Contractors' complaint
23 suggests that you can evaluate the water quality
24 aspect as a proxy for water availability.

25 Q And what was the result of the work that Diane

DEPOSITION OF KATHERINE MROWKA

1 Riddle's staff did in that regard?

2 A They told me it looked reasonable.

3 Q Who told you it looked reasonable?

4 A Rick Satkowski, as to the modeling only. As
5 to any conclusions, that issue has not been
6 broached.

7 Q Was that the end of the discussion, that it
8 looked reasonable and that was it, or was there any
9 further discussion?

10 A That was it so --

11 Q And so if that model showed that there was water
12 of sufficient quality for BBID to divert through the
13 entire month of June 2015, wouldn't that demonstrate
14 that the enforcement action is inappropriate?

15 A That model has not been accepted by the State
16 Water Board as the methodology for determining water
17 availability.

18 Q What methodology has been accepted by the State
19 Water Board for determining water availability?

20 A We are using the full natural flow
21 methodology.

22 Q Who determined that that was the appropriate
23 method and that this method would be inappropriate?

24 A That decision was made in 2014 and predates
25 me, so I don't know who determined.

DEPOSITION OF KATHERINE MROWKA

1 Q So is it the Prosecution Team's position that
2 notwithstanding the fact that there is a model that is
3 reasonable that shows BBID had plenty of water to divert
4 in June, that notwithstanding that, its enforcement
5 action is appropriate because the method you used showed
6 it wasn't. Is that the Prosecution Team's position?

7 A The State Water Contractors' modeling hasn't
8 been distributed for public comment, so I don't
9 personally have a position on whether it will be
10 sufficient because I haven't vetted it. I haven't
11 asked the State Water Board to determine if they
12 want to use the methodology.

13 Q But you haven't asked the State Water Board if
14 they wanted to use the methodology that you used, did
15 you?

16 A I don't know what occurred in 2014.

17 Q Have you asked the State Water Contractors for
18 any of the information behind what they submitted as
19 part of their complaint?

20 A I have not.

21 Q Why not?

22 A Because I haven't had sufficient staff
23 resources to really, you know, work on this
24 complaint.

25 Q Would you expect that if you asked the State

DEPOSITION OF KATHERINE MROWKA

1 Water Contractors for the supporting analysis behind
2 this, that they would provide that to you?

3 A I would hope they would.

4 Q What if they wouldn't?

5 A Then it is harder to verify the model.

6 Q And so if BBID conducted modeling similar to
7 this and was willing to share it with you, would you be
8 willing to look at it and see if it was still
9 appropriate to continue on with an enforcement action?

10 A I may have the same issue with lack of time
11 and resources and have to delay review until I had
12 resources and time, but certainly I look at all
13 submittals.

14 Q Don't you think it is more important in an
15 enforcement action as big as this one is to make sure
16 that you get it right, instead of just simply being
17 timely with it? If the model shows that there was
18 sufficient water for BBID to divert in the entire month
19 of June, wouldn't it be appropriate to actually take the
20 time and look at that and consider it?

21 A I don't have such a document in front of me.
22 I don't have a BBID model.

23 Q But if you did, you said you might not have the
24 time. And I'm simply asking you whether or not it would
25 be appropriate to make the time to make sure that the

DEPOSITION OF KATHERINE MROWKA

1 State Board got it right.

2 A I believe that the State Board did get it
3 right based on our modeling.

4 Q And that is modeling that anybody still hasn't
5 identified the actual spreadsheet that was used, and
6 that is modeling that doesn't include consideration of
7 any accretions in the way of discharges or return flows
8 from groundwater use, and doesn't look at the conditions
9 at BBID's point of diversion, correct?

10 A I believe I've answered all those individual
11 points previously.

12 Q I'm asking you if that is correct.

13 A It is based on the modeling that we did.

14 Q Can you summarize for me the actions that you
15 took with respect to the water availability analysis in
16 2015? What input did you have in that analysis?

17 A I have continual input because there were
18 multiple different actions on water availability,
19 both finding that there was shortage of water for
20 different classes of right holders, and then finding
21 later that there was now water to divert. So my
22 input has been continuous throughout the process.

23 Q So when we talked to Mr. Coats, Mr. Coats said
24 that he directed Mr. Yeazell in manipulating the
25 spreadsheet; and that Mr. Yeazell took direction either

1 from he, Mr. Coats, or from John O'Hagan; and sometimes
2 Brian Coats would talk with John O'Hagan and then direct
3 Jeff Yeazell.

4 Neither Mr. Yeazell nor Mr. Coats talked about
5 you directing the spreadsheet and the supply and demand
6 analysis. Are you telling me that you did provide them
7 direction on what to do?

8 A There were times when I did.

9 Q And aside from the -- you told me earlier that
10 it was your idea to do the 40 percent return flow
11 calculation for the in-Delta uses.

12 Do you remember that?

13 A Yes. I had consulted with John O'Hagan and
14 we determined that it was appropriate.

15 Q Was there any other input that you had into the
16 actual analysis? I'm not talking about actually
17 imposing or lifting curtailments. I mean the analysis
18 that was conducted in the spreadsheets. Did you have
19 any other input into that?

20 A I was involved in discussions where we
21 decided what to do.

22 Q When you say "decided what to do," what do you
23 mean?

24 A So we would frequently have discussions with
25 Brian Coats, myself and John O'Hagan. That was our

DEPOSITION OF KATHERINE MROWKA

1 most common method of making decisions was joint
2 discussions.

3 Q And so those joint discussions were about how to
4 do the modeling or were they about how to set up the
5 spreadsheet or the graphical depictions? What were
6 those discussions about? I'm just trying to figure out
7 what your level of involvement was in the spreadsheet.

8 A They would vary because we would be
9 discussing what we were seeing on the water supply
10 data and, you know, which exceedance curves were
11 appropriate at different times during the year as we
12 progressed through the water year -- things of that
13 nature. So it would vary, depending on what the
14 issue of the day was.

15 MR. KELLY: Okay. Thank you, Ms. Mrowka. I
16 have no further questions. I'll turn it over to Mr.
17 Mr. O'Laughlin.

18 EXAMINATION BY MR. O'LAUGHLIN

19 Q BY MR. O'LAUGHLIN: Hi, Kathy. I'm Tim
20 O'Laughlin representing the San Joaquin Tributaries
21 Authority. Can you turn to Exhibit 43 real quick,
22 please? That should be 43.

23 MR. JENKINS: Why don't you give me the other
24 ones and I'll put them in order.

25 Q BY MR. O'LAUGHLIN: Okay. I want to follow-up.

DEPOSITION OF KATHERINE MROWKA

1 This question will be a little hodge-podge following up
2 on the previous questions that have been asked.

3 You were asked about the approval of the
4 methodology that was used to come up with the
5 curtailments. And you said that occurred in 2014; is
6 that correct?

7 A The original modeling work was in 2014. We
8 did refinements in 2015.

9 Q Correct. Now I'm going to be specific about
10 this. Has the State Water Resources Control Board, the
11 five Board members, ever approved the methodology that
12 you are currently using?

13 A It has not been the subject of a water rights
14 hearing.

15 Q Okay. So has it been the subject of an
16 enforcement hearing, the methodology? Have you had an
17 enforcement proceeding where you've used this
18 methodology that we are talking about now, and the State
19 Board has said -- the Board as a whole has said that
20 this methodology is the correct approach?

21 A Not as yet.

22 Q Has there been any rule or regulation passed by
23 the State Water Resources Control Board approving the
24 methodology that you've used in 2015?

25 A Not as yet.

DEPOSITION OF KATHERINE MROWKA

1 Q Has Mr. Howard issued a directive that this is
2 the approved methodology by the State Water Resources
3 Control Board in regards to curtailments?

4 A Not that I'm aware of but I don't know what
5 actions occurred in 2014.

6 Q So if we asked those questions about 2014, we'd
7 have to go back and find out from Mr. Howard or whoever
8 was doing this in 2014, correct?

9 A Correct.

10 Q Now on Exhibit 23, hopefully we can blow through
11 this pretty quickly. Exhibit 43. Sorry.

12 In the first sentence it says, "Demand includes
13 Legal Delta demand in proportion to San Joaquin River's
14 contribution." Do you know what the proportion was?

15 A It varied monthly.

16 Q Do you know the ballpark or estimate what the
17 proportion was?

18 A Not without reviewing.

19 Q A spreadsheet?

20 A Yeah. I would have to review something to
21 say that.

22 Q Did you decide what the proportional allocation
23 was to the San Joaquin River as opposed to the
24 Sacramento River?

25 A It was based on the amount of full natural

DEPOSITION OF KATHERINE MROWKA

1 flow in each of those stream systems.

2 Q So if the full natural flow of the San Joaquin
3 system was 10 percent of the total inflow coming into
4 the Sacramento/San Joaquin Bay Delta, it would be
5 assigned a 10 percent allocation of the demand of
6 in-Delta diverters?

7 A Yes.

8 Q And that would vary by month, correct?

9 A It varies.

10 Q In this chart, if you look on the left-hand side
11 of the chart, Exhibit 43, it has a time-averaged cubic
12 feet per second. And my question first is what is meant
13 by "time-averaged."

14 A Yes. Some of the data comes in as acre-feet
15 per month, so you have to then change that, convert
16 that to cubic feet per second.

17 Q Okay. So a claimant may fill out a Statement of
18 Diversion of Use and put it in acre-feet and you put it
19 into CSF; is that correct?

20 A That is correct.

21 Q Now on this graph -- and I'm not as bad as
22 probably Mr. Kelly is on my color blindness but I'm
23 pretty bad. So is the red-orange, which you see as
24 depicted as "post-14 demand," do you see that?

25 A Yes, I do.

DEPOSITION OF KATHERINE MROWKA

1 Q I want to know who is in that. So I have got a
2 couple of questions: Is the United States Bureau of
3 Reclamation diversion at Millerton included in that
4 post-1914 demand?

5 A Yes. Their water rights are all modern
6 appropriative at Friant. So in so far as they have
7 water rights at Friant -- which is Millerton -- yes.

8 Q Do you know how much the Friant right is on
9 their post-1914 rights?

10 A They have one small one and three large.

11 Q Do you know, like, total estimate? If I was to
12 look at the CSF diversion, I see it goes up to 10,000
13 CSF on March 1. Would you have an estimate of how much
14 of that would be Friant?

15 A Friant is a large set of water rights.

16 Q So if I wanted the actual numbers, I could go
17 into the state system, see their actual diversions, add
18 it up, and understand how much of their demand was
19 included in this graph, correct?

20 A Right. One of the things to remember when we
21 are looking at this graph, is that although water
22 right holders have a certain face value on their
23 water rights, we base this on demand, which was
24 based on their water use records. So it is a
25 different number than the face value of the water

DEPOSITION OF KATHERINE MROWKA

1 rights.

2 Q So in Friant, in talking to your previous
3 people, you would have been using data from 2010 through
4 2013, correct?

5 A Yes.

6 Q Okay. So that amount was included.

7 Now in 2015, were you ever informed by the
8 United States Bureau of Reclamation that Friant would
9 not be diverting any water from Millerton? Friant.

10 A Are you talking about Friant water users or
11 are you talking about Friant in some other fashion?

12 Q Actual water being diverted out of Millerton
13 into the Friant system. Were you ever informed by
14 Reclamation that that would not occur this year?

15 A I don't remember. I believe that we were
16 seeing a demand for Friant water from Exchange
17 Contractors.

18 Q They are separate. Let's focus on Friant first.
19 You are jumping ahead of me. We'll get to the Exchange
20 Contractors next.

21 But just for Friant -- because I think you were
22 present when there was a State Water Resources Control
23 Board meeting and the Friant folks showed up and they
24 said they were not going to get any water.

25 A Right.

DEPOSITION OF KATHERINE MROWKA

1 Q And it was dire situation. And they wanted to
2 know what the Board was going to do to help them.

3 So if you knew that Friant wasn't going to get
4 any water or were told that Friant wasn't going to get
5 any water, would you have reduced this San Joaquin River
6 Basin supply/demand in regards to their post-1914
7 rights?

8 A We did make adjustments based upon what we
9 knew about what people intending to divert because
10 we sent out the Informational Orders to obtain a lot
11 information regarding intended diversions. Those
12 Informational Orders went to the statement holders.
13 However, we did try to gather information at these
14 other meetings regarding the diversions.

15 Q Do you know, as you sit here today, if the
16 Friant demand that is depicted under the post-1914
17 demand was ever reduced in 2015?

18 A I would have to confer with my staff to be
19 able to state that.

20 Q Now, are the San Joaquin Exchange Contractors --
21 first of all, were you informed that the San Joaquin
22 River Exchange Contractors have a pre-14 and a riparian
23 right?

24 A I was informed of that from the Exchange
25 Contractors.

DEPOSITION OF KATHERINE MROWKA

1 Q And at some point in time, did you try to decide
2 how you were going to treat the pre-14 rights vis-a-vie
3 the riparian rights of the San Joaquin River Exchange
4 Contractors?

5 A We looked at the issue.

6 Q Okay. And who looked at the issue?

7 A I looked at the issue along with the staff
8 and John O'Hagan.

9 Q And what decision did you come to on how you
10 would treat the rights of the San Joaquin River Exchange
11 Contractors in 2015?

12 A That since they claim both the pre-1914 and
13 riparian rights, that we expected that they would
14 switch to riparian rights when water was unavailable
15 under pre-14 right.

16 Q So in other words, their pre-14 right became a
17 riparian right?

18 A They claim both sources of right.

19 Q Right. But in totality, they defer roughly
20 3,000 CSF?

21 A I don't have that number in front of me.

22 Q So would you try to allocate the 3,000 CSF --
23 would you say that that 1,000 was pre-14 and 2,000 was
24 riparian or would you change it by month or did you just
25 lump it all into one category? That is what I'm trying

1 to understand.

2 A We relied on their Statements of Water
3 Diversion and Use and their claimed rights there.

4 Q Yeah.

5 A And made our decisions based on what they
6 indicated on those.

7 Q And you don't know what that is, as you sit here
8 today, do you?

9 A I don't know the quantity without refreshing
10 my memory. But we did believe that they would
11 switch all their diversions to riparian right when
12 there was no water available under pre-14, and we
13 modeled accordingly.

14 Q And in 2015, did you come to ascertain that if
15 there was riparian water available and subject to
16 appropriation by the Exchange Contractors in 2015? Was
17 there a riparian water going down the San Joaquin River
18 that they could divert and that they took in 2015?

19 A There was very little riparian flow available
20 in the San Joaquin River system.

21 Q So If I looked at this demand chart, then, would
22 their demand be included in the riparian demand or the
23 pre-14 demand -- the Exchange Contractors?

24 A I believe a lot of their demand was in the
25 riparian category.

DEPOSITION OF KATHERINE MROWKA

1 Q Okay.

2 A Because after curtailments were -- or water
3 shortage notifications were issued for pre-14 right
4 holders.

5 Q Is it your understanding that they received
6 stored water from both the CVP Shasta and from the CVP
7 at Middleton to effectuate their exchange contract for
8 2015?

9 A That is my understanding.

10 Q So what I'm perplexed about is when you did this
11 graph, if you knew that they were going to get stored
12 water to satisfy their exchange contract need, why did
13 you keep them in as either a riparian or pre-14 demand?

14 A Insofar as they receive water under Bureau of
15 Reclamation water rights, that's separate from if
16 they also receive water under other claimed rights.

17 Q But your understanding, though, is that the
18 exchange contract is the total fulfillment of their
19 rights, whether it is pursuant to their pre-14 or their
20 contract, right? I mean, it is satisfaction of their
21 prior right, correct? The exchange contract?

22 A I'm sorry. All I know is that they had the
23 contract with the Bureau of Reclamation, but we are
24 looking at the issue of the claimed right under
25 their statement. And if they are receiving water

1 under the statement, showing as a demand on what
2 they are reporting to us, we looked at that issue.

3 Q So I'm perplexed though. So if your statement
4 is that you didn't look at their exchange contract --
5 and I understand that because it is a contract and it
6 may not be a water right. And then you go back to their
7 pre-14 riparian right, and you said already that there
8 is little or no availability for riparian water in the
9 upper San Joaquin. And, in fact, you said they were
10 diverting stored water. Wouldn't you issue them a CDO
11 or ACL?

12 A If they are receiving released stored
13 reservoir water, then that water can be used
14 irrespective of whether there is a water shortage.
15 It is when it is stored in a period of non-shortage.

16 Q But if they are taking stored water, stored
17 water can't be used by riparians, correct?

18 A These are separate issues: what were they
19 doing under a riparian or pre-14 water right and
20 what were they doing under Bureau of Contract.

21 Q Yeah. So what I'm trying to understand is where
22 did the Bureau of Contract in the analysis that was
23 going there go into your spreadsheet that is in front of
24 us in Exhibit 43?

25 A Where it goes in is that when the Bureau

1 documents its demand under its water right, we look
2 at that. But then they have the ability to release
3 to contractors previously-stored water outside of
4 the issue of curtailment.

5 Q Moving on. I have a follow-up question on this
6 riparian demand. Oh, wait. On this post-1914 demand,
7 if there wasn't sufficient water in the Friant system,
8 did you allocate or keep the rest of that demand in for
9 the other tributaries in the entire San Joaquin River
10 basin?

11 So let's say, hypothetically, at Friant there is
12 100 CSF at Millerton. And the post-14 rights are for
13 2,000. Would you take that 1,800 CFS and apply it to
14 the other watershed in regards to your post-14
15 curtailments?

16 A I don't understand the question.

17 Q Well, what I'm confused about is it appears
18 that, when we were talking to your subordinates, that
19 what they did was if there was insufficient water
20 available for the post-14 demand, that they kept the
21 post-14 demand in for the entire basin, even realizing
22 that the entire basin couldn't make water available up
23 at Friant.

24 Do you understand that?

25 A Yes. And I believe I've already explained

1 that it was the global review of water availability.

2 Q And I don't mean to be argumentative, but how is
3 it a global review of water availability if you are
4 taking a place like Friant -- which is at the southern
5 end of the system and no one can get water back up the
6 San Joaquin River to them -- that you still include
7 their un-net met demand in that analysis? I would get
8 it if you had somebody downstream whose demand could be
9 met, but how do you keep that demand in the analysis?

10 A The problem I'm having with your question is
11 that early on, we curtailed the post-14s. And so
12 they weren't in the analysis when we look at
13 other -- after curtailment, they weren't in the
14 analysis for whether there was supply available to
15 meet pre-14s because they were curtailed and cut
16 off.

17 Q I'm going back in time. I'm even looking at
18 whether or not there is a basis to issue post-14
19 curtailments. What I'm trying to get at here is -- I
20 get the global myth of it. But on a spreadsheet
21 analysis, if there is no basis for -- like, the
22 Stanislaus. If we had extra post-14 water available and
23 were diverting it, how would that water ever get back up
24 to Friant?

25 A And I could understand that question.

DEPOSITION OF KATHERINE MROWKA

1 Q Okay.

2 A But the fact is that when we look at the
3 water availability issue, we have a lot of the
4 senior demand in the Delta for pre-14 and riparian,
5 and it is in a downstream location. So we looked at
6 the fact that there was a lot of demand in those
7 locations.

8 Q Sure. Okay. On Exhibit 48, if you could look
9 at that real quick. It is a handout that was given to
10 you.

11 A Okay.

12 Q I want to refer you to the third, what appears
13 to be the third section from Brian Coats that he sent to
14 you and Mr. Michael George.

15 MR. KELLY: Are you on Exhibit 48, Mr.
16 O'Laughlin?

17 MR. O'LAUGHLIN: Exhibit 48. I got it right.
18 That is shocking.

19 Q So on the last paragraph of that email chain, it
20 says, "Right now, for the top 90 percent of the
21 statement holders..."

22 Do you know what it was that Mr. Coats was
23 talking about when he was referring to the "top
24 90 percent of the statement holders"?

25 A Certainly. We issued the Informational Order

DEPOSITION OF KATHERINE MROWKA

1 to the top 90 percent of statement holders in the
2 Delta, and to the remaining top 90 percent in the
3 Sacramento and San Joaquin River watersheds as to
4 largeness of size of diversion.

5 Q So that would be quantity-wise; is that correct?

6 A Correct.

7 Q And then it says in this email on May 21st that,
8 "The actual April use numbers are 23 percent less than
9 their projected 2015 estimates." Do you see that?

10 A Yes.

11 Q Now at this point in time on May 21st, do you
12 know if the water supply/demand that was being done
13 under your direction was revised to include 23 percent
14 less moving forward?

15 A We did use the information that we have seen
16 on the Informational Orders in order to modify our
17 model.

18 Q Do you know when that was done?

19 A I don't know the date at which we started
20 that, but I know we used the information we
21 received.

22 Q Do you know how much the reductions were, what
23 reductions were included, if any?

24 A We used the actual information for the
25 parties that we had it for, in lieu of their earlier

1 data.

2 Q And then I'm confused about the next sentence.
3 It says, "The 2015 projected estimates were already
4 27 percent less than the 2010/2013 four-year average
5 uses."

6 Do you know by that sentence if the projected
7 estimates were the ones that were actually included in
8 your demand analysis as set forth in Exhibit 43?

9 A Our demand analysis, I don't believe, used
10 the projected estimates. And the footnote should
11 explain for you which data we did use. But we used
12 the records for the parties that we did not have the
13 Informational Order data coming in on. We used
14 their four-year average uses indicated here, 2010 to
15 2013.

16 And then for parties that had received the
17 Informational Order, we used their actual use
18 information. We did not use the projected data in
19 the modeling. We used their actual use information.

20 Q Thank you.

21 Did you ever have a discussion with anyone in
22 your office as to whether or not the Civil Code, the
23 California Civil Code, was applicable regarding your
24 notice provision, as far as mailing out curtailment
25 notices?

DEPOSITION OF KATHERINE MROWKA

1 A I discussed information such as, you know,
2 should we use certified mail, things of that nature,
3 with counsel.

4 Q Okay. Have you talked to anybody about whether
5 or not there is a requirement under the Civil Code
6 regarding notification by mail and when it goes into
7 effect?

8 A The thing is that what we issued was water
9 supply notifications -- they weren't orders -- and
10 so they don't fall squarely within the requirements
11 for certified mail and things of that nature.

12 Q Exhibit No. 44, if you could take a look at that
13 real quick.

14 A Okay.

15 Q If you look at the top of Exhibit 44, I can't
16 tell who the email is from or who it is going to, but it
17 says "Matt and Carol." Do you know who Matt is?

18 A Yeah. It would be Matthew Jay. He's in our
19 department, and he is our overall administrator for
20 Lyris lists.

21 Q Do you know why Byron-Bethany, Oakdale,
22 O'Laughlin, Kincaid, Harrigfeld or Zolezzi were picked
23 in this email to look at?

24 A Yes. We wanted to ensure that they had
25 received the information on water availability.

DEPOSITION OF KATHERINE MROWKA

1 Q Do you have current enforcement actions pending
2 in the San Joaquin River basin?

3 A Yes.

4 Q How many?

5 A It is under review at this time as to whether --
6 which of these will be issued but there are more than
7 one action.

8 Q Would that be for enforcement in 2015?

9 A Some of our enforcement actions have been
10 2014/2015 combined actions. Some are solely related
11 to 2015. And we are still looking at cases from
12 2014.

13 Q Yesterday, Mr. Yeazell testified that the
14 in-Delta demand in April was different than the in-Delta
15 demand in June. What happened basically is that the
16 riparian demand went up and the pre-14 demand went down
17 for June.

18 Were you part of the discussion that took place
19 to make the change, that change in Delta demand?

20 A I probably was.

21 Q Okay. And what was the basis for making that
22 change?

23 A Because a number of parties have indicated
24 that they believe they hold both pre-1914
25 appropriative and riparian rights. As so as water

DEPOSITION OF KATHERINE MROWKA

1 is not available in the pre-14, these parties have
2 indicated that they are exercising riparian rights.

3 Q So you just treated them all as riparians; is
4 that correct?

5 A Only those parties which indicated they hold
6 both bases of rights.

7 Q Can you shed some light for me? If you had a
8 pre-14 adjudicated right in the San Joaquin River basin
9 and you reported as such, how is it, then, that people
10 in the Delta are filing statements of diversion which
11 are basically claims -- they say pre-14 and riparian --
12 and then you treat them all as riparian, which elevates
13 their rights prior to any other pre-14 right.

14 Can you tell me the rationale for that?

15 A We look at the information which they provide
16 under the Informational Order because a lot of these
17 parties received our Informational Order wherein we
18 asked for deeds and other documents.

19 Q And did you get your deeds and other documents
20 detailing the pre-14 diversion rights of the parties in
21 the Delta?

22 A We got various materials, depending on which
23 party.

24 Q Are any of them adjudicated?

25 A If you are talking about certain stream

DEPOSITION OF KATHERINE MROWKA

1 systems --

2 Q Yeah.

3 A Like with the Stanislaus River, there is a
4 1929 decree. But on other stream systems, there are
5 no adjudications so it depends where you are talking
6 about.

7 Q Okay. Did you try to do or did your staff
8 provide you with a calculation that by changing the
9 pre-14 riparian people in the Delta to strictly
10 riparians, what the difference would be in the demand on
11 a CSF basis on a daily basis?

12 A I am not certain. I believe that that issue
13 was something that we evaluated, but I don't know
14 what the conclusion was. I can't recall.

15 Q Did you look at -- when you were doing your
16 demand basis, when you were cutting people off, I assume
17 you looked at what part of CSF the diverters down to the
18 1903 would have or could have diverted to try to match
19 up with your supply line; is that correct?

20 A We looked at what the water right holders told
21 us they were diverting on demand.

22 Q Okay. But you also looked at their right; is
23 that correct? I mean, if somebody had a 1909 right to
24 1,500 CSF and they were only diverting 50, you still cut
25 them off, right?

DEPOSITION OF KATHERINE MROWKA

1 A We looked at the demand data that had been
2 supplied to us, including anything under the
3 Informational Order.

4 Q Right. But you cut off the entire amount,
5 right? I mean, you didn't tell somebody in 1909 that
6 got a curtailment order that you can divert because you
7 are only taking 50 CSF. If their right was 1909, they
8 got entirely whacked, right?

9 A We looked at --

10 MR. JENKINS: Is that a technical term,
11 "whacked?"

12 Q BY MR. O'LAUGHLIN: Right. Sure.

13 A We looked at what they were reporting as
14 their command. And if a portion of the right could
15 be satisfied, we did not curtail that right, that
16 date of right. We only curtailed or said there
17 wasn't a water shortage if the entirety of the right
18 could not be satisfied.

19 Q So let me ask this question then. That is
20 fascinating to me. Let me go back to the example that I
21 know. So Oakdale has a 1903 right. Let's say,
22 hypothetically, I think the total amount is 986 after
23 1903. But if they could have fulfilled 86 CSF of that
24 986, you would not have curtailed them?

25 A No.

DEPOSITION OF KATHERINE MROWKA

1 Q Okay. You are going to be getting lots of
2 objections when I ask this next question from the nice
3 lady next to me. But remember she can't instruct you
4 not to answer, so you can go ahead and answer these
5 questions.

6 Are you aware if the Delta flows that are
7 provided by the State and Federal Projects to meet X2
8 are protected by Water Code Section 1707?

9 MS. MORRIS: Objection. Calls for a legal
10 opinion.

11 THE WITNESS: I had always been advised by
12 Victoria Whitney, the former Chief of the Division of
13 Water Rights, that there was a 1707 associated with
14 that.

15 Q BY MR. O'LAUGHLIN: Okay. So do you know when
16 that 1707 occurred and in what order that is?

17 A She said to me that it was in D-1641. The
18 decision itself sets the water for that purpose to
19 those locations specified in the decision.

20 Q Okay. And thank you for that response.

21 Have you reviewed D-1641 to ascertain by
22 yourself whether or not what Ms. Whitney told you was
23 true and correct?

24 A I had looked at it. I was curious.

25 Q And what was your summation or findings upon

1 looking at D-1641?

2 A Well, I certainly agree with her that the Board
3 established where the flows were to continue to.

4 Q And did you establish that, in fact, those flows
5 were protected in D-1641?

6 A I don't recall whether I made a decision on
7 that. I certainly -- you know, once I read the
8 decision and saw where the flows were set forward,
9 that they had to go "XX" quality at these locations,
10 you know, other parameters -- that I could just read
11 the simple language.

12 Q Okay. So, is there anything that you are aware
13 of in the Porter Cologne Act that protects water quality
14 flows as they work their way through a stream system?

15 MS. MORRIS: Objection. Calls for legal
16 opinion.

17 THE WITNESS: I'm not very familiar with Porter
18 Cologne.

19 Q BY MR. O'LAUGHLIN: Okay. Are you aware of
20 anything within the Clean Water Act that would protect
21 the release of water as it moves through a stream system
22 until it meets its water quality objection?

23 MS. MORRIS: Same objection.

24 THE WITNESS: Yeah, and I'm not familiar with
25 that. I'm most familiar with water rights law.

DEPOSITION OF KATHERINE MROWKA

1 Q BY MR. O'LAUGHLIN: Okay. So other than Water
2 Code Section 1707, as a water rights person, are you
3 aware of any doctrine, law or anything else which would
4 protect the release of water as it moves through a
5 stream system to meet a water quality objective?

6 MS. MORRIS: Objection. Calls for a legal
7 conclusion.

8 THE WITNESS: Would you repeat the question?

9 Q BY MR. O'LAUGHLIN: What I'm trying to
10 understand, Kathy, is in water rights, are you aware of
11 anything in water rights that would say that if you
12 release water to meet a water quality objective, that
13 that water is protected as it moves through the stream
14 system?

15 MS. MORRIS: Same objection.

16 THE WITNESS: And I believe it goes to the issue
17 of was the water abandoned. Abandoned flows are subject
18 to appropriation.

19 Q BY MR. O'LAUGHLIN: Great answer. Okay.

20 Do you have an understanding that the water that
21 was released by the projects in 2015, that was dedicated
22 for the purpose of meeting either X2 or Delta outflow,
23 was abandoned?

24 A I don't know. I've not had a discussion with
25 the projects as to their intent.

1 Q Now earlier when you were talking about
2 abandoned intent, you said that if it passed the point
3 by which it was outside their use, that you would view
4 that as abandonment. Would you hold that true as well
5 with the 4,000 CSF that was being released to meet Delta
6 outflow and X2?

7 A It is my understanding that the projects have
8 always used the instream conveyance down to their
9 previously-approved points of diversion in the
10 Delta; and that they don't view any of the water
11 that they use for southern export as abandoned
12 water.

13 Q Absolutely. So we can all agree. So let's all
14 agree that previously-stored water that comes down
15 through the system and the 1,500 CSF that they were
16 picking up at the pumps in 2015 was not abandoned,
17 previously-stored water that was rediverted.

18 Okay. I want you to focus on the 4,000 CSF,
19 though, that was going out to the Bay and to X2. How do
20 you view that? Is that abandoned?

21 MS. MORRIS: Objection. Calls for legal
22 conclusion.

23 THE WITNESS: And I look to the simple text of
24 the Board's determinations for information on that. And
25 in my opinion, they have to meet the Board's

DEPOSITION OF KATHERINE MROWKA

1 requirements.

2 Q BY MR. O'LAUGHLIN: Okay. If there are losses
3 that occur from them releasing water at Shasta, as the
4 water moves through the Sacramento system -- let's say
5 it is a dry year and groundwater is not accreting to the
6 Sacramento River but it is depleting. Are they
7 responsible for those depletion losses as the water
8 moves to meet the objective?

9 MS. MORRIS: Objection. Legal conclusion.

10 Q BY MR. O'LAUGHLIN: Go ahead. You can answer.

11 A So it is my understanding that the Board sets
12 the requirements and they have to meet them,
13 irrespective of whether they have some losses along
14 the way. They have to meet the Board's
15 requirements.

16 Q Do you know if there is a requirement in D-1641
17 for the State and Federal Projects to meet in-Delta
18 diversions as part of the State Water Resources Control
19 Board order implementing D-1641?

20 MS. MORRIS: Objection. It calls for a legal
21 conclusion and the document speaks for itself.

22 THE WITNESS: Could you repeat the question?

23 Q BY MR. O'LAUGHLIN: Sure. I want to know if
24 there is an in-Delta depletion demand included within
25 D-1641. Do you know if there is?

DEPOSITION OF KATHERINE MROWKA

1 A I believe it is associated with it. I don't
2 know if it is included in the document.

3 Q And what is that associated with? Where do you
4 see that, when you say "associated"?

5 A I'm not certain without reviewing the
6 decision, if it's stated in the ordering section or
7 if it was discussional or if it was part of the
8 proceedings. I don't know where it is.

9 Q In regards to your analysis, how were the ag
10 barriers, that were installed in 2015 and operated, used
11 this year as part of your analysis on the West Side
12 Irrigation District matter?

13 A They were not considered.

14 Q Have you ever heard or seen the Department of
15 Water Resources' particle tracking model?

16 A I've only heard of it but I know nothing more
17 than the title.

18 Q Okay. Have you ever heard of DSM?

19 A Yes.

20 Q And do you know what that model is?

21 A It is a Delta simulation model.

22 Q Are you familiar with that model?

23 A Only superficially.

24 Q In your department did you ever ask your
25 higher-ups -- Barbara Evoy or anybody else -- as to when

1 you were bringing these enforcement actions in the Delta
2 to look at the particle tracking model or DSM model to
3 ascertain where water was flowing in the Delta?

4 A It is my understanding that the DSM model is
5 not an appropriate tool to use for this type of
6 purpose; that it does not provide the information
7 without leaving out water supply and demand.

8 It is a node-centric type model where it
9 evaluates what is happening at various nodes; but it
10 was not useful for us for the type of modeling we
11 needed for the drought.

12 Q What about the particle tracking model, where
13 you could put inputs in for the San Joaquin River, the
14 Calaveras, the Cosumnes and all the rest of them, and
15 then track where the water went? Would that have been
16 helpful for you to making a determination as to whether
17 water was available and subject to appropriation?

18 A We looked at what types of models were
19 available. And we felt that the only type of model
20 that we wanted to use at this time was the
21 watershed-based model.

22 We have also contracted with U.C. Davis to do
23 stream segment-type models where we could do
24 additional work, but that was on the 2014 contracts
25 and deliverables, and it wasn't available and fully

1 vetted yet for our use.

2 We are still ascertaining whether we feel
3 that's, you know, the quality of the work and if we
4 can use it for curtailment-type analysis.

5 Q Okay. I'm going to give you one other quick
6 incomplete hypothetical for you to take some shots at.
7 I just want to make sure that you and Brian and Jeff are
8 all on the same page, so I gave them a hypothetical.

9 So we are on the Stanislaus River. Okay? There
10 is 800 CSF full natural flow at Goodwin. Do you have
11 that in your mind?

12 A Yes.

13 Q And Goodwin is the CDEC station that your
14 department used for FNF on the Stanislaus River; is that
15 correct?

16 A I believe so.

17 Q And you understand that the districts at this
18 time were not limited on their pre-14 rights, correct --
19 Oakdale and South San Joaquin?

20 A I don't know which point in time you are
21 talking about in your hypothetical.

22 Q May.

23 A Thank you. I didn't hear that.

24 Q Sorry. Now, they have the right to take 1860.6
25 pursuant to the adjudication. And they took the full

DEPOSITION OF KATHERINE MROWKA

1 800 CSF that was in the river, diverted it to their
2 canals on that day in May. Got that in your head?

3 A Okay.

4 Q Now, the Bureau releases 250 CSF of stored water
5 from New Melones to meet fishery demands. Okay. How
6 did your model treat that 250 CSF?

7 A Our model does not look at fishery issues.

8 Q So would you agree that if only stored water was
9 being released into the Stanislaus River on that day,
10 that only downstream appropriators would be able to take
11 such water?

12 A There is always accretion flow and other flow
13 sources as you move downstream.

14 Q So if there's accretion flows, how did you
15 account for accretion flows in your model?

16 A So our model looks at the full natural flow
17 at these locations. The problem I have with your
18 hypothetical is that you are saying that what you
19 diverted --

20 Q Full amount.

21 A -- full amount. So I'm thinking. Just a
22 moment.

23 Q Yeah. I'm in no rush. I have to go home and
24 cook dinner, so I'm in no rush.

25 A So you are saying that there was 800 CSF at

DEPOSITION OF KATHERINE MROWKA

1 Goodwin?

2 Q Full natural flow.

3 A And there was a release from storage of 250?

4 Q Yeah. The districts took the total 800. And
5 New Melones and the Reclamation took 250 CSF out of
6 storage at New Melones and put it into the Lower
7 Stanislaus River.

8 A And our model only looks at full natural
9 flow.

10 Q Okay.

11 A So it would not look at the storage release.

12 Q Okay. Would that be true -- if I looked at the
13 other tribs, like the Merced and the Tuolumne at certain
14 points in time, you would only look at FNF and not look
15 at where the actual source of water was coming from,
16 correct?

17 A For many of the parties releasing from
18 reservoir storage, they are releasing for customer
19 service.

20 Q Was the Bureau releasing for customer service
21 from the Goodwin for ensuring flow releases in the
22 Stanislaus River in May?

23 A I don't know.

24 Q Was the MID or TID releasing into the river, the
25 Tuolumne River below the grange, for either FERC flows

DEPOSITION OF KATHERINE MROWKA

1 or was it for customer service?

2 A I don't know, without looking at the facts of
3 that circumstance.

4 Q And the same question for Merced. Was it FERC
5 flows or was it for customer service?

6 A I'd have to look at the facts surrounding
7 each of those.

8 Q Did your department try to determine, when you
9 were looking at these curtailment orders, what impact
10 the temporary urgency change petitions that were granted
11 on the San Joaquin River would have in regards to water
12 rights in the San Joaquin River or in the Delta?

13 A Are you referring to the temporary urgency
14 changes of the projects or another party?

15 Q No, the projects. The ones that occurred for
16 the United States Bureau of Reclamation at New Melones
17 in regards to the February through June flow
18 requirement, the April/May flow requirement, the
19 dissolve the oxygen requirement, and the salinity
20 requirement at Vernalis.

21 A I was not involved in any of the decisions
22 with respect to those temporary urgency changes.
23 Those were done in a different program function, and
24 they dealt largely with reservoir releases.

25 MR. O'LAUGHLIN: All right. Go ahead and ask

DEPOSITION OF KATHERINE MROWKA

1 some questions and I'll check my notes. I don't
2 think I have anything else. Thank you, Kathy.

3 EXAMINATION BY MS. MORRIS

4 Q BY MS. MORRIS: I'll be brief. Do you need a
5 break?

6 A No.

7 Q Ms. Mrowka, how many staff do you have under
8 you?

9 A I believe I answered that earlier because I
10 have four units normally and an additional fifth
11 unit temporarily for the drought. And each of those
12 units generally has four staff in it, one or two of
13 them have five, but there are eight in the temporary
14 unit.

15 Q So help me do the math. You have four units
16 normally with four staff?

17 A Right.

18 Q So 16?

19 A About 16 there, yeah, plus the seniors, plus
20 Paul Wells who is a senior specialist who reports
21 directly to me so --

22 Q And given the number of staff that you have,
23 does that limit your ability to select and investigate
24 the illegal diversions or alleged illegal diversions?

25 A Yes, it does.

DEPOSITION OF KATHERINE MROWKA

1 Q And does that, in turn, then limit her ability
2 to bring enforcement action against alleged illegal
3 diversions?

4 A It does. And I want to clarify that during
5 the drought, we also had an interagency agreement to
6 utilize some additional Department of Water
7 Resources' staff. So that is an additional eight
8 staff, plus their senior.

9 Q And those additional DWR staff, were they just
10 limited to going out and doing field inspections or
11 processing?

12 A That is correct. None of them write up
13 enforcement actions.

14 Q How many staff members do you have that can
15 write up enforcement actions?

16 A It is significantly limited because a lot of
17 my staff are directed to drought-related complaints.
18 That has been a significant issue for us because
19 they are running triple their normal number of
20 complaints.

21 So, basically, I've got under ten staff that
22 I could routinely utilize to write-up this type of
23 matter because a number of my staff are directed to
24 marijuana enforcement and to complaints
25 investigations.

DEPOSITION OF KATHERINE MROWKA

1 Q Thanks. You testified earlier about switching
2 people -- diverters -- who had previously indicated they
3 were pre-1914 and riparian to just riparian users. Is
4 that a correct characterization?

5 A That is correct.

6 Q And, essentially, did you do that because in the
7 forms where they reported their use, they checked that
8 they had both riparian and pre-1914 water rights?

9 A What they often check in response to the
10 Informational Order was they put one acre-foot under
11 pre-1914 and the remainder under riparian. So we
12 looked at what they submitted to us.

13 Q And then one last quick -- two quick questions.
14 Regarding stored water and stored water uses, is
15 it your understanding that stored water releases can be
16 made for multiple purposes?

17 A Yes, that is true.

18 Q And finally, on Exhibit 19, which is the State
19 Water Contractor's complaint, you testified earlier that
20 you'd reviewed that and you were generally familiar with
21 it.

22 A That is correct.

23 Q And in that complaint, does it allege more than
24 one methodology to attempt to do curtailments?

25 A Yes, it does.

DEPOSITION OF KATHERINE MROWKA

1 MR. KELLY: Objection. Vague.

2 Q BY MS. MORRIS: And, generally, what are those
3 two methodologies?

4 A One looks at water supply and one looks at
5 water quality.

6 Q Okay. And Mr. Kelly asked you a bunch of
7 questions about the water quality portion of that; is
8 that correct?

9 A That's correct.

10 Q But he didn't bring up the additional mechanism
11 that was referenced in that complaint which was based on
12 water availability?

13 A No, he did not.

14 Q Is it your understanding -- and if you don't
15 know, it is okay -- but the water availability analysis
16 in that complaint is similar, generally similar, to the
17 water availability analysis that you used to conduct
18 curtailments this year?

19 A I'm sorry. That siren was distracting.

20 Yes. I had not looked with great detail in
21 that. I was more interested to evaluate the water
22 quality aspect because it was less familiar to me,
23 and I wanted to get an idea whether that was a
24 reasonable approach.

25 MS. MORRIS: Thank you. I have no further

DEPOSITION OF KATHERINE MROWKA

1 questions.

2 CONTINUED EXAMINATION BY MS. SPALETTA

3 Q BY MS. SPALETTA: I just have one question, one
4 group of questions. When you were the supervisor of the
5 permitting section for water rights, how many water
6 availability analysis did you review?

7 A I've had -- multiple times I have been in the
8 permitting function, each time eight years. So I
9 believe I have been in permitting over 16 years, so
10 a number of water availability analyses.

11 Q More than 100?

12 A No, I would not say that.

13 Q Less than 50)?

14 A Yes.

15 Q So somewhere between zero and 50?

16 A I think that is accurate.

17 Q How about somewhere between 40 and 50?

18 A I'm uncertain as to the exact number. It is
19 a lot of years.

20 Q More than 25?

21 A Yes.

22 Q How many of those have dealt with permits that
23 were for a tidally-influenced area of the Delta?

24 A A small number.

25 Q And for those water availability analyses, did

DEPOSITION OF KATHERINE MROWKA

1 you require the applicants to submit the technical
2 memorandum to explain what they did?

3 A Our processes have changed over the years to
4 where we now require -- although the water codes
5 always required water availability analysis, we
6 require that applicants submit much more information
7 today than we used to in the past.

8 So any time that an applicant needed a water
9 rights hearing, they would have submitted very
10 detailed information because the Board needed that
11 process. I can't actually tell you offhand how many
12 of those needed that.

13 I do know that we processed City of Davis
14 lately, that when I was in the permitting unit, that
15 required a very detailed availability analysis and
16 it is in the Delta areas.

17 We process County of Sacramento as one of the
18 ones, and they require detailed information. So
19 there are a number of ones that I did process as a
20 senior that required detailed information.

21 Q Did you ever process a water right where the
22 water availability analysis consisted of only one graph?

23 A It is uncommon to receive only a graph
24 without data that supports the graph.

25 Q Okay. And for those water availability analysis

DEPOSITION OF KATHERINE MROWKA

1 that had data supporting the graph, did you require that
2 the person who did the data analysis provide a written
3 explanation of how it was done?

4 A It depended on -- mostly the engineers that
5 submit that type of data have to provide not just a
6 data dump but an explanation because as a senior, I
7 would ask questions as to which factors they
8 considered in their evaluation.

9 Q So normal course, while you were reviewing water
10 availability analyses and permitting, was that you would
11 require a detailed water availability analysis along
12 with an explanation from the engineers who prepared it,
13 correct?

14 A Normal course of business.

15 MS. MORRIS: Okay. Thank you. I have no
16 further questions.

17 CONTINUED EXAMINATION BY MR. KELLY

18 Q BY MR. KELLY: I have two quick questions. This
19 is a follow-up on Ms. Morris' questions about your
20 limited staffing and limited number of people available
21 to draft and prosecute enforcement actions.

22 I'm curious. If staff is so limited and you are
23 so lacking in the ability to get people to focus on this
24 stuff, how was the State Water Board, was who within 25
25 minutes of getting BBID's letter, able to immediately

DEPOSITION OF KATHERINE MROWKA

1 come after BBID and assign staff to do that? How is it
2 that there were all those people available to get on
3 that within 25 minutes if you don't have enough staff?

4 A We have done -- this year, we have done 11
5 cease and desist actions and 44 administrative civil
6 liability actions. So we have focused on making
7 sure that we are timely and responsive as much as we
8 are able to.

9 Q But my question is: If you are stretched so
10 thin and unable to find people to do these detailed
11 inspections and take these enforcement actions, how,
12 within 25 minutes of getting BBID's letter, were you
13 able to run that all the way up through management and
14 get direction to proceed against BBID within 25 minutes?

15 That just seems odd that if you are that
16 overworked and understaffed, that you would be able to
17 respond so rapidly to a letter from BBID and decide to
18 take an enforcement action against them? Where did you
19 find the time to do that?

20 Why did you find the time to do that? Why was
21 BBID so important to merit a response within 25 minutes
22 of getting a letter?

23 A We have a number of items that we have
24 quickly investigated this year. BBID isn't the only
25 one where we have done very rapid response

DEPOSITION OF KATHERINE MROWKA

1 investigations. We have seen that both in our
2 complaints avenue, based upon the severity of the
3 issue, and also in the water availability avenue.

4 Q So what about BBID's situation made it such a
5 priority to get it going within 25 minutes of getting
6 the letter? What stood out about BBID?

7 A When we received it, we had also been looking
8 at newspaper articles that said that BBID did not
9 intend to cease its diversions.

10 Q So there are articles that say that BBID said it
11 was not going to cease its diversions?

12 A I believe that is what we saw.

13 Q Were those newspaper articles produced, along
14 with the Public Records Act that the State Board
15 reported?

16 A I believe we had some issues regarding links
17 being dead, and I don't think I printed those.

18 Q And my last question is: Did you do anything to
19 validate any of the claimed rights that were submitted
20 pursuant to the Informational Order?

21 A We have been working on that, yes.

22 Q Prior to issuing curtailments or prior to
23 initiating an enforcement action, did you do anything to
24 validate any of the claimed rights that you received
25 pursuant to the Informational Order?

DEPOSITION OF KATHERINE MROWKA

1 A Much of the information from the
2 Informational Order, it was so large, the amount of
3 information -- because it was deeds and other
4 documents -- that we have been working on that as we
5 have staff resources available. We have been
6 actively looking at the information.

7 Q And so if somebody submitted, pursuant to the
8 Informational Order a, claim of a pre-1914 water right
9 and a riparian right and claimed a priority date on the
10 date they purchased the property, and that was it, did
11 you just assume that it was valid and input it into the
12 demand side of the availability equation?

13 A The staff does quality control work. And I
14 believe Mr. Yeazell was better able to address the
15 issue of what we do on our quality control.

16 Q Did you do anything to help validate any of the
17 claimed rights?

18 A I have been looking at materials, yes.

19 Q You said you have been looking at materials.
20 What do you mean?

21 A Such as Pacific Gas & electric submitted
22 certain materials. I've looked at their materials.
23 So I have been looking at materials because I wanted
24 to understand what kinds of submittals we have been
25 receiving under the Informational Order, and get a

1 feeling for quality of the submittals.

2 Q Okay. Do you know what regulatory storage is?

3 A Yes.

4 Q What is regulatory storage?

5 A It is a collection of water just for the
6 ability to do an efficient irrigation, and things
7 like that. So it is very -- you regulate the flow
8 rather than storing the flow.

9 Q What is your understanding about a riparian
10 water right holder's ability to engage in regulatory
11 storage?

12 A That a riparian can do so.

13 Q What is your understanding about the
14 availability of a pre-1914 water right holder to engage
15 in regulatory storage?

16 A That probably they could do so. It depends
17 what kind of operational scheme they have.

18 Q And how long can you hold water under a
19 regulatory storage regime until it is considered
20 technically storing water? Do you know?

21 A Only for licensing purposes that can occur
22 for up to 30 days; but for other purposes, that rule
23 does not apply.

24 Q So if there is a company that runs a hydropower
25 facility somewhere in the Sierras, and they have a

DEPOSITION OF KATHERINE MROWKA

1 riparian claim to the water, how long can they hold
2 water in storage under that riparian right, do you know?

3 A They cannot hold it in storage. They can
4 only regulate it.

5 Q And so talks about a pre-1914 water right
6 holder. Let's say there is a power company that has a
7 pre-1914 water right for storage and for direct
8 diversion for a power authority in the Sierra Nevada,
9 somewhere in the mountains. And they were subject to
10 the curtailment to the June 12th notice. Let's say they
11 had a 1910 priority date. Are you aware that the
12 June 12th notice provided an exception for hydropower?

13 A Only for direct diversion hydropower.

14 Q So if somebody has a direct diversion for
15 hydropower, are they allowed to engage in regulatory
16 storage in order to pass that water through the hydro
17 facilities?

18 A If the party is curtailed, we only provided
19 exception for the direct diversion element, and only
20 if they are regulating flow in accordance with
21 standard regulatory practices.

22 A lot of parties use regulation as reason to
23 store water in times of nonavailability. And that
24 is the problem in drought. It is a time of
25 nonavailability. So, you know, you have to really,

DEPOSITION OF KATHERINE MROWKA

1 carefully, look at what is regulatory during the
2 time of nonavailability.

3 Q Right. The State Water Board has ruled. It is
4 "last in, first out" or "first in, last out" rules for
5 regulatory storage. Are you familiar with that?

6 A I'm familiar with that.

7 Q Is it "last in, first out" or first in, last
8 out," do you know?

9 MR. O'LAUGHLIN: "Last in, first out."

10 Q BY MR. KELLY: "Last in, first out." So under
11 that rule, you can store water for up to 30 days before
12 it is actually considered storage; isn't that right?

13 A You can't store before it is considered
14 storage. You are talking about regulation.

15 Q It is regulatory storage. You can engage in a
16 regulatory storage for up to a 30-day period under those
17 rules, correct?

18 A The regulation that deals with this issue
19 simply states that you can regulate water for up to
20 30 days for licensing purposes. It does not address
21 other circumstances.

22 Q How long can a riparian water right holder have
23 water in regulatory storage before it has to be
24 released, do you know?

25 MS. MORRIS: Objection. Calls for legal

1 conclusion.

2 THE WITNESS: The regulation does not address
3 that. It has to be look at based on the circumstances
4 because the problem again is in a drought, if you are
5 taking that water, your storage may occur much quicker,
6 your storage issue.

7 Q BY MR. KELLY: Did you do anything or recommend
8 anything to account for water right holders' ability to
9 engage in regulatory storage as part of the exception to
10 curtailments for hydropower?

11 A I did not look at that, per se. I looked at
12 a long list of issues that Pacific Gas & Electric
13 Company raised with me regarding their operations
14 because they had a number of considerations. They
15 were a large right holder.

16 So I discussed a number of issues regarding
17 their operation and facility with Pacific Gas &
18 Electric Company.

19 Q Was that in writing?

20 A No.

21 Q Are there any notes from those conversations?

22 A Pacific Gas & Electric Company sent me an
23 email. I did not answer the email.

24 Q You did not answer the email. Did you respond
25 to them verbally?

DEPOSITION OF KATHERINE MROWKA

1 A I asked my FERC people regarding -- because
2 there were issues with respect to threatened and
3 endangered species. And I asked them what was going
4 on, what was the circumstances and the situation.

5 And then I made a personal assessment with
6 respect to whether I would write to PG&E that there
7 were issues or I would look at, you know, in taking
8 into consideration the specifics of what the FERC
9 staff informed me, the in-house FERC staff informed
10 me, was going on in the field.

11 MR. KELLY: No more questions.

12 MR. O'LAUGHLIN: We are done. Thank you.

13

14

15 (The deposition concluded at 5:34 p.m.)

16

17

--o0o--

18

19

THE WITNESS

DATE SIGNED

20

21

22

23

24

--o0o--

25

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

DISPOSITION OF ORIGINAL TRANSCRIPT

Date _____

Check One

_____ Signature waived.

_____ I certify that the witness was given the statutory allowable time within which to read and sign the deposition, and the witness failed to appear for such reading and signing.

_____ I certify that the witness has read and signed the deposition and has made any changes indicated therein.

By _____
KATHRYN DAVIS & ASSOCIATES

--oOo--

DEPOSITION OF KATHERINE MROWKA

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

KATHRYN DAVIS & ASSOCIATES
Certified Shorthand Reporters
555 University Avenue, Suite 160
Sacramento, California 95825
(916) 567-4211

November 19, 2015

Katherine Mrowka, witness
Department OF Justice, Office of the Attorney General
ATTN: William Jenkins
455 Golden Gate Avenue, Suite 11000
San Francisco, California 94102-7004

Re: West Side Irrigation District Cease and Desist
Order & Byron-Bethany Irrigation District Civil Hearing

Date Taken: November 16, 2015

Dear Ms. Katherine Mrowka:

Your deposition transcript is now available for review
And signature, and will be available for the next 30
days. This review is optional. An appointment is
required to review your transcript. Please bring this
letter with you.

You may wish to discuss with your attorney whether
he/she requires that it be read, corrected, and signed,
before it is filed with the Court.

If you are represented by an attorney, you may read his
or her copy of the transcript. If you read your
attorney's copy of the transcript, please send us a
photocopy of the Signature Line and Deponent's Change
Sheet.

If you choose not to read your deposition, please sign
here and return this letter to our office.

Signature

Date

Sincerely,

KATHRYN DAVIS, CSR No. 3808

cc: Ms. Spaletta; Mr. Kelly; Ms. Zolezzi; Ms. Leeper;
Mr. Ruiz; Mr. O'Laughlin; Mr. Tauriainen; Mr. Prager;
Ms. McGinnis; Ms. Morris;

DEPOSITION OF KATHERINE MROWKA

Exhibits	(
		14 88:17,18,20 89:8 92:17,21,25 93:15,23 120:2 169:23
Exhibit 34 9:22	(1) 194:19	14th 184:1
Exhibit 35 10:1	(2) 194:19	16 5:4,7 6:9 7:5,21 8:1 160:8 161:21 227:1 268:18,19 272:9
Exhibit 36 10:4	(3) 194:22	16th 204:16 228:24
Exhibit 37 10:9,13	(a) 89:18,23	17 6:5 7:7 44:23 45:4
Exhibit 38 58:24 59:3 60:1,7	(b) 89:23	1707 257:8,13,16 259:2
Exhibit 39 65:13,15 79:14,25		176 6:6,8
Exhibit 40 96:25 97:6 98:14 99:9	-	17th 173:12 176:24 206:11
Exhibit 41 98:23,24 99:1,10	--o0o- 8:12	18 5:14 6:5 7:10 33:13 59:25 171:5
Exhibit 42 100:8,9,12,22	--o0o-- 4:10 282:17,24	180 6:10
Exhibit 43 120:17 121:15 122:23 125:8 236:21 238:11 239:11 246:24 251:8	--ooo-- 4:24 7:24	182 6:13
	1	185 6:15
Exhibit 44 176:4,6 252:12,15	1 5:17,19 6:13,21,23 7:6,7,19 32:13,14 116:25 117:11,16,20 216:5 240:13	1860.6 264:24
Exhibit 45 177:13 179:15		187 6:17
Exhibit 46 180:2,3,5	1,000 81:16 91:21 243:23	18th 58:22 59:3,15 173:6,7,10 211:1
Exhibit 47 182:6,8,10	1,500 255:24 260:15	19 7:8 143:11,21 228:7 270:18
Exhibit 48 185:4,6 249:8,15,17	1,800 247:13	1903 30:10 139:8 173:4 190:25 255:18 256:21,23
Exhibit 49 187:22,24 188:2 192:18	10 5:7,10,12 53:20 54:1,19,23 239:3,5	1909 255:23 256:5,7
Exhibit 50 193:25 194:2 196:17	10,000 240:12	1910 279:11
Exhibit 51 196:5,7	100 5:23 51:3,5 247:12 272:11	1914 30:10 116:1 139:8 173:2,3, 10,12
Exhibit 52 198:5,7	1000 8:4	1916 56:23,24 57:1
Exhibit 53 200:15,17	1052 126:5	1927 56:16
Exhibit 54 204:13,15 206:8	11 275:4	1929 255:4
Exhibit 55	118 4:18	1930s 142:17
Exhibit 56 207:23	11th 198:9	194 6:19
Exhibit 57 210:22,24	12 7:3	1956 36:15,25
Exhibit 58 213:4,6	120 6:4	196 6:21
Exhibit 59 216:14,16	1211 87:19,23 89:12,16,18 93:24 94:7,19 102:9,22 103:18	1977 36:7,25 142:7
Exhibit 60 218:13,15	12th 139:12 140:2 151:17 155:3 166:21 167:1 173:23 174:10,14, 25 189:12,19 191:12 279:10,12	198 6:23
Exhibit 61 221:17,19		1980s 83:1
Exhibit 62 223:8,9,11 225:3		1983 16:19
Exhibit 63 226:11,13	13 6:12	19th 208:1
	13th 146:1 155:3 172:13 182:10	

DEPOSITION OF KATHERINE MROWKA

<p>1st 33:7,15 45:11 53:24 54:12, 20 125:23,24 126:2,8 194:9 196:15</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 6:19,21 7:9,12,14,16,17 31:4,7 57:10 68:15 70:8 81:2 86:20 87:9 116:25 117:16,20 120:3,11 191:4</p> <p>2,000 91:21 243:23 247:13</p> <p>20 174:19,21 190:16,17 217:6</p> <p>200 7:4</p> <p>2001 5:19</p> <p>2010 241:3 251:14</p> <p>2010/2013 251:4</p> <p>2013 241:4 251:15</p> <p>2014 18:22,23 34:21,24 125:16 133:6,9 142:20 155:25 156:4,8 231:24 232:16 237:5,7 238:5,6, 8 253:12 263:24</p> <p>2014/2015 253:10</p> <p>2015 5:4,7,10,14,17 6:3,6,8,9, 12,14,16,19,21,23 7:3,5,7,8,10, 13,15,17,18,20,21 8:2 26:14 27:13 53:20 58:22 59:3,15,25 60:4 64:8 66:24 67:3 72:3 82:2, 15,16 83:3 86:3 105:12 106:21, 23 111:23 112:22 114:10 115:24 118:17 125:12,16,17 132:24 133:5,8,15 146:1 159:1 169:6,12 180:18 182:10 194:10 204:16 217:1,10 223:15 231:13 234:16 237:8,24 241:7 242:17 243:11 244:14,16,18 245:8 250:9 251:3 253:8,11 259:21 260:16 262:10</p> <p>204 7:6</p> <p>207 7:7,9</p> <p>20s 142:17</p> <p>21 6:14,19</p> <p>210 7:12</p> <p>213 7:14</p> <p>216 7:16</p> <p>218 7:17</p>	<p>21st 185:13 187:6 250:7,11</p> <p>22 6:16 7:10</p> <p>221 7:19</p> <p>223 7:20</p> <p>226 7:22</p> <p>22nd 211:1 212:21</p> <p>23 7:13,15 238:10 250:8,13</p> <p>236 4:19</p> <p>23rd 60:3,17 214:4 217:1,10</p> <p>24 6:8 7:17 20:23 158:3 217:11</p> <p>24-hour-a-day 157:23</p> <p>24/7 157:7,18,20</p> <p>24th 218:16,18</p> <p>25 7:18 158:25 159:9,11,21 160:5 173:17 178:5,24 185:25 186:20,23 187:11,18 217:20 272:20 274:24 275:3,12,14,21 276:5</p> <p>250 265:4,6 266:3,5</p> <p>25th 155:4 222:3</p> <p>26 6:16</p> <p>268 4:20</p> <p>26th 188:12,18</p> <p>27 5:10 173:21 251:4</p> <p>2707 132:9</p> <p>272 4:21</p> <p>274 4:22</p> <p>28 68:15,23 70:8 72:7 81:2 86:20</p> <p>29 16:3</p> <p>2:40 217:1</p> <p>2nd 196:10</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3 5:5,15 6:15 116:21 171:5</p> <p>3,000 243:20,22</p> <p>30 87:8 131:23 132:2 278:22 280:11,20</p>	<p>30-day 280:16</p> <p>31 87:8</p> <p>34 5:4 8:13 9:22 104:14,18</p> <p>35 10:1 31:11 32:1,24 58:4 104:14</p> <p>36 5:9 8:13 10:4 104:14</p> <p>37 10:9,13</p> <p>38 5:14 58:24 59:3 60:1,7</p> <p>39 65:13,15 79:14,25</p> <p>3:04 217:10</p> <p>3:30 108:7</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4 7:20 36:15 116:22 117:18</p> <p>4,000 260:5,18</p> <p>40 5:19 38:3 96:25 97:6 98:14 99:9 101:13,16 102:2 119:11,15 120:25 121:3 235:10 272:17</p> <p>40-percent 37:24 124:14</p> <p>41 5:21 98:23,24 99:1,10 101:13,17 102:2</p> <p>42 5:23 100:8,9,12,22 174:17</p> <p>43 120:17 121:15 122:23 125:8 236:21,22 238:11 239:11 246:24 251:8</p> <p>44 176:4,6 252:12,15 275:5</p> <p>44-45 176:1</p> <p>45 177:13 179:15</p> <p>46 180:2,3,5</p> <p>47 6:12 182:6,8,10</p> <p>48 185:4,6 249:8,15,17</p> <p>49 187:22,24 188:2 192:18</p> <p>4:26 218:18</p> <p>4th 223:15</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5 5:12</p> <p>50 6:19 193:25 194:2 196:17 255:24 256:7 272:13,15,17</p>
--	---	---

DEPOSITION OF KATHERINE MROWKA

500 8:3	800,000 115:2	accepted 28:6 231:15,18
51 6:21 196:5,7	80s 81:25	access 158:18
52 6:23 198:5,7	86 256:23	accordance 279:20
53 143:21,22 144:16 200:15,17	8:00 194:15 195:9 196:16,17	account 114:23 115:22 123:17 265:15 281:8
54 204:13,15 206:8	8:44 196:10,20	accounted 48:24 89:8 114:21
55 7:7		accreting 261:5
55-56 207:18	<hr/> 9 <hr/>	accretion 40:24 41:5 265:12, 14,15
56 207:23	9 5:5	accretions 39:5 40:18,20 41:14 234:7
57 210:22,24	90 249:20,24 250:1,2	accumulate 156:20,22,23
58 5:15 7:13 213:4,6	90-percent 125:10	accurate 11:7,13,18 24:4 122:20 125:13,17 272:16
59 7:15 216:14,16	91 106:24 136:23	accurately 65:19,25
5:34 282:15	97 5:19	achieve 157:4 215:7,14
5:40 194:10	98 5:21	achieved 160:5
<hr/> 6 <hr/>	986 256:22,24	achieving 215:18
6 5:10 31:10 32:23 105:9	99 122:17	ACL 158:23 169:22 170:14,23 171:1,9 173:10,24 174:3,22 175:1,5,6 178:24 222:10,11,12, 16 246:11
6/13/15 144:12	99-percent 125:11	acre-feet 115:3 239:14,18
60 7:17 218:13,15	9:34 8:2	acre-foot 270:10
61 221:17,19	<hr/> @ <hr/>	acronyms 213:11
62 7:20 223:8,9,11 225:3	@lawssd.com 177:21	Act 36:14 97:7 179:20,22 258:13,20 276:14
63 226:11,13	<hr/> A <hr/>	action 21:5 22:8,13,24 23:2,7, 15,17,20 28:17,24 29:11,17,18 30:9,12 31:11 32:1,21 46:13 61:10,11 68:6,8,9,20 69:22 70:12 74:12,18 77:3 80:9,16,19, 25 82:1,15 83:13 85:16 87:4,14 100:19 101:4,23 102:23 103:10 104:1,6 116:20 119:16 127:3,8 164:9 165:19 168:12,14 170:3, 10 178:9,21 193:1,13 217:14 220:9 221:14 222:8 231:14 232:5 233:9,15 253:7 269:2 275:18 276:23
65 5:17		actionable 30:18
<hr/> 7 <hr/>	A-29408 94:9,12	actions 19:6 20:5 23:18 30:2 118:8 119:22,23 127:12 142:14 169:13,15,16 174:5 175:10
7 31:10 107:13 171:6	a.m. 196:10,16,17,20	
7,000 176:23	Aaron 156:2	
70 131:24	abandoned 38:16 39:2 41:18, 19,24 42:1 46:14,16,17,20,22 48:20,22 49:24 50:2,5,12,15 61:22,25 63:21 259:17,23 260:2,11,16,20	
7075 83:22 84:2,10 130:17,24 131:3 132:12,18	abandonment 260:4	
75 159:17	ability 67:24 128:14 247:2 268:23 269:1 274:23 278:6,10 281:8	
77 36:9	absent 146:25	
<hr/> 8 <hr/>	absolutely 164:24 205:7 208:5 223:4 260:13	
8 4:17 7:20	accept 77:15	
800 81:16 264:10 265:1,25 266:4		

DEPOSITION OF KATHERINE MROWKA

192:22,23 215:5 220:9,17 221:1,12 224:3,5,13,19 225:22 234:14,18 238:5 253:1,9,10 263:1 269:13,15 274:21 275:5, 6,11	advised 22:21 58:15 141:16 164:8 257:11	Amanda 162:10 182:12,24 213:8 214:21,23
active 214:24	advises 186:5	ambiguous 134:12
actively 277:6	advising 189:8	amend 71:20
actual 31:1 105:10 106:19 124:21 132:4 150:21 234:5 235:16 240:16,17 241:12 250:8, 24 251:17,19 266:15	advisory 163:24 164:7,22 165:18 169:3,18,20 183:4 189:10 220:22 221:2	Amended 5:4,6,9 9:23 10:1,4
add 37:19 119:14 124:11,12 134:5 240:17	Aerojet 84:12 85:8	amount 55:6,23 92:7,9 141:10 238:25 241:6 256:4,22 265:20, 21 277:2
added 124:8,10 148:11	Affairs 177:7,8	amounts 141:7
adding 118:21,23 119:2	affect 28:17 157:1 209:20 220:9	analyses 44:14 45:1 148:9,16 166:19 272:10,25 274:10
addition 52:24 61:20 62:9 72:13 120:15	affected 28:13,16,21 30:6 95:3 171:17 172:22,24 202:10	analysis 14:15,22,24 15:2,5,9, 12 29:20,24 44:6,7,22 45:7,24 48:6,7,14,15,24 51:5 53:19,22 56:23 76:5 77:16 85:5,9,14 89:3 90:4 91:18 99:22 108:21 112:16 113:2 115:8 140:11,12 141:1,5, 22 142:1,4 150:2,15,20 151:5, 10 154:14 155:16 171:15,20 184:23,25 214:18 233:1 234:15, 16 235:6,16,17 246:22 248:7,9, 12,14,21 251:8,9 262:9,11 264:4 271:15,17 272:6 273:5, 15,22,25 274:2,11
additional 20:1 44:3,4 159:13 263:24 268:10 269:6,7,9 271:10	affects 114:24	
address 51:5 113:9 148:16 178:17,25 212:24 225:24 277:14 280:20 281:2	affiliated 22:5 41:11	
addressed 16:4 195:4	affirmations 8:7	
adequacy 208:18	affirmative 47:11	
adjudicated 254:8,24	afraid 12:10 58:6	
adjudication 264:25	afternoon 108:7 118:6	
adjudications 255:5	ag 262:9	
adjust 115:14 151:24	agencies 9:25 28:16 46:5 200:8 219:20,23 220:7,19,25 221:3,5,13 224:16	analyzed 33:17
adjusted 115:22 116:4 122:17	agency 8:18 9:14 35:22 104:10 220:10,12,14,18	analyzing 16:12
adjustment 208:21	agents 42:22	Andrew 9:5 164:11
adjustments 115:7 120:13 242:8	agree 27:15 31:7 258:2 260:13, 14 265:8	anecdotal 157:5
administer 8:6	agreed 77:14	answering 68:4
administrative 170:21 172:16 179:7 275:5	agreement 269:5	answers 30:25 188:24 194:23 198:1
administrator 252:19	agreements 77:23	Antelope 107:6
adopted 163:1	ahead 31:1 97:5 100:6 109:25 120:1,16 182:23 241:19 257:4 261:10 267:25	Antioch 135:11
advance 199:22 200:11 206:22 225:22	allege 270:23	Anytime 207:13
advantage 128:4	alleged 268:24 269:2	Apologies 185:12
advise 23:14,15,19,23 193:16	allocate 243:22 247:8	apologize 149:9 207:21
	allocation 238:22 239:5	apparently 122:21 177:16
	allowed 11:21 72:1 73:3 74:11 127:11 177:9 279:15	APPEARANCES 4:1
	allowing 147:2	appeared 8:7 79:22 90:14
		appears 177:17 204:19 213:22 215:9 216:3 223:23 247:17 249:12
		Appendix 5:21

DEPOSITION OF KATHERINE MROWKA

applicable 35:22 251:23	argumentative 248:2	12:15,17,18 103:8,14 128:24,25
applicant 273:8	arose 30:19,22	attorneys 31:19,20 177:18 179:15
applicants 273:1,6	arrows 90:24	authority 9:18 23:13 26:7 70:25 84:18 162:16,22,23 163:1,11 192:21 236:21 279:8
application 131:4	article 204:20,21,23 205:11,13, 22	authorization 168:16,21
apply 89:24 185:2 247:13 278:23	articles 276:8,10,13	authorized 8:6 141:12 179:3, 17
apprised 163:21 175:14 192:22 193:8	ASAP 214:5 217:13 218:3	autonomous 163:7
approach 150:17 228:16,25 229:2,9,12,16 237:20 271:24	ascertain 24:21 54:10 103:11 167:2 244:14 257:21 263:3	auxiliary 209:4
approached 160:24	ascertained 104:21	availability 14:14,20 15:5,8,12 24:2,7 26:4,16 29:8,13,19,20,23 43:4 44:6,8,14,15,22 45:1,24 46:12 48:5,7,14 51:5,13 52:7 53:19 56:11 74:18 89:3 104:23 105:19 108:21,24 117:4,6,19,23 118:15,16 133:5,20 140:12 141:5 142:4,5 148:3,9 150:21 151:10 169:6,11 171:2,3 175:3 182:19 183:3,7,22 207:14 216:6 230:24 231:17,19 234:15,18 246:8 248:1,3 249:3 252:25 271:12,15,17 272:6,10,25 273:5,15,22,25 274:10,11 276:3 277:12 278:14
appropriated 84:3,6	ascertaining 166:25 264:2	avenue 276:2,3
appropriation 47:21 70:4 71:2 74:25 75:5,20,21,23 77:12,22 78:12,22 79:1 86:18 88:22,24 89:1 244:16 259:18 263:17	asks 11:20 110:16 192:15	average 144:7 183:14 200:9 251:4,14
appropriative 38:12 48:21 49:8 55:8 64:4 70:21,25 75:16 76:14 83:24 84:14 85:4 106:8 190:24 240:6 253:25	aspect 230:24 271:22	aware 53:5,17 83:21 84:9 86:9 94:21 106:22 112:13 113:13 116:8 132:22 149:19,21,25 150:2 153:13 167:12 181:11,15 187:9 198:17 211:16 212:18 238:4 257:6 258:12,19 259:3,10 279:11
appropriator 38:14	aspects 25:14	
appropriators 265:10	assessment 34:1 282:5	B
approval 37:21 87:18,22 89:12, 22 94:7,19 214:7 237:3	assign 275:1	back 28:7,10 32:23 34:13 42:7 46:10 55:3,10 57:8 67:15 68:5 71:6 77:6 79:13 80:6 96:6 97:2 104:5 110:5 111:8 123:19 129:4 130:14,15 142:11,18 149:11 155:10 159:8,11,16 185:19 186:3,7,17,18 197:5 223:7 238:7 246:6 248:5,17,23 256:20
approve 31:23 214:5	assigned 167:21 217:14 239:5	background 18:15
approved 31:21 57:12,14 214:9 237:11 238:2	assist 82:23	
approves 26:12	assistant 23:4 167:24	
approving 237:23	assisted 119:7	
approximate 66:5	assisting 21:11,14,22	
approximately 18:11 20:21,24 33:11 80:4 88:18 139:1	associate 17:6,17	
April 60:3,17 126:8,9,11 250:8 253:14	assume 12:12 37:17 66:4 168:4 173:9 255:16 277:11	
April/may 267:18	assumed 121:2 124:14	
archive 112:11	Assumes 126:22	
area 42:12 46:16 68:2 80:7 91:6,24 92:2 93:22 95:10 106:14 134:21 143:23 160:24 272:23	assuming 211:11,13 228:6,12	
areas 19:11 26:21 97:13 225:25 273:16	assured 159:15	
	attached 108:9 153:15 194:19 217:19 218:9 219:19 230:16	
	attaches 217:3	
	attachment 180:17	
	attempt 270:24	
	attend 196:22,24	
	attended 225:9	
	attends 181:19,24	
	attention 218:6	
	attorney 8:17 9:3 11:19,20	

DEPOSITION OF KATHERINE MROWKA

backing 40:15	Bay 95:10 149:17 226:19 227:23 239:4 260:19	blue 122:25 125:9
backup 132:25 133:24	BBID 9:19 45:16 46:3 120:2,8 140:14 151:2 152:24 153:1,5,8, 23 155:3 156:10 158:3,6,9,11, 15 164:9,11 165:9,24 166:5,10, 13 169:22 171:10,20,25 172:7, 12,13 173:2,11 174:9 210:19 217:3 222:5,7,10,23 231:12 232:3 233:6,18,22 275:1,14,17, 21,24 276:6,8,10	blue-dashed 66:9
backward 123:1,2	BBID'S 136:3 139:14,20 140:2, 4,13 145:22 150:19,21 152:4 153:2 154:2,6,9,13 166:21 170:14 171:11 172:24 173:5,9 234:9 274:25 275:12 276:4	board 9:6,7 11:2 16:24 30:13 32:14,20 43:5 46:21 49:25 50:4, 14 69:15 70:16,19 71:11,15,19 79:17,18 84:13 87:18,22 89:22 94:8,13 95:18,23 96:14,19 97:6 99:2,24 100:7 110:7,24 112:10 113:1,8 132:25 133:13,16 139:25 140:12 141:15 142:3,15 143:16 144:25 145:3 146:8,10, 19,24 147:2,14 148:5,20 149:12,16,20,22,25 152:14 155:22 160:4 163:12,16 164:7 168:25 169:5,7,11,14 175:8,9, 22 177:2,9 180:22 181:7,12,20, 23 186:3,5,7,11,12,19,23,25 187:3,10,17 188:21 189:10,11, 12,14 190:2,23 192:19,22 193:2,8,15,17 194:12 195:2,10, 15,18 199:23 200:20,24 201:10 203:21 204:3,7 205:20 206:3 207:11,13,15 209:25 212:2 215:17 218:24 219:3 223:16 224:8,11,17,20 225:16,17 226:2 229:15 231:16,19 232:11,13 234:1,2 237:10,11,19,23 238:3 241:23 242:2 258:2 261:11,19 273:10 274:24 276:14 280:3
bad 239:21,23	begin 17:22	Board's 77:21 151:9 201:3 260:24,25 261:14
ballpark 238:16	behalf 9:16 168:25 181:19	bold 191:4
Banks 156:12 157:12	Beland 199:5	Bonham 198:21
Banta-carbona 9:10 78:3,8,10, 16,19,20	believes 88:21	Bonsignore 5:17
Barbara 6:10,14,17,19,23 7:3, 5,7,11,13,22 161:24 162:3,14, 17 163:6,10,18 165:13 167:19 169:21 180:9,15 182:12 185:9, 20 188:2,10,13,19 192:19 193:10,11 194:3,7 198:8,12 200:18 204:16,19 206:11 211:8 212:21 213:7 214:1,19 217:8,24 227:20 228:1,11 262:25	bell 173:7 208:4	bother 179:6
Barbara's 188:9 211:13	Berryessa 137:9	bottom 122:4 176:6 190:20 194:7 213:17 215:3 225:2
barriers 262:10	Bethany 61:5,14,16,18,21,25 62:3,4,17 63:5,13 64:1,8,23 65:3 66:8,11,14,22 67:1,14 68:7,13,17,24 69:19 71:4,13,17 72:2,16,25 73:8,14,18,23 74:2, 5,9 75:4,9 76:3,9,16,20,25 78:2, 10,11,21 79:14,19,20,23 80:3 81:10 82:9,19 85:6,11 97:19,25 98:13 100:22 101:5,24 102:5 128:3	boundaries 62:21,22,23 63:3, 4,7,10,11,14,21,23 64:2,9,14, 16,17,19,20 65:3,25 68:22 75:12 76:4 78:13,15,20,21 129:18 130:14,15 134:25
base 240:23	BIDD 165:4,6	boundary 64:7,23 65:8,20,23 66:5,18,23 67:3,5,8,14,15,22 73:2 76:10 77:1 78:16 87:3 130:23
based 22:22 24:16,20 30:12 31:12 32:2 34:7,11 38:16 48:8 52:9 54:14 56:14,20 57:1 62:10, 11 64:5 68:10 72:11 75:18,19 79:6,7 86:7,8 101:10,22 106:1 132:3 133:7 134:1 147:13,14 148:9,21 149:1 150:18,20,23 151:22,25 154:24 172:2,22 173:10 175:5,6 234:3,13 238:25 240:24 242:8 244:5 271:11 276:2 281:3	big 209:9 225:24 233:15	bounds 41:24
bases 80:15 254:6	Bill 167:6	box 161:22,23 162:2,7
basic 62:16	binder 31:5 105:14,21 116:18 143:10 169:24 190:17 227:1 228:7	
basically 34:10 253:15 254:11 269:21	bit 11:22 13:12 108:23 109:7,10 118:11 127:21 200:23 213:20	
basin 6:3 26:23 53:21 107:9 123:7 139:4 242:6 247:10,21,22 253:2 254:8	black-dashed 66:6	
basins 137:15,16	blind 122:13	
basis 39:16 46:12 54:19 55:1 74:11,17,21 75:3,8 80:24 84:22 87:4,5 115:12 125:22 140:9,23 154:23 155:1,12 157:8,23 206:23 248:18,21 253:21 255:11,16	blindness 239:22	
	blocks 121:25	
	blow 238:10	

DEPOSITION OF KATHERINE MROWKA

branch 149:18 167:20	Byron-bethany's 203:6,16	Caren 6:10 7:9 163:18 165:15 168:2 169:21 180:12 181:21 207:24 209:15 210:7 214:1 217:8,24
branches 149:17		
break 12:21,23,25 57:5,9 97:3,4 118:3 149:7,8 189:2 193:20,21, 23 206:6 218:11 223:2,4 268:5	<hr/> C <hr/>	
breakdown 39:25	C-e-c-c-a-r-e-l-l-i 211:9	Carla 199:8
Brian 6:12,15 21:6,24 25:3,4 37:12,17 41:15 42:6 49:1 51:15 52:2 53:1 108:17 110:15 111:22 164:16 165:8 182:11 183:10 223:12 235:2,25 249:13 264:7	Cal 224:16	Carol 176:7,12,24 252:17
briefing 194:15 195:9 196:12, 15,16,17 197:1	Calavaras 263:14	Carquinez 135:12
briefings 187:14 195:10,18,21	calculation 92:6,11 93:18 138:5 216:10 235:11 255:8	case 16:13 25:24 58:14 79:14 94:6 165:3 193:13 219:15
briefly 160:13,17	calculations 114:25	cases 13:2 56:16 253:11
bring 127:2,7 170:10 269:2 271:10	California 8:4,6 10:17 13:24 126:16 134:10,13,15,25 135:6 143:23 198:21 251:23	categories 38:18 56:14
bringing 263:1	call 128:4 133:1,4 148:25 155:24 164:21 195:24 197:4 206:21,24 207:12 209:17 222:15,25	categorize 19:20
broached 231:6	called 8:9 185:15 186:9 189:20, 21,22 213:1 230:18,19	category 106:18 107:13 243:25 244:25
broad 38:20 149:16	calling 125:9 194:13	caveat 134:5
broad-reaching 113:8	calls 47:25 50:6 63:17 79:3 96:2 128:17 130:11 131:16 146:5 147:25 206:22,25 207:2 217:23, 25 257:9 258:15 259:6 260:21 261:20 280:25	cc'ed 176:7 180:7 207:24,25 212:8
brought 25:4 61:10,11 101:4 221:12	Calpers 211:14,22 212:11	cc's 212:15
Brown 7:11	canal 5:17 41:22 67:16,19,23 69:12,14,16,20 70:6,17,24 81:8, 10,11 82:3 90:11,17,18,19 91:18 114:8 153:9,10,17 154:7 155:6	CDEC 54:3 264:13
Bruce 7:4 200:23 201:5,8	canals 265:2	CDO 31:2,7,10 32:19 44:20 57:10 58:3,18 59:9 72:6 127:23 222:11 246:10
Bruce's 201:6	canneries 62:7	cease 29:4 32:13 33:13 205:23 219:6 222:15 275:5 276:9,11
bunch 110:24 224:16 271:6	capability 229:6	ceased 22:22 148:7
Bureau 51:2 124:3,4 127:8 240:2 241:8 245:14,23 246:20, 22,25 265:4 266:20 267:16	capacity 149:3,4 189:10 220:22	ceasing 219:23
Burns 199:14,16,21	Capitol 8:3	Ceccarelli 7:11 211:4,8
Burton 7:4 200:23 201:5	captures 123:6	Ceccarelli's 212:21
business 274:14	capturing 61:5	Central 8:18 9:24 136:7 215:5
busy 170:6	career 16:6	certificate 219:1
bypass 46:19 47:4,16	careful 162:18 163:25 164:4	certification 190:7 191:5,14 218:23 219:5 220:13
bypassed 46:18 47:10,18	carefully 280:1	certifications 13:22,25
Byron-bethany 4:6 8:21 9:12 10:6 16:9,14 29:24 30:7 104:10 116:23 117:23 118:7 135:21 201:18 202:18 203:21 210:14 252:21		certified 8:5 219:23 252:2,11

DEPOSITION OF KATHERINE MROWKA

218:17 223:13 228:1 249:19	circumstances 142:15 280:21 281:3 282:4	collected 82:3,6,9,12 83:11
chains 6:5	City 61:20 62:9 64:15 72:20 73:13 77:13 87:16,17 88:12 89:9 90:22 102:15 103:11,14 139:13,19 141:3,9,24 208:2,7 209:3 210:1,10 273:13	collection 278:5
chair 181:24	civil 13:19 170:22 172:16 179:7 251:22,23 252:5 275:5	collects 72:20 75:14
chance 100:11	claim 113:20 173:6 191:9 243:12,18 277:8 279:1	college 13:13
change 76:5 77:16 87:24 88:3, 4,6,8 89:13,19,22 90:5 91:12 92:22 93:2 94:3,10,12,17 95:14 113:17,22 114:2 154:24 213:21 214:11 239:15 243:24 253:19, 22 267:10	claimant 239:17	Collins 5:14 59:4 60:14 61:3,13 102:5
changed 114:14,16 273:3	claimed 86:4 173:9 244:3 245:16,24 276:19,24 277:9,17	Cologne 258:13,18
changing 255:8	claims 190:24 254:11	color 5:19,23 6:3 122:8,10,13 239:22
channel 40:18,21 66:15,18 71:5 72:17 79:15,21 80:4,20 83:23 84:3 93:13,17 101:1 153:25 156:11,13 158:7,12,14, 16,20	clarification 12:7 219:2	column 161:24
channeled 70:1	clarify 12:10,11 15:7 32:11 108:5 206:3 269:4	combination 25:9 95:22
channels 96:10 139:23	class 27:2 159:25	combined 253:10
characterization 270:4	classes 14:18 24:25 29:16 234:20	comfortable 68:4
charge 41:13 110:12 156:3	Clean 258:20	comingle 131:1
chart 121:14,23 122:23 125:19, 24 126:16 142:24 160:11 161:21 162:1 226:25 227:7 239:10,11 244:21	Clifton 153:22 156:12,15 157:3, 10,11,25 158:7,12,16	command 23:14 164:13,15,19 189:14 193:12,13 207:9 256:14
charts 185:16	close 95:5	commencing 8:2
check 25:15 70:7 136:2 184:20 268:1 270:9	closes 157:10	comment 232:8
checked 107:24 108:2 179:8 270:7	Coats 6:12,15 21:6,24 25:3,4, 18 37:12,17 41:15 42:6 51:15 53:1,10 55:25 56:5,11 108:17, 19,20 111:22 133:25 160:15 164:16 165:8 182:11 183:10 223:12 234:23 235:1,2,4,25 249:13,22	comments 35:4,17
checking 179:6 208:18 209:10	code 79:7 83:22,25 84:2,10 87:18,22 93:24 94:2,4,7 102:9 126:5 130:17,24 131:3,7 132:18 134:20 174:7 251:22,23 252:5 257:8 259:2	commingled 74:20,23
chief 214:24 257:12	Code's 126:11,19	commingling 127:22
choice 222:17,19	codes 273:4	common 236:1
choices 222:13	coincide 137:24	communicate 167:18,19 169:14 183:6
choose 192:16	cold 147:10	communication 212:13
chose 141:11,13	collect 83:7	communications 166:20 168:11 212:1,10
Chris 104:3		community 201:19 202:3,22 203:14 211:17
Chuck 198:21		community's 202:1
Cindy 188:7,9,10		company 230:17 278:24 279:6 281:13,18,22
circulating 84:18		compare 66:1 69:4 154:22
circumstance 138:8 267:3		compared 154:23 171:20
		comparing 15:14
		compensation 153:24
		compile 25:19
		complaint 105:15,18 143:8,15 147:22 148:2 170:1,5,7,22 172:17 179:7 228:5,6,9 230:16,

DEPOSITION OF KATHERINE MROWKA

22 232:19,24 270:19,23 271:11, 16	conferred 45:21	continual 234:17
complaints 19:5,22,24 20:1 21:21 269:17,20,24 276:2	confirm 98:14 99:18 178:3	continue 97:3 147:3 204:24 233:9 258:3
complete 11:7,12 68:3 184:21 190:13 191:8,13,15,20	confirmation 175:3 176:21 178:20	continued 4:1,21,22 5:25 6:25 16:25 272:2 274:17
completed 127:20	confirming 99:15 170:8 178:18	continuous 206:23 234:22
complex 46:7	confirms 178:14	contract 82:21 88:15 113:25 116:3,9 245:7,12,18,20,21,23 246:4,5,20,22
complexity 230:3	confluence 90:11 91:20	contracted 263:22
compliance 190:6 224:10	confused 247:17 251:2	Contractor's 148:1 270:19
Compliant 191:5	conjunction 25:20 31:20	contractors 105:15 112:18,19, 21 113:14,20,25 114:17 115:15, 23 116:12 170:16 228:4,9 232:17 233:1 241:17,20 242:20, 22,25 243:4,11 244:16,23 247:3
complicated 15:6	consent 178:11	Contractors' 115:1 143:8 147:22 170:1 229:5,20 230:22 232:7
component 124:12	conservation 213:9 215:6	contracts 116:2 263:24
comprised 20:8 61:18	consideration 26:1 34:9 48:9 49:5 162:17 201:16 234:6 282:8	contractual 116:15
compute 41:25	considerations 107:8 281:14	contrasting 15:14
computed 43:12	considered 34:3 46:22 48:15, 17 50:2 57:2 65:8 86:18 100:18 106:5,10,12 116:17 121:11 138:3 140:15 151:13 172:19 189:13 220:10 226:21 262:13 274:8 278:19 280:12,13	contribute 136:25 137:10,13 154:12
computer 89:7	considers 116:1	contributed 84:19 85:1 155:20
concentration 144:7	consisted 273:22	contributing 129:17
concern 203:13	consistent 39:18 198:1	contribution 121:2 151:19,21, 22 155:13 238:14
concerned 139:23 154:14 167:14 203:12	constructed 103:24 153:22	contributions 131:24 150:3,9 151:25
concerns 140:8 204:1	construe 191:25 192:10	contributory 85:3
concluded 282:15	construed 205:5	control 16:24 63:8,15,22 69:15 70:19 75:7,10,24 76:11 77:10 78:23,25 129:19,25 130:8,9,14, 15,24 132:7,16 144:24 146:13, 21 147:7 186:12 237:10,23 238:3 241:22 261:18 277:13,15
conclusion 63:18 79:9 96:3 255:14 259:7 260:22 261:9,21 281:1	consultant 9:19	controversial 23:24 163:12 192:22,23 193:1,7 220:9,10,11, 14
conclusions 231:5	consultation 23:3 37:22 223:1	controversy 23:21 168:13
condition 134:11 136:4,9 145:6,13,17,18,25 146:1,8,9,17 150:10 152:22	consulted 37:20 235:13	convenient 178:8 189:23
conditions 52:18 114:15,23 136:15,17 146:16,24,25 147:1 154:24 169:8 234:8	CONSULTING 4:4	conversant 152:9 181:10
conduct 56:5 59:12 155:16 271:17	contact 28:16 201:13,14 212:23	
conducted 127:15 233:6 235:18	contacted 28:20 103:11	
conducting 142:3	contacts 28:19	
confer 242:18	contained 59:14	
conference 25:11,17	content 109:9,10 163:21,22	
	contents 23:17	
	context 56:18 127:22 167:14 169:13	

DEPOSITION OF KATHERINE MROWKA

conversation 26:2 38:2,6,8 61:3 104:3 161:1,8,9,17 187:12 189:3 196:3	Cosumnes 137:17 183:15 263:14	curtailing 209:25
conversations 187:9 197:19, 24 198:2,4 281:21	counsel 9:9 12:2 57:19 99:24 102:14,17,19 103:15 108:12 141:16 170:15 171:1 179:10,18, 21,25 188:25 189:2 252:3	curtailment 105:11,25 106:11, 20,23,25 107:2,6,10,11 125:19, 22 134:3 139:8 141:18 155:23 180:19 181:13 186:24 187:11, 19 188:14 189:11,13,19,21,23 190:6 192:25 194:8,9 196:13 201:1 204:25 205:5 208:20,24 209:7 215:6,14,18 217:4 218:22 247:4 248:13 251:24 256:6 267:9 279:10
convert 239:15	count 20:24	curtailment-type 264:4
conveyance 114:3,12 132:6 260:8	County 140:16 208:3,7 209:3 210:1,10 226:1 273:17	curtailments 133:2,15,20 134:1,4 136:23 139:3,5 144:13 147:5,11,13 150:8,18 151:11 152:15,16 169:6,11,17 170:3 181:8 183:21 184:17 188:20 194:25 195:10 197:2,5 198:10 201:3,12 202:2,8,23 203:8 206:13 210:18 211:11 212:14 215:21,23 216:7,12 223:24 224:9 225:13 226:5,8,9 235:17 237:5 238:3 245:2 247:15 248:19 270:24 271:18 276:22 281:10
conveyed 73:9 139:23 145:14	couple 17:10 37:10 53:18 104:6 118:14 163:4 200:6 218:17 221:3 222:4 240:2	
conveying 132:21 222:4	court 11:9,18 34:12 77:5 96:6 113:4 153:22 156:12,15 157:3, 10,11,25 158:7,12,16 189:15	
cook 265:24	court-ordered 146:16	
coordination 224:15	cover 222:6,7	
copied 182:11 183:11 188:8 194:3 197:20 211:6,7 217:5 226:18	covered 70:20	
copies 198:13	Cowin 198:19	
copy 99:25 111:5 180:12 218:11	Coyle 167:6	
copying 228:2	create 156:24	
correct 22:6,10 23:21 24:5 25:22 26:13 27:17 28:5 30:12 33:11 34:19 36:23 47:13,19,20 49:9 54:22 57:15,16 60:20 78:12 79:15 81:5 87:19 101:20 108:8 115:3 122:16 125:23 127:25 128:9 133:14 139:9,10 140:9,10 143:9 144:13,17,20 145:1,2,10 147:17 151:12 152:16,17 157:22 164:21 166:1, 3 170:3,11,12 174:22,23 176:9, 15 177:4,22 182:16,22 185:13 198:10,17 199:4,6 201:10 204:17 205:12 206:18 210:12, 21 213:14 217:8,25 218:1 219:6 223:16,22 226:16 227:21 234:9, 12 237:6,9,20 238:8,9 239:8,19, 20 240:19 241:4 245:21 246:17 250:5,6 254:4 255:19,23 257:23 264:15,18 266:16 269:12 270:4, 5,22 271:8,9 274:13 280:17	Creek 107:6	curves 182:13 236:10
corrected 59:22	criteria 145:16	customer 132:6 266:18,20 267:1,5
correctly 54:18 78:8 185:10 208:22 217:16 218:24 221:20	croplands 203:12 204:2	customers 60:3
correlative 159:23 160:3	crossing 161:18	cut 100:23,25 128:4,7 129:13, 17,22 130:2,5 148:20 159:8,15 200:24 201:11 205:7 248:15 255:24 256:4
correspondence 102:11,13, 14,16,21,25 103:2 197:10 206:1 217:3,19 218:7,10	Crowfoot 198:16	cuts 159:13
	CSF 51:3,5 129:22 239:19 240:12,13 243:20,22 247:12 255:11,17,24 256:7,23 260:5, 15,18 264:10 265:1,4,6,25 266:5	cutting 159:10 255:16
	cubic 61:6 88:18,20 92:17 239:11,16	CVP 82:21 113:25 245:6
	curiosity 215:1	
	curious 166:23 167:13 200:22 209:15 257:24 274:22	D
	current 111:17 133:12 169:8 215:10 225:12,22 253:1	D'adamo 223:16
	curtail 170:10 199:24 256:15	D'amano 223:15
	curtailed 106:7,8,15 208:23 221:7 248:11,15 256:16,24 279:18	D-1641 257:17,21 258:1,5 261:16,19,25
		daily 54:4 122:24 125:9 140:23 255:11
		Dan 9:12 118:7

DEPOSITION OF KATHERINE MROWKA

dark 122:21	272:22	24 163:1,8 193:5,6
dark-green 122:7	Dean 9:14	Delegations 23:13 26:7 162:15 163:11 192:21
dash 98:7	Deanne 7:11	delegee 32:15,20
dashed 122:6,8,17	December 228:18,22	deliverables 263:25
data 15:13,14,15 24:9,22 27:9 39:15 40:10,13,15,16,25 52:8, 10,13,14,18,20,25 53:2,25 54:23 55:4,19,23 56:8,12 82:2, 5,8,11,16 83:3,7,11,19 149:2 166:7,15,18 184:21 209:14 217:13 236:10 239:14 241:3 251:1,11,13,18 256:1 273:24 274:1,2,5,6	decide 118:23 163:7 238:22 243:1 275:17	delivery 80:7 113:18,22,24 114:6,7,10
database 134:23 208:14,19 209:11,14	decided 34:6 37:7 85:3 108:2 111:16 133:8 235:21,22	delta 5:14 8:18 9:14,24 34:2 35:9 36:16,18 37:22 38:5,7 44:24,25 45:6,7 46:5,7 50:23 59:5 95:17 96:12 104:10 107:9 119:2,4,6 121:2 124:8,11,18,19 134:6,10,13,14,16,17,18,19,25 135:6,13,18,22 136:1,10,23 137:1,13 138:7,13 139:4,6,7,21 140:20 142:5,17,25 143:23 144:10,19,21,25 145:16,17,21 146:3,12,14,20 147:6,9,17,24 148:6,13,19,22 149:5,14,17,23 150:4,9,11 151:2,11,15,16,19 152:3,6,11,16,24,25 154:11,13, 16,20 155:22 157:13 159:1 165:22 168:24 182:14 183:16 184:25 191:1 205:16 213:9,20 214:14,15 215:5 216:1,4,7 226:19 227:3,23 228:18,21 229:19 230:3 238:13 239:4 249:4 250:2 253:19 254:10,21 255:9 257:6 259:22 260:5,10 262:21 263:1,3 267:12 272:23 273:16
date 33:7,9 36:2 40:6 56:24 85:23 99:15 106:12 111:6 112:4 126:24 144:12,16 150:19,25 172:2,5,11,23 173:6,9 174:6,19 187:8 190:5,25 208:10,21 210:15,16 250:19 256:16 277:9, 10 279:11 282:19	decision 23:6,10,20 25:6,7,10 26:3,4,6 34:4,17 35:1,5,7,9,12 37:23 38:3,4 45:20 48:13 79:8 85:15 94:6,9 95:3,11 111:18 119:5,8,12 121:6 155:23 156:5, 6 163:23 170:2,10 183:17 197:7 218:4 231:24 243:9 257:18,19 258:6,8 262:6	
dated 5:4,7,10,14,17 6:9,12,14, 16,19,21,23 7:3,5,7,8,10,13,15, 17,18,20,21 185:13 198:8 204:16 212:20 214:4 223:14	decision-making 158:23 184:10	
dates 34:11 147:1 151:14 174:5,12,14 195:16 208:14,16 210:12,21	decisions 23:3 25:21 51:12 94:8 95:2 96:19 105:11,25 106:20 118:15,20 125:20,22 149:25 236:1 244:5 267:21	
Dave 211:3 212:21	declaration 168:24	
David 7:11	declarations 24:11	
Davis 8:5 263:22 273:13	decrease 89:15 90:5,10 92:25	
day 93:1,7 105:7 139:6,14,19 144:13,15 152:15 158:4 170:14 175:19 198:9 205:5 206:4 236:14 265:2,9	decreasing 89:25	
day's 221:6	decree 255:4	
days 152:13,14,19 174:19,21 204:24,25 205:6,21 222:4 278:22 280:11,20	dedicated 259:21	Delta-centric 229:5
dead 276:17	dedication 132:8	Delta-mendota 114:8
deal 42:22	deduction 92:16	demand 15:2,10 19:9 21:8 24:14 33:3 43:12 53:21 112:15, 16,17 113:2,16 114:14,20,21,22 115:7,8,22,25 116:4,8,10,11,16 121:25 122:1,2 123:14 124:15 125:25 126:16 134:2 140:7 142:23 147:15 159:17 182:13 235:5 238:12,13 239:5,24 240:4,18,23 241:16 242:16,17 244:21,22,23,24 245:13 246:1 247:1,6,8,20,21 248:7,8,9 249:4,6 251:8,9 253:14,15,16, 19 255:10,16,21 256:1 261:24 263:7 277:12
dealing 8:20 14:5	Dee 223:15,16,21 224:8	demand-based 14:24
deals 60:19 280:18	deeds 254:18,19 277:3	demands 22:18 39:16 115:2,5 121:22 125:12 265:5
dealt 14:18 213:2 267:24	Deer 107:6	
	defending 9:3	
	defer 243:19	
	defined 134:20	
	definition 20:6	
	degree 13:15,19	
	degrees 13:17	
	delay 233:11	
	delegation 23:22 162:21,22,23,	

DEPOSITION OF KATHERINE MROWKA

demarcation 98:8	detailing 254:20	250:13 275:14
demonstrate 231:13	details 188:16	directive 238:1
denoted 98:7	determination 22:25 24:2 28:14 29:8 32:5,24 33:17 37:19 45:2 46:12 56:12 71:11,15 72:1, 5 92:8 93:15 111:9 117:4,6,20 121:24 132:10 155:17 184:2 263:16	directives 189:13
department 10:18 36:3 40:12, 15 52:15 126:16 127:17 153:23 158:19 166:4,6,11,12 198:22 252:19 262:14,24 264:14 267:8 269:6	determinations 24:24 118:16 260:24	directly 21:10 22:6 70:9 71:3 87:2 175:22 189:5 212:4 213:1 221:22 268:21
depended 51:23 274:4	determine 15:15 22:17 29:15 40:6 44:8,15 50:21 52:17 55:5, 16 73:3 79:19 83:16 91:24 92:1 140:1 149:13,22 150:14 232:11 267:8	director 23:5 162:3 198:19,21 224:4
depending 53:14 129:8 165:2 195:6 236:13 254:22	determined 22:23 50:4 92:3 96:20 133:5,6 183:25 231:22,25 235:14	Director's 224:3
depends 129:24 132:4,7 163:9 193:11 255:5 278:16	determining 49:5 50:23 55:13, 20,23 70:13 148:2 231:16,19	directs 228:24
depict 52:7	Diane 7:22 167:25 182:12,17 183:1 214:1 226:17 227:4,11, 12,16 228:2,13,25 229:1,11,25 230:1,2,25	discharge 72:23 89:19,24 94:17 95:12 128:5 129:13,14 131:1,4 132:23 140:23 141:3,8, 17,20
depicted 43:10 53:25 66:7 81:9 100:24 102:1 143:25 144:1,3 145:20 239:24 242:16	differ 132:12,17	discharged 69:9 73:17,18,20, 22 79:23 80:3 82:19 85:6,10 88:5,9,11,23 95:1
depictions 143:22 236:5	difference 69:21 71:7 141:21 255:10	discharges 125:6 128:3 129:21 140:25 141:4,10,25 234:7
depicts 65:20,25 66:14 97:13	differences 82:18 83:4 93:9	discharging 81:10 84:16 95:6 97:25 98:13 124:24 125:5
depleting 261:6	differently 48:19 220:20	disclose 127:11
depletion 261:7,24	difficulties 147:9	discuss 24:23 202:21 221:15
deposition 5:3,4,6,9,11 6:2 7:2 8:19 9:23 10:2,4,10,21 11:4,6, 16 57:24 66:4 97:3,8 99:21 104:8,9 107:15,20 108:1,11 109:21,22 160:16 161:4,10,12 282:15	dilute 81:12	discussed 38:4 48:25 109:8 113:17 123:10 171:1,2 184:5,23 185:20,22 187:1 191:3 252:1 281:16
depositions 112:15	diluting 72:15	discusses 61:2
deputy 9:2 23:4 162:2 167:24	diminish 88:1 92:4	discussing 53:25 107:1,4 183:13 236:9
describe 22:12 92:14 122:10 135:15	diminished 84:6	discussion 35:8,11,20 45:25 48:22 81:18 109:9 133:23 184:15,16 187:16 196:2 197:17 201:22,24 202:6,9 203:15 206:2,13 213:8 214:8,13 222:17,19 231:7,9 251:21 253:18 259:24
designated 76:16 116:25 117:3,16,18	diminution 95:14	discussional 262:7
designed 52:20 105:24	dinner 265:24	discussions 60:14 112:25 113:7,11,13,19,21 114:13 127:14 183:20 187:2,17 195:15 212:1,5,7 215:16 229:8,10,15, 21,22,23 235:20,24 236:2,3,6
desire 222:4	dire 26:23 242:1	dissemination 179:16
desist 29:4 32:13 33:14 222:16 275:5	direct 23:16 190:11 235:2 279:7,13,14,19	
desk 160:24	directed 190:9 234:24 269:17, 23	
detached 97:13	directing 235:5	
detail 204:9 271:20	direction 91:13 234:25 235:7	
detailed 43:8,16,25 119:16 157:16 273:10,15,18,20 274:11 275:10		

DEPOSITION OF KATHERINE MROWKA

dissolve 267:19	172:12 241:12 255:18 265:1,19	2,10,11,14,22 79:14,19,20,23
dissolved 51:4 136:13	diverter 49:8 77:8 103:6,7	80:3,10,13,16,20 81:10 82:9,19
distance 91:21,22,23	diverters 39:3 41:6 49:6 121:12	85:7,11 87:2,3 97:19,25 98:13
distinguished 19:16	150:11 159:7 239:6 255:17	100:22 101:5,24 102:5 128:3
distracting 271:19	270:2	drainage 98:6
distributed 169:19 179:20	diverting 30:23 49:8 61:12,14	Drained 36:17
232:8	81:3 126:3 131:14,22 153:1	drains 64:15
district 4:6 5:16,19,21 8:20,21	190:3 191:2 200:7 221:4 241:9	drawing 66:20
9:10,11,13,16 10:3,6 15:21,24	246:10 248:23 255:21,24	Drinking 201:5 213:3
16:10,15 29:21,24 30:11 38:10	diverts 131:9 141:10	drive 110:23
39:7 41:24 55:24 56:13 62:22	divided 23:25	dropped 134:2 138:6,13 142:23
63:3,4,9,11,14,21,23,24 65:7,17	division 16:2 17:4 18:17 162:2	159:16
66:5,18,23 67:8 68:21,24 70:9	177:2 201:5 213:3 227:8 257:12	drops 137:19 138:4
71:3,9 72:9,22 75:7,10,12,14,	doctrine 259:3	drought 19:24,25 20:3,4,18
15,25 76:1,4 78:9 80:6 81:3	document 23:22 26:7 35:21,24	21:23 36:8,9 142:8,15 147:4
97:13,14 118:8 120:9 127:23	36:2,10,21 37:3 57:12 58:20	169:7 176:14 178:17,19,21
129:18 131:21 135:21 140:17	99:2 100:14,15 101:8 105:21	206:22 213:12,19 224:22,25
201:18 210:14 262:12	110:19,22 111:5,11 162:22	225:5,6,9,19 226:4 263:11
district's 21:5 23:2 28:24 62:21	163:2 173:25 191:16,23 192:3,9	268:11 269:5 279:24 281:4
64:2,6,9,13,16,17,18,23 65:3,	193:5,6 233:21 261:21 262:2	drought-enhanced 19:3
23,25 67:2 68:25 69:12,19	documentations 59:10	drought-related 19:6 20:16
72:12 78:13,15,19 80:5 82:12	documents 5:10,12 10:5,12	269:17
129:19 135:25 138:25	37:2 62:12,13 104:19,20,23,24,	dry 142:6,19 226:1 261:5
districts 61:19 62:8 72:20 73:4	25 105:9,12,13,16 106:18,22	DSG 230:19
74:8 75:11 77:14 78:1,17	107:12,22 108:6,8 110:23 111:4	DSM 262:18 263:2,4
135:22 264:17 266:4	143:13 163:14,15 178:12 247:1	DTF 225:4,6
diversion 30:20,24 38:22,25	254:18,19 277:4	due 39:22 41:5 74:20 80:13
39:1,10 40:2 42:2 52:1 56:6	downstream 90:11 91:17,19	147:9 183:14
74:21 86:21,23 126:12 127:3,9	93:22 132:5 135:4,5,6 145:16	duly 8:6,9
135:22,25 136:3 139:15,20	151:5 171:11 248:8 249:5	dump 274:6
140:2,5,13 145:22 150:22 152:4	265:10,13	DUNN 8:3
153:9,17,19,24 154:10,13	draft 31:7,10,15 32:13 33:14	DWR 36:15 126:18 127:3,6
158:9,20 171:11 175:5,7,11	44:20 57:10 58:3,12,18 59:9	157:9 198:19 199:3 269:9
234:9 239:18 240:3,12 244:3	72:6 127:23 156:19 169:22	DWR'S 126:18
250:4 254:10,20 260:9 279:8,	170:21 194:19,22 222:11,12	
13,14,19	274:21	
diversions 58:14,16 59:16	drafted 31:16,17,19 57:17,18	
70:14 72:10 86:2,3 126:25	58:7	
141:21 142:18 154:20 166:21	drafting 157:1 170:23	
172:25 205:23 215:6,14,18	drain 61:5,14,16,18,21,25 62:3,	
218:5,8 219:6,23 240:17	5,17 63:5,6,13 64:1,9,13,24	
242:11,14 244:11 261:18	65:3,5 66:8,12,14,22 67:2,14,	
268:24 269:3 276:9,11	15,18,21,24 68:2,7,13,17,24	
divert 55:7 70:5 75:2 76:15	69:3,8,9,19 71:4,13,17 72:2,16,	
85:20,25 86:5 146:4 151:2	18,19,23,25 73:1,4,8,14,19,23	
153:4,5 158:16 159:18 172:14	74:2,5,9 75:4,9,14,15,16,22	
204:24 231:12 232:3 233:18	76:4,9,10,16,20,25 77:1,3 78:1,	
234:21 242:9 244:18 256:6		
diverted 126:10 155:3 167:2		

E

e11 6:23

earlier 40:14 57:11 69:4 127:21
130:25 184:5 217:20,22 235:9
250:25 260:1 268:9 270:1,19

early 142:17 203:9 210:16
248:11

DEPOSITION OF KATHERINE MROWKA

east 90:21 91:2,9 137:12	216:25 218:17 223:13,19,20 228:4	enhances 81:11
east-side 137:6,7		enhancing 72:14
easy 111:4	emergency 147:4 225:23	ensure 34:8 252:24
echelon 181:21	employed 16:2,23 34:20	ensuring 266:21
edict 50:14	employees 20:7,22	enter 75:22
edits 28:11	employer 14:11 17:1	entered 80:20 97:19 121:11
education 14:2 15:18 16:17	employment 14:7 16:4	enters 67:22 72:17 78:9,11,14, 21
effect 76:13 228:18 252:7	emptied 101:5	entire 123:6 126:9 231:13 233:18 247:9,21,22 256:4
effectuate 245:7	empties 66:17 67:15,19 101:24	entirety 47:6 256:17
efficient 278:6	emptying 66:14	entities 112:17 132:20 206:23
effort 39:9 41:25 42:15 83:7 208:20	encounter 159:20	entitled 36:15 131:15 132:1 143:1 146:4 162:7 172:8,9 182:3,5 189:6 192:5
efforts 37:9 156:4	end 26:5 39:7 133:22 231:7 248:5	entity 177:2
elected 222:14	endangered 282:3	environmental 13:18 18:16 20:8 59:4
electric 277:21 281:12,18,22	ended 207:7	EPA 199:17
electronic 134:23	enforce 217:13 218:3 222:5,22	equation 277:12
element 118:21 279:19	enforcement 8:19 9:6,8 18:24 19:6 20:5 21:5 22:8,13,24 23:2, 7,20 24:3 28:24 29:11 30:12 31:11 32:1,20 46:13 61:9,11 68:8,9,20 69:22 70:12 74:12,17 77:2 80:9,15,19,25 82:1,15 83:12 85:15 87:4,14 99:23 100:19 101:4,23 102:23 103:10, 25 104:6 118:8 119:23 127:2,8, 11 162:8 163:10,19,23 164:9 168:3,12,13 169:16 170:3,10 175:10 178:21 216:20 217:23, 25 220:17,24 221:9,10,12 222:2,8,13 224:9 231:14 232:4 233:9,15 237:16,17 253:1,8,9 263:1 269:2,13,15,24 274:21 275:11,18 276:23	equitably 209:13
elements 171:2	enforcements 221:16	erin@cvstrat.com 177:22
elevated 26:5	engage 278:10,14 279:15 280:15 281:9	Ernie 168:6
elevates 254:12	engagements 224:12,14	error 208:13
elevation 93:13,16	engineer 13:23 17:7 18:9 226:23	essentially 270:6
Elizabeth 9:15	engineering 13:18,20 17:21 18:15 20:9 34:7 149:1 150:16	establish 258:4
else's 116:9	engineers 20:8 65:16 99:17 274:4,12	established 150:20 167:16 258:3
email 6:5,7,9,12,14,16,19,21,23 7:3,5,7,8,10,13,15,17,18,20,21 27:6,7 167:8,10 170:13,16 176:7,10 178:25 179:3 180:7,9, 16 181:9 182:10 183:1,10 184:8,24 185:9,21 188:2,12,18 194:3,6,7,17 195:12,19 196:9 198:8,13 200:18,19,20,23 204:16 206:10,12,14,18 207:23, 25 208:1 211:2,3,7,13,24 212:8, 10,20,22 213:7,17,18,19,23 214:3,4,12 215:2 216:2,17 217:1,6,12,19 218:16,21 219:11,17,25 221:5,20 222:3,4 223:11,14,19 226:14 227:25 228:1,11,24 229:9 249:19 250:7 252:16,23 281:23,24	enhanced 133:7	estimate 18:2 88:18 238:16 240:11,13
emailed 143:14		estimated 61:6 123:4
emails 143:12,13 197:13,18,25 198:1 208:1 210:25 212:15,16		estimates 250:9 251:3,7,10

DEPOSITION OF KATHERINE MROWKA

<p>evaluation 33:2,3 39:13 47:3 50:19 51:7 56:7 62:11 74:18 132:4 148:25 149:1 274:8</p> <p>evaluations 34:6</p> <p>events 24:18 39:4 51:20</p> <p>eventually 214:2</p> <p>evidence 126:22</p> <p>Evoy 6:10,15,17,19,23 7:4,5,7, 12,13,22 161:24 162:3,14 163:6,10,18 165:13 167:19 180:9 182:12 185:9,20 188:2 194:3 198:8 204:16 213:7 214:2,19 217:8,24 227:20 228:1 262:25</p> <p>Evoy's 188:10 228:11</p> <p>ewrims 134:23 208:14</p> <p>exact 272:18</p> <p>Examination 4:17,18,19,20,21, 22 8:15 118:5 236:18 268:3 272:2 274:17</p> <p>examined 8:10</p> <p>examples 46:17</p> <p>exceedance 236:10</p> <p>exceeded 141:20</p> <p>exceeds 230:4</p> <p>exception 279:12,19 281:9</p> <p>exceptions 191:3</p> <p>excess 18:7</p> <p>exchange 112:17,21 113:14, 19,25 114:16 115:1,15,23 116:12 159:10 241:16,19 242:20,22,24 243:3,10 244:16, 23 245:7,12,18,21 246:4</p> <p>excluded 48:10</p> <p>exclusively 125:11</p> <p>Executive 224:2,4</p> <p>exercising 254:2</p> <p>exhibit 5:3 6:2 7:2 9:22 10:1,4, 8,9,13 31:4,7 53:20 54:1,19,23 57:10 58:23,24 59:3 60:1,7 64:21 65:12,13,15 68:15 70:8 79:14,25 81:2 86:20 87:9 96:25 97:5,6 98:14,23,24 99:1,9,10</p>	<p>100:6,8,9,12,22 116:21,22 117:18 120:2,3,10,11,17 121:14,15 122:23 125:8 143:11, 21 160:8,9 161:21 169:23 176:1,4,6 177:13 179:15 180:2, 3,5 182:6,8,10 185:4,6 187:22, 24 188:2 190:16,17 192:18 193:25 194:2 196:5,7,17 198:5, 7 200:15,17 204:13,15 206:8 207:23 210:22,24 212:20 213:4, 6 216:14,16 218:12,13,15 221:17,19 223:8,9,11 225:3 226:11,13 228:7 236:21 238:10, 11 239:11 246:24 249:8,15,17 251:8 252:12,15 270:18</p> <p>exhibits 8:13 9:22 53:18 101:13,16 102:2 104:12,14 207:18</p> <p>exist 41:7</p> <p>existing 168:24</p> <p>exists 83:17</p> <p>exit 75:22</p> <p>exited 41:22 64:20</p> <p>expect 109:24 138:15 214:5 232:25</p> <p>expected 24:17 84:19 93:9 115:17,18 243:13</p> <p>experience 14:16 15:20</p> <p>experiences 82:25</p> <p>explain 218:2 251:11 273:2</p> <p>explained 171:12 247:25</p> <p>explaining 28:1</p> <p>explanation 145:5 274:3,6,12</p> <p>export 260:11</p> <p>expressed 203:13</p> <p>extend 96:15 135:8,10</p> <p>extends 135:6,18</p> <p>extensive 84:24 109:14</p> <p>extent 115:5</p> <p>extra 19:3 159:17 175:12 248:22</p>	<hr/> <p style="text-align: center;">F</p> <hr/> <p>face 41:9 240:22,25</p> <p>facets 15:16</p> <p>facilities 5:17 65:17,21 70:22, 23 135:25 136:3 140:17 153:24 156:19 166:25 167:3,9,13,14 203:17 279:17</p> <p>facility 69:14 73:19,24 117:6 153:9 158:13 278:25 281:17</p> <p>fact 11:8 30:13 39:17,22 55:3 74:24 75:1,19 80:13,16,20 81:3 86:8 95:17 112:15 113:2,19 126:9 129:16 150:23 152:21 173:11 209:5 210:9 221:11 232:2 246:9 249:2,6 258:4</p> <p>factor 70:2 85:3 119:11 121:9 124:14 158:22</p> <p>factored 155:23</p> <p>factors 34:2 123:9 184:4 274:7</p> <p>facts 80:8 103:12 126:22 267:2, 6</p> <p>factual 32:19 132:4,9</p> <p>factually 48:3 79:17</p> <p>failure 218:22</p> <p>fair 23:6</p> <p>fairly 152:7</p> <p>fall 252:10</p> <p>falling 150:19</p> <p>fallowing 159:9</p> <p>familiar 15:23 16:1 36:19,20 66:2,12 69:5 112:19,23 143:23 152:8 156:11 158:25 160:12 213:22,24 258:17,24,25 262:22 270:20 271:22 280:5,6</p> <p>familiarity 16:9,11</p> <p>farm 203:25</p> <p>farmer 203:20</p> <p>farmers 205:16</p> <p>farmers' 204:1</p> <p>fascinating 256:20</p>
--	---	--

DEPOSITION OF KATHERINE MROWKA

fashion 19:21 241:11	finds 32:15	48:18,20,23 50:10,17 52:23
February 6:12 136:11,20 182:10 184:17 267:17	fine 110:4 118:4 193:24 206:7	61:17 72:13,14 74:19 76:6
federal 106:4,7,9 145:15 146:23 211:12 221:13 257:7 261:17	fines 175:19	77:15,18,19,20 78:9,24 83:22
feedback 42:7,23	finger 67:11	85:1,6,10 90:10,22 95:14,15
feel 25:22 74:20 93:20,25 120:1 264:2	fingerprinting 150:2 155:16	118:24 119:5,12 121:12 123:11
feeling 278:1	finish 11:17 204:2	124:7,11,12,25 130:10 134:6
feet 61:6 80:4 88:18,20 91:11, 21 92:17 139:2 239:12,16	finished 83:8 117:24	139:22 148:12 151:4,20,23
Felicia 194:12,13 196:13,15 197:1,4,6,10,12,19,24 206:16, 24 207:5,8	finishing 203:12	154:11,19 155:11,19 183:15
Felicia's 197:20	firm 177:18 179:15	234:7 257:6 258:3,4,8,14
felt 25:25 35:18 41:4 109:3 184:3 263:19	firm's 177:20	259:17 265:14,15 266:25 267:5
FERC 266:25 267:4 282:1,8,9	fish 47:9,10,12,15,18,22 48:5, 22 50:5,10 198:22 199:2	FNF 122:18 264:14 266:14
field 59:11 269:10 282:10	fisheries 46:19	focus 241:18 260:18 274:23
figure 124:22 236:6	fishery 47:1 49:23 215:21,24 265:5,7	focused 275:6
figures 125:6	fishery-type 107:2	folks 194:24 198:13 199:25 200:11 205:10,21 206:12 212:2 218:25 241:23
file 62:15 65:1,2,10 81:23 97:16 98:17 107:17	five-minute 57:5	follow 118:10
filed 105:15 116:19	flow 24:10,15 33:19,23,25 34:3, 7 35:1,18 36:24 37:1,24,25 38:24 39:4 40:2,16,22 41:17	follow-up 236:25 247:5 274:19
files 16:13	46:17 47:10,12,18,23 48:5,8,12, 17 49:4,6,9,12,13 50:3,5,19,20	footnote 251:10
filing 254:10	51:8 52:9,12,21,25 53:3,12	force 40:11 224:22,25 225:5,7, 9,20 226:4
fill 110:21 190:14 192:4,13,15, 16 201:14 219:5 220:12 239:17	54:4,5 64:14 73:3 78:11,20	forebay 153:22 156:16,17,24 157:25 158:7,12,16
filling 190:7 218:25	79:11,12,15 80:14 84:11,20	forecast 122:4,18 123:4 125:11
filtering 96:10	85:24 87:7 88:1,25 89:15,25	forecasted 125:10
final 26:6 211:1	90:5,16,20,21 91:9,13,25 92:2, 5,8,9,18,22,25 93:2,10,12 95:15	forecasts 26:24
finalized 183:17	107:7 114:23,25 115:6 118:21	forgot 49:19
finally 31:21 57:12 270:18	119:1 121:4 122:3,25 123:6,10, 11,12,16,17,20 124:7,8,10,12, 15,17 125:1,6,9 126:17 129:20	form 12:2 110:21 190:7,15 191:8,14,15,21 192:4,13,15 201:15 204:25 219:1,5 220:4
find 13:8 83:18 96:18 112:5 142:14 148:23 170:13 238:7 275:10,19,20	130:7,8 132:8 134:2 137:8,19, 20 138:4,5,9,12,13,16,18	formation 29:9
finding 30:13 32:9 55:14 75:3,8 95:6 106:15 234:19,20	142:23 147:15,16 148:6,10	formed 68:7 101:8 125:21
findings 32:19 55:1 58:3,4,5, 10,11 105:19 257:25	152:23 154:13,17,24 155:18	forms 190:14 218:23 219:21 220:13 270:7
	166:16 184:4 217:13 231:20	forward 22:24 23:1 25:24 37:7, 8 123:3 250:14 258:8
	235:10 239:1,2 244:19 264:10	forwarded 212:21 213:25
	265:12,16 266:2,9,21 267:17,18 278:7,8 279:20	forwarded-information 214:3
	flowing 63:6,13 72:25 76:3,9 79:20 90:25 91:1,3 100:22 263:3	forwarding 204:19
	flows 33:20 35:9,19,23 37:20 38:16,17,19 39:2,6,13,14 41:18, 19 42:1 46:14,22 47:1,2,9,15	forwards 200:18
		found 36:14 42:8 74:23 81:22 150:13 154:19

DEPOSITION OF KATHERINE MROWKA

foundation 58:18 68:7,9	functions 18:12 164:4	George 6:17,19,21 7:9 165:20, 21,24 188:3,17 194:3,8 196:9 214:1 228:2 249:14
foundational 64:22	funded 211:14,20	Geyer 7:16 217:2,19 218:7
four-year 251:4,14	fuzzy 16:19 17:24 204:8	Gilmore 4:5 177:19 202:13,20 204:7
frame 214:6	FYI 176:25 198:12 205:1,2 214:12	Giordano 7:11
Francisco 208:3,7 209:3 210:1, 10,13		gist 104:2
Francisco's 208:23	<hr/> G <hr/>	give 11:16 42:14 48:2 51:1 52:5 65:18 68:16 87:9 94:11,16 148:23 236:23 264:5
free 120:1	G-e-y-e-r 217:2	giving 200:5,11
Freeport 183:14 184:15	gage 183:14	global 40:3 139:16 171:15 248:1,3,20
frequent 207:4	gain 11:6	global-type 39:12
frequently 37:18 235:24	gained 35:3	goal 157:4 215:7,9,15,18
fresh 134:10 136:18,20 142:24 144:20 145:6 148:15 150:11 152:25	Gas 277:21 281:12,17,22	good 8:16 12:9 96:21,22 118:6 122:10 145:9,12,19 150:8 181:1 208:9,11
 fresher 144:21	gates 157:10	Goodwin 264:10,13 266:1,21
freshwater 146:2	gather 104:20 242:13	Google 5:23
Friant 124:5 127:16 152:8 240:6,7,8,14,15 241:2,8,9,10, 11,13,16,18,21,23 242:3,4,16 247:7,11,23 248:4,24	gathered 54:24 59:17	Gordon 199:14,16,21
Friday 105:6 108:2 188:20 223:15	gathering 116:4 223:21	Gosh 202:24
front 18:5 115:20 116:18 190:17 223:19 233:21 243:21 246:23	gauge 33:24 39:15 52:8,10,12, 14,18,20,25 53:1,24 54:24 55:4, 12,19,23 56:8,12 89:8 184:15	government 191:17,18,23,25 192:9,11
fulfilled 256:23	gauges 39:15 51:10,11,14,16, 17,21,24,25 53:7,10,13 54:5,7,9 89:5 148:10	Governor's 181:5,6,7,12,17 198:16,25 199:12 209:17,18 210:2,4,8
fulfilling 50:1,13,17	gauging 54:4	grace 206:4
fulfillment 245:18	gave 46:14 203:5 221:5 264:8	graduate 13:15
full 24:10,15 33:19,22,25 34:6, 22 35:1 39:13 40:16 47:2 48:8, 11,17 49:4 50:3,20 51:8 52:9, 12,21,25 53:2,11 54:4,5 76:13 114:22,25 122:3,24 123:5,12, 16,20 124:7,11,17 125:1,6,9 126:17 134:1 137:19,20 138:4, 13 139:22 142:23 147:14,16 148:6,9 160:1 166:15 184:4 231:20 238:25 239:2 264:10,25 265:16,20,21 266:2,8	generally 5:14 9:3,9 29:14,17,18 30:2 33:4,5 38:1 104:7 107:10 118:9 128:9 137:3 161:9 170:15 174:11 180:21 181:10 189:16 203:15	graft 194:20
full-out 157:23	generate 85:20	grange 266:25
fully 263:25	generated 129:20	granted 267:10
function 18:13 29:12,14 35:6 50:1 133:11 169:4 267:23 272:8	generating 79:12	graph 6:3 54:18 126:14 152:18 195:7,8 239:21 240:19,21 245:11 273:22,23,24 274:1
	gentleman 222:22	graphic 27:8 28:4 54:15 122:5
	geographic 134:21	graphical 236:5
	geographical 134:24	graphically 143:25 144:3
	Geography 135:10	graphics 43:9 44:1,2 148:11
		graphs 52:7 195:6

DEPOSITION OF KATHERINE MROWKA

gray 122:9	heard 157:5,6,7 168:15 199:11 224:22 262:14,16,18	holds 141:6
great 259:19 271:20	hearing 11:9 107:21 117:15,16 164:7 167:25 168:2,5,7,20 174:5,9,12,17,18 237:14,16 273:9	home 265:23
green 122:21	hearings 14:5 17:11 18:10 167:20 183:4	honest 110:1
Grober 6:12 167:24 168:20,23 182:11,17 183:2,10 214:2 227:18 228:2,12	heavens 109:18	hope 233:3
ground 12:15	height 91:10 93:10,12	hour 8:2 57:6
groundwater 40:23 41:5,6,14 84:16,19 124:24,25 125:2 234:8 261:5	held 43:21 45:10 156:7,8 197:17 208:2	hours 158:3
group 13:2 206:12 225:15 230:13 272:4	helpful 263:16	hours' 200:6 221:4
guess 13:4,7 18:3 34:21 60:12, 13 182:2,4 183:5 188:23	helping 215:6,14	house 167:15,25 168:2 201:19, 23 202:1,22 203:14,18 211:15, 17,23 212:3 213:3
guesses 122:15	helps 82:23	Howard 6:10 7:13,15,17 26:10, 11,15,18 27:5,22 28:2,6,8,11 133:3 163:18,23 165:17 168:3 180:10 186:22 187:17 189:7,9 198:13 202:15,21 204:7 213:25 217:7,18,24 218:16 222:20 238:1,7
guys 28:20	Henneman 4:4 9:19	Howard's 168:16
Guzman 199:10	Hensley 188:8	HTTP 191:7
<hr/> H <hr/>	hereinafter 8:10	Humboldt 13:14,19
hand 37:3	high-priority 210:11,13,15	hydraulics 14:19
handed 67:9	higher 50:20,24 156:7	hydro 279:16
handout 249:9	higher-ups 262:25	hydrologic 15:10
handouts 43:14,15	highest 57:3	hydrological 14:22
hang 123:14	highlighting 143:24	hydrology 14:18
happen 27:10 142:16 197:2	Hill 230:17	hydropower 278:24 279:12,13, 15 281:10
happened 106:23 159:21 189:16 196:18 253:15	historic 142:13	hypothetical 77:18 126:22 264:6,8,21 265:18
happening 51:11,22 263:9	hodge-podge 237:1	hypothetically 247:11 256:22
happy 197:14	hold 47:5 67:10 197:5 253:24 254:5 260:4 278:18 279:1,3	<hr/> I <hr/>
hard 98:2,5,8	holder 16:11 126:3,10 131:1 158:10 198:25 200:9 210:11,14 278:14 279:6 280:22 281:15	idea 134:24 135:12 140:22 145:21 148:24 149:3 152:2 186:6 188:14 199:7 205:15 210:7 235:10 271:23
harder 233:5	holder's 278:10	identification 8:14 10:14 58:25 65:14 97:1 98:25 100:10 120:18 176:2 180:4 182:7 185:5 187:23 194:1 196:6 198:6 200:16 204:14 206:9 207:19 210:23 213:5 216:15 218:14 221:18 223:10 226:12
Harrigfeld 7:9 252:22	holders 29:17 30:6 39:20,24 42:23 43:19 47:7 56:9 93:21 105:11,24 106:5 115:9 159:25 171:11,13,16,18,21,24 172:7,9, 19 173:1 175:13 180:23 192:25 198:23 200:6 220:13,20 234:20 240:22 242:12 245:4 249:21,24 250:1 255:20	
head 166:17 265:2	holders' 281:8	
head-up 221:6	holding 181:2	
heading 153:10		
heads-up 210:4		
health 200:24 201:11,15		
hear 264:23		

DEPOSITION OF KATHERINE MROWKA

identified 45:4 53:20 106:1 191:9 234:5	inconsequential 209:19,22 242:21,24 282:9	informing 191:12
identify 35:20 41:1 42:9 54:8 91:23 93:21 105:23 200:25	incorporated 112:1	initial 208:24
illegal 146:5 268:24 269:2	incorrect 128:1	initiating 276:23
immediately 91:19 105:6 157:1 191:2 205:23 274:25	independent 172:3	injury 105:10 106:19
impact 91:25 92:2 93:16 156:21 157:12 200:25 202:4,5 216:6 267:9	Index 214:14,15	input 35:4 111:14 234:16,17,22 235:15,19 277:11
impacted 93:23	indicating 67:12	inputs 263:13
implementing 261:19	indicative 70:2	inquiry 211:10
important 11:7,16 13:1 57:24 128:13 131:10 173:24 174:6 175:16 199:23 200:12 209:7,10 210:12 233:14 275:21	indirectly 212:6	inspected 58:15
imported 33:21	individual 21:18,19 132:9 234:10	inspection 62:14 78:6 81:14,22 82:20 93:9 133:22
impose 133:2	individuals 205:9	inspections 65:5 269:10 275:11
imposing 235:17	inflow 134:1 148:21 239:3	installed 262:10
improved 128:5	influence 52:16 54:12 92:23 93:4 96:13 105:18 139:1 183:14	instance 12:17 30:2
in-delta 235:11 239:6 253:14 261:17,24	influenced 105:11 106:20 138:22	instances 84:9
in-house 282:9	influent 81:15	instant 178:9
in-person 206:20	inform 23:14,16,19,23 110:18 163:12,13,16,18 209:17,18 210:8 220:8	instream 88:1 89:15 92:18 113:15 114:3,12 132:6,8 260:8
inability 85:19	information 11:6 12:16 13:5,9 22:2 24:20 25:5,19,23,25 27:4, 14 35:16 36:24 37:1,4,6 38:1 42:11,14 44:3,4 52:4 54:17 55:13 58:8,10,13 59:14,15,17, 19 61:13 83:15,16 93:10 99:16 103:9 107:5 115:12,16 116:7,13 121:16 124:21 142:14 150:13 157:5 161:14 169:8 172:15 175:4,17,21 176:17,20 177:12, 24,25 178:3,9,19,22 179:11,12 195:2 197:20 201:25 203:5 206:3 208:9,11,17,19 223:18, 21,24 224:8,13,19 225:13 230:17 232:18 242:11,13 250:15,20,24 251:18,19 252:1, 25 254:15 260:24 263:6 273:6, 10,18,20 277:1,3,6	instruct 12:17 257:3
inadequate 180:20	Informational 59:19,23 115:10,13 116:7 242:10,12 249:25 250:16 251:13,17 254:16,17 256:3 270:10 276:20, 25 277:2,8,25	instructed 197:12
inappropriate 231:14,23	informative 93:10 180:24	instructs 12:18 128:25 129:1
incident 27:13	informed 27:3 30:3 35:22 175:2 226:4,7,8 241:7,13	insufficient 55:2 75:2 85:24 121:21 125:25 126:5 150:24 152:21 153:3 247:19
include 33:20,21 35:9,19 41:20 48:13 54:23 68:12 119:9,10,12 121:6 141:25 215:23 234:6 248:6 250:13		intake 5:17 65:17,20 66:15,17 67:16,19,23 69:12,14,16,20 70:6,17,24 71:5 72:17 79:15,20 80:3,20 81:8,10,11 82:3 90:11, 17,18,19 91:17 101:1 153:10,25 154:7,8 155:6 156:10,12 158:7, 12,14,16,20
included 58:3 89:2 116:14 119:6 123:11,12 124:7 125:1,6 129:13 140:25 141:4,21 240:3, 19 241:6 244:22 250:23 251:7 261:24 262:2		intend 163:13,19 276:9
includes 73:8 219:20 238:12		intended 115:11 141:15 242:11
including 37:8 50:10 62:6 110:24 203:17 256:2		intending 242:9
incomplete 77:17 126:21 264:6		intent 116:19,21,22 259:25 260:2
		interagency 269:5
		interest 214:25
		interested 55:20 60:16 103:23

DEPOSITION OF KATHERINE MROWKA

227:25 271:21	21 9:10,11,13 10:3,6 15:21,23 16:10,15 21:5 23:1 28:23 29:21, 24 30:11 38:10 55:24 56:13 60:19 62:20 65:17 67:2 69:11 78:9,19 80:5,6 82:12 88:10 97:12 118:7 120:9 127:23 131:20 135:21,24 138:25 201:18 210:14 262:12 278:6	items 29:5 119:17 168:3 221:14 223:25 275:23
interesting 209:1		
interests 37:23 45:23		
interface 166:10,13		
interim 56:4		
intermingled 81:4 86:21 87:1		
interrogated 8:10	irrigator 41:21	
interrupt 161:3	issuance 152:20 203:8	
interruption 53:8 185:18 186:16	issue 19:10 22:15 23:16 30:19, 22 36:4 40:22 41:2 42:4 45:17 46:7 48:25 49:1 50:22 55:14 56:2 73:5 74:19 81:7 82:21,24 85:15 90:7 102:5,20 103:18 104:23 106:16 108:25 117:11 123:10 127:5 129:15,18 130:7 135:3 139:5 148:17 150:1 151:24 156:9 163:13,19 165:19 166:25 167:1 168:10,17,22 170:2 171:9 179:24 185:25 208:10 209:24 219:22 222:14, 15 226:8 231:5 233:10 236:14 243:5,6,7 245:24 246:2,10 247:4 248:18 249:3 255:12 259:16 269:18 276:3 277:15 280:18 281:6	Jeff 25:3 37:13,17 42:6 49:1 108:17 110:10,15 165:8 185:10 235:3 264:7
intersection 161:18		Jeffrey 6:17
interspersed 171:14		Jenkins 9:2,3 10:7,9 18:2 32:8 33:8 49:17 53:9 59:1 71:18,23 95:21 96:1 104:12 128:20 134:14 143:3 182:1,23 192:7 223:2 236:23 256:10
interwoven 39:23		Jennifer 8:17
introduce 8:25 10:16		Joaquin 6:3 9:18 26:21 36:16 42:19,25 44:7,10,11,13,17,18, 21,25 45:6,7 97:22 101:18,24 107:9 113:15 114:4,12 123:21, 22 124:6 127:7 137:5,15 138:2, 10 151:21 152:1 154:18 155:9, 14 188:14 191:1 194:21 225:25 236:20 238:13,23 239:2,4 242:5,20,21 243:3,10 244:17,20 246:9 247:9 248:6 250:3 253:2 254:8 263:13 264:19 267:11,12
investigate 268:23		job 16:21,25 17:2,8 18:8,25
investigated 127:5 275:24		John 5:14 6:23 7:15 9:7 23:4,8 25:12 31:22,23 37:19 45:19 57:11 59:4 102:4 108:15 113:9 156:7 161:7 162:5,12 163:6 164:12 165:12 176:7,12 180:12 181:2 182:11 183:13 188:7 194:7 196:12,25 198:8 200:18 202:20 207:23 209:16 213:7 217:7,22 218:16,18 222:18 223:1,11,20 235:1,2,13,25 243:8
investigation 36:16 79:18 127:15 166:5	issued 9:24 10:2,6 29:3,7 30:9, 16 40:7 70:1 94:13 102:10 115:9 139:3 144:14 145:3 146:8,24 147:6,8,11 151:12 152:14,15 158:19 170:15 171:4 172:21 189:11 200:2 202:8 219:2 222:10,14 225:14 238:1 245:3 249:25 252:8 253:6	John 10:15
investigations 19:5,6 20:5 59:8,11,13 269:25 276:1	issues 19:24 20:1 25:13,17 26:8 28:9 36:11 49:22 81:20 85:13 89:16 106:14 113:10 116:25 117:20 118:20 147:10 162:19 166:8 168:13,21 170:9 179:9 213:3 225:25 226:2 246:18 265:7 276:16 281:12,16 282:2,7	joint 236:1,3
investigative 58:17	issuing 42:20 43:2,23 168:16 276:22	jointly 23:8
investigatory 165:22,24	Italian 153:19	Julie 7:11
investor 211:22	item 29:6 30:18 44:23 72:7 81:2 105:9 119:1 120:8 163:9,11,20 165:19 168:22 174:16,17 184:17 218:5	
invitations 45:17		
invite 45:20		
invited 42:21 43:4 45:13,22 46:5,8,9		
inviting 45:25 46:3		
involve 117:12		
involved 15:11 21:4,7,15,18 22:7,21 23:10 133:20 160:6 166:5 179:21 181:18 183:20 184:10 195:14 211:25 212:4,6 214:8,10 224:24 229:8,14 235:20 267:21		
involvement 211:16 212:9,12 236:7		
involves 71:8		
irrespective 246:14 261:13		
irrigation 4:6 5:16,19,21 8:20,		

DEPOSITION OF KATHERINE MROWKA

July 5:19 36:15,25	274:17,18 280:10 281:7 282:11	3,11,14,15
jump 118:11	Ken 9:19	late 142:17
jumping 241:19	KENNETH 4:4	law 79:2 177:20 258:25 259:3
June 5:14 6:5,8,19,21,23 7:3,5, 7,8,10,13,15,17,18,21 58:22 59:3,15,25 86:3 139:12 140:2 146:1 151:17 155:3,4 166:21 167:1 172:12 173:23 174:10,14, 25 176:24 189:12,19 191:12 194:9 196:10,15,18 198:9 203:9 204:16 206:11 208:1 211:1 212:21 214:4 216:5 217:1,10 218:16,18 222:3 228:24 231:13 232:4 233:19 253:15,17 267:17 279:10,12	key 116:25 117:11,20 Kim 7:11 Kincaid 252:22 kind 39:5 43:11 47:9,22,23 56:17 104:5 150:15 164:21 166:24 193:17 194:6 215:3 278:17 kinds 47:9,15 52:19 277:24 knew 242:3,9 245:11 knowledge 13:4 46:24 47:16 54:10 149:13 154:1 156:9 Kostyrko 6:17,19,21 188:5 Kronick 9:15 Kyle 20:20	lawyer 79:5 105:7 lay 156:11 layer 134:23 lead 188:17 learned 209:6 learning 13:12 leave 64:9,18 67:2 168:10 leaves 78:20 130:23 leaving 67:4 263:7 Leeper 9:15 left 64:6,17 66:23 78:25 111:18 130:14 left-hand 227:6 239:10 legal 32:19 47:25 48:3 50:6 63:17 79:3 96:2 128:17 130:11 131:16 134:17,18,19 135:13,22, 25 140:19 149:5 178:12 179:10, 18,21,24 183:16 238:13 257:9 258:15 259:6 260:21 261:9,20 280:25 length 37:14 Les 6:12 167:23 168:19,23 182:11,17 183:2,10 214:2 227:18 228:2,12,25 229:1,11 Les/diane 228:12 letter 5:14 26:8 27:19,23 28:4, 12 180:15 181:10 195:5 217:12 218:11,22 219:9,19 222:6,7 274:25 275:12,17,22 276:6 letters 189:8 201:13,14 letting 71:5 level 207:16 236:7 levels 19:9 liability 170:22 172:17 179:7 275:6 license 30:15 70:22 75:1 76:13, 17,19,21 78:6 81:14,18,19,21, 22 86:4,6,12,16 93:8 97:16 138:25
<hr/> K <hr/>	<hr/> L <hr/>	
K-o-s-t-y-r-k-o 188:6	L-y-r-i-s 219:11	
Kagehiro 203:23	labeled 144:4	
Karna 7:9	lack 31:12 32:2,5,25 33:17 44:15 55:14 150:21 157:10 190:1,4 207:14 233:10	
KATHERINE 8:8	lacking 274:23	
KATHRYN 8:4	lady 257:3	
Kathy 5:4,7,9,12 6:12,15,21 7:6,7,13,15,17,18,22 8:16 9:4, 23 10:2,5,11 193:23 207:20 212:23 223:2 236:19 259:10 268:2	Lake 123:25 137:9	
Kelley 7:16	lakes 127:10	
Kelly 4:18,22 9:12 118:3,5,6,7 120:19 126:23 128:19,23 129:4, 11 130:16 131:20 134:15 142:11,16 143:7 146:11 147:21 148:4 149:8,11 157:15 175:24 176:3 180:1,5 182:3,8,22,25 185:6,19 186:14,17 187:21 190:16 192:8 194:2 196:7 197:18 198:7 200:17 204:12,15 206:10 207:20 210:24 213:6 216:16 217:2 218:15 220:11 221:19 223:4,7,11 226:13 236:15 239:22 249:15 271:1,6	Lanahan 103:13	
	land 88:7 156:11	
	lands 62:3 65:8	
	language 190:21 258:11	
	large 147:17 156:18 209:3 240:10,15 277:2 281:15	
	largely 14:11 267:24	
	largeness 250:4	
	larger 42:22 137:14 209:12 214:22	
	Larry 7:22 226:17,18,19 227:1,	

DEPOSITION OF KATHERINE MROWKA

licensed 13:24 38:11 62:23,25 63:2,10 75:1 82:20 99:17	long-standing 163:2	244:5 258:6 270:16 276:4 282:5
licensing 62:14 65:4,6 99:11, 12,22 101:14,15 278:21 280:20	longer 95:9 96:14	magnitude 209:21
lie 39:18	look-back 224:3	mail 27:20 252:2,6,11
lieu 250:25	lookback 125:8	mailed 219:14,18
lifting 235:17	looked 39:12 40:22 49:2 51:8, 11,14 52:3 53:1 54:9,16 55:4 56:8 62:12 68:21 79:22,24 80:23 89:4 90:7,10 91:15,24 92:7,15,20 94:4,8 97:16 98:10, 16,17 102:4 105:5 106:13 107:22 109:12,13 138:8 140:6 142:7,13,21 151:4,15,18,24 154:16 155:19 160:13 184:19 208:16 212:22 222:13 230:10, 12,13,20 231:2,3,8 243:5,6,7 244:21 246:2 249:5 255:17,20, 22 256:1,9,13 257:24 263:18 266:12 270:12 271:20 277:22 281:11	mailing 219:18,19 220:4,5 251:24
light 202:22 254:7	losses 261:2,7,13	mailings 30:6
likelihood 138:16	lost 130:23 193:22	maintain 130:8,9 164:1,3 214:24 216:1,4
limit 212:9 268:23 269:1	lot 15:16 25:16 37:12 132:3 148:19 152:25 156:3,19 192:17 197:18 208:9 222:17 224:11,15 225:22 230:15 242:10 244:24 249:3,6 254:16 269:16 272:19 279:22	maintained 129:24
limitations 177:11	lots 14:16 257:1	maintaining 132:7
limited 49:8,11 173:4 184:16 264:18 269:10,16 274:20,22	loud 190:22	maintains 76:11 112:11
Lindsay 7:22 226:17,18,19 227:2	low 50:23	majority 154:19
lines 28:22 98:7 122:2,4,7,22 125:10 161:16 162:18 228:17	lower 81:17 266:6	make 12:9 22:25 24:23 25:5,10, 13,21 28:18 32:12 33:17,25 35:15 37:5 38:3 45:22 51:1 58:11 69:5,21 93:15 105:8 108:25 111:9 118:12,13,15 119:5,12 120:13 155:17 163:23 164:3 166:9 175:14 184:2 188:25 193:7,17 210:20 233:15, 25 242:8 247:22 253:19 264:7
link 191:7 204:19	lowest 57:3	makes 210:13
links 108:7 276:16	Lowlands 36:18	making 37:13 51:12 89:19 131:6 162:19 197:6 224:18 236:1 253:21 263:16 275:6
list 19:12 46:10 104:19 107:24 176:14,22 177:1,9,18 178:7 179:4,14,17 219:11,15,18,19 220:5 281:12	lump 243:25	Mall 8:3
lists 252:20	lunch 96:24 97:2,4	manage 18:23
litigation 168:24	Lyris 178:4,6,23 179:3,16,17 219:10,11,13,21 220:2 252:20	management 164:19 220:8,16 221:2 226:21 275:13
loan 221:21		manager 18:1,20,21 29:5 162:8 168:1
local 55:12,19,23	M	managing 147:9 201:7
locate 105:12 118:25		mandate 192:14
located 62:18,20 68:24 69:3,8, 19,20 72:22 73:1 93:21 153:9 167:12	made 23:3,7 25:8 26:6 32:5,24 34:4,17,25 35:7,12 39:9 41:25 45:20 48:13 58:10 71:6,11,15, 25 90:4 92:8,11 95:12 115:7 118:16,20 121:6 133:1,4 155:24 156:5 197:4 217:23,24 231:24	mandated 47:23 190:6 192:12
locating 15:13		manipulating 234:24
location 39:6,19 44:24 50:24 52:1 64:23 65:4 66:11 90:15 92:24 110:22 128:12 154:8 167:13 171:14,19 249:5		manmade 69:14
locations 39:14,24 49:23 89:6 166:25 249:7 257:19 258:9 265:17		manner 88:1
long 17:25 36:6 146:9 151:2 152:2,10,22 161:17 193:22 278:18 279:1 280:22 281:12		map 5:16,19,21 64:21,22 65:11, 16,18,22 66:1,7,14 67:4,8,10 68:1,3 69:5 79:13,16,22,24 80:22 89:10 90:24 97:6,9,12,15, 18,20,21,24 98:1,2,8,10,14,15,

DEPOSITION OF KATHERINE MROWKA

17 99:4,6,11,12,13,15,19,22,25 100:21 101:14,15,22 134:22 135:1,19 144:9 145:23,24	262:12 269:23	memory 33:11,13 84:7 88:13 108:23 119:18,20 135:20 244:10
mapping 134:23	mattered 68:19 151:3	memos 58:17 59:8
maps 64:25 65:2,4,10 69:5 98:16 99:7,8,17 101:10,12 137:21	matters 8:19 14:6 16:4 21:23 23:21 162:16 163:12 165:22 186:5 187:14	mental 135:14
March 125:12,23,24 126:2 136:21 240:13	Matthew 6:7 199:18,20 252:18	mentioned 37:25 40:14,18 46:13 143:7 156:10 169:21
Marcus 206:17	Maureen 167:7	Merced 137:16 266:13 267:4
marijuana 269:24	Mcginnis 10:17	merit 275:21
mark 58:23 64:21 65:12 98:22 100:6 120:14,16 175:24 180:1 197:14 198:19 207:17 212:19 223:8 226:10	meaningful 19:21	met 103:19 114:20 115:5 116:3 140:8 202:18,20 248:7,9
marked 9:22 10:7,9,14 31:4 53:18 58:25 59:3 60:1 65:14,15 79:13 97:1,5 98:14,25 99:9 100:10,21 101:12 104:8 116:19 117:15 120:2,18 122:17 176:2 180:4 182:7 185:5 187:23 194:1 196:6 198:6 200:16 204:14 206:9 207:19 210:23 213:5 216:15 218:14 221:18 223:10 226:12	means 14:22,23 15:2 60:11,12 159:9,23 164:6 186:3 188:22,23 211:11	method 183:23 184:7 185:1 231:23 232:5 236:1
Martha 199:10	meant 15:8,9 160:1 189:24 190:1,2,4 207:7,8 208:22 239:12	methodologies 184:20 271:3
Martinez 61:4	measurement 132:23	methodology 113:18,22,24 133:6,9 150:12 184:1 231:16, 18,21 232:12,14 237:4,11,16, 18,20,24 238:2 270:24
mass 30:5	measures 53:2	Michael 7:9 103:13 165:20,21, 24 194:7 214:1 228:2 249:14
Master's 13:19 14:17 16:18,22, 23 17:3,10,13,15	measuring 51:6	MID 266:24
masters 110:18	mechanism 271:10	mid-july 189:14
match 255:18	meet 51:4 125:25 126:6 144:24 145:4,16 146:8,13,15,20,23 147:1,7,15 181:7 248:15 257:7 259:5,12 260:5,25 261:8,12,14, 17 265:5	middle 215:3
matches 177:20	meeting 38:2,8 41:3 43:5,8,17 45:9,14 46:6 49:22,24 103:13, 17 146:9,25 181:3 201:17 202:11,16,17,19,25 203:1,4,7, 19 204:4 241:23 259:22	Middleton 245:7
material 65:5 78:5 144:2 194:14	meetings 35:14 181:11,16,19, 22 204:6 225:6,7,10 242:14	miles 135:9
materials 108:3 111:13,20,21 143:10 179:23 194:11,16 195:2 254:22 277:18,19,22,23	meets 90:19 258:22	Miller 7:4 156:2
math 28:14 92:14 268:15	Melones 51:3 265:5 266:5,6 267:16	Millerton 123:25 240:3,7 241:9, 12 247:12
Matt 252:17	member 28:23 29:1,3 195:15 223:16	Millerton/friant 123:22
matter 21:11 23:23 25:24 30:11 71:8,10 94:13 116:22,23,24 126:9 129:10 160:20 163:10 165:25 166:10,13 167:22 168:8 193:7 196:1 218:21 222:7 228:3	members 169:15 177:1,10 181:23 186:13,23 187:3,10,18 193:17 194:13 195:10,18 207:11,14,15 224:9,11,17,20,24 237:11 269:14	Milligan 7:14 213:19 215:25
	memo 27:6 58:22 59:3,5,15,25 60:14,19,22 61:2	Milligan's 215:2
	memorandum 230:16 273:2	mind 94:20 96:5 264:11
		mingled 84:4
		minimize 156:21
		minus 92:8
		minute 60:22 65:18 68:16 87:9 123:14 188:20
		minutes 46:15 217:6,11,20 274:25 275:3,12,14,21 276:5
		Mischaracterizes 219:24

mislabeled 97:23	months 184:18	
Misstates 182:21	moot 106:17	<hr/> N <hr/>
mix 61:18	Moran 188:7	Nakahara 7:11
model 33:4 42:15 89:7 114:14, 16,21,22 115:22 116:17 118:22, 24 119:2,4,6,14,18 120:13 121:7,8,9 140:4,6,15 148:16 229:20,21 230:3,10,11,15,19,20 231:11,15 232:2 233:5,17,22 250:17 262:15,20,21,22 263:2, 4,8,12,19,21 265:6,7,15,16 266:8	morning 8:16 188:18	named 177:21 217:2
modeled 244:13	Morris 4:20 47:25 49:18 50:6 63:17 77:17 79:3 96:2 126:21 128:17 130:11 131:16 134:12 143:2 146:5 147:18,25 157:14 182:21 190:12 219:24 257:9 258:15,23 259:6,15 260:21 261:9,20 268:3,4 271:2,25 274:15 280:25	names 176:13 179:4,14 198:14
modelers 228:15 229:2,12	Morris' 274:19	Nancy 167:4,5
modeling 21:7,25 22:2 33:6 34:23,24 37:9,13,15 68:11,12 105:19 113:10 115:14 125:21 156:3 229:5 230:4 231:4 232:7 233:6 234:3,4,6,13 236:4 237:7 251:19 263:10	Moskovitz 9:15	natural 24:10,15 33:19,22,25 34:7 35:1 38:16,18,24 39:4,14 40:1,16 47:2,10,18 48:8,11,17 49:4,6,9,13 50:3,19,20 51:8 52:9,12,18,21,25 53:2,12 54:4,5 83:23 114:23,25 115:6 122:3,25 123:5,12,16,20 124:7,12,17 125:1,6,9 126:17 130:18 132:13 134:2 137:19,20 138:4,5,13 139:22 142:23 145:17 147:14, 16 148:6,10 154:24 166:15 184:4 199:5 231:20 238:25 239:2 264:10 265:16 266:2,8
models 139:16,17 140:3 263:18,23	Mossdale 52:3,20 54:8 55:4 138:15	naturally 131:23 132:2 134:10
modern 240:5	Mountain 167:15 201:19,23,25 202:22 203:14,18 211:14,17,23 212:2 213:3	nature 23:22,24 50:1 62:7 105:20 160:3,20 166:24 236:13 252:2,11
modification 119:15	mountains 279:9	NDOI 214:13
modifications 112:1	move 25:23 50:25 83:22 84:10 130:18 151:15 153:24 218:12 265:13	necessarily 173:4
modified 133:7	moved 18:1 151:4 153:16	needed 27:23 159:18 171:11,24 172:3 173:11 186:18 205:6 215:24 263:11 273:8,10,12
modify 250:16	moves 258:21 259:4,13 261:4,8	negate 77:23
Mokelumne 137:10,11 155:9 183:15	moving 37:8 132:5,15,16 247:5 250:14	Nemeth 199:8
molecules 131:13	Mrowka 5:4,7,9,12 6:12,15,21 7:6,7,13,15,17,18,22 8:8,16 9:24 10:2,5,11,20 99:20 118:6 120:15,19 122:12 144:9 149:12 150:18 174:21 176:3 185:7 187:25 189:5 192:5 193:20 194:2 198:7 200:17 204:15 206:10 207:20,23 210:24 212:19,23 213:6 216:16 218:15 221:19 226:13 236:15 268:7	Net 214:14,15
moment 19:3 49:14 223:3 265:22	multi-agency 225:15	Nevada 279:8
Mona 168:6	multiple 26:17,24,25 27:2 33:24 35:13 53:13 61:19,23 62:6 64:12 128:11 129:16 152:19 234:18 270:16 272:7	newspaper 276:8,13
Monday 8:1 194:22 211:1 212:20	municipalities 125:3	nice 257:2
Montgomery 162:10 182:13,24 213:8 214:22	Murano 7:15 216:17,19	Nicolai 103:4,6,10,19,22,23
month 83:10 126:9,11 136:10 155:13 231:13 233:18 239:8,15 243:24	myth 248:20	nod 188:21 192:19 193:15
month-by-month 115:12 154:23 155:12		node-centric 263:8
monthly 154:25 166:14 169:7 207:3 238:15		nodes 263:9
		nods 76:23 91:5 101:7
		non-shortage 246:15
		nonavailability 279:23,25 280:2

DEPOSITION OF KATHERINE MROWKA

noon 188:19		occupied 207:10
normal 114:6,7 269:19 274:9, 14	O	occur 55:16 64:11 93:8 110:17 138:11 184:18 187:6 205:19 207:2 241:14 261:3 278:21 281:5
Nos 176:1	O'hagan 6:23 7:8,16 23:4,8 25:12,21,24 26:2,5 28:8 37:19, 20 45:19 57:12 58:9 108:15 109:19,20 113:9,12 114:14 156:7 161:7 162:5,12 163:6 164:12 165:12 176:7,12 180:12 182:12 188:7 198:8 202:20 207:24 209:16 213:7 217:7,22 218:16,18 222:18 223:1,12,20 235:1,2,13,25 243:8	occurred 30:20 39:5 55:13 58:5 107:2 204:8 232:16 237:5 238:5 257:16 267:15
note 9:21 101:16	O'hagan's 31:22	occurring 58:16 70:14 103:2 142:18 218:6,8
noted 72:5 120:12 143:12 170:14 178:4	O'laughlin 4:19 9:17 96:21 149:7 236:17,18,19,20,25 249:16,17 252:22 256:12 257:15 258:19 259:1,9,19 261:2,10,23 267:25 280:9 282:12	occurs 64:12 175:11
notes 54:2 268:1 281:21	Oakdale 252:21 256:21 264:19	ocean 91:1 94:23,25 95:4,5 96:16 135:5
notice 5:4,6,9 9:23 10:1,4 30:17,18 31:15 33:6,9 43:4 45:10 53:24 54:13,14,20 59:24 60:3,17 97:8 102:3 105:20 107:20,21 108:1 116:21,22 117:13,15,16 173:23 174:10,13, 15,19,25 175:7,11,16,20 178:16 180:17 189:11 190:6,23 191:10, 12 194:19 199:22 200:6,11 205:5 206:16 217:4 219:3 220:22 221:4 251:24 279:10,12	Oaks 94:9,14,15	October 5:10
noticed 105:14 143:9	oath 10:23,25 11:5	odd 275:15
notices 19:11 21:8 104:9,11,25 116:19 180:22 189:13,20,21,23 251:25	oaths 8:6	OES 224:16 226:5
notification 30:17 40:7 152:21 163:24 165:19 169:18 171:3 172:21 174:1,2 178:4 180:19 220:3,6 252:6	object 11:21 12:2,15 32:8 71:18 95:21	offer 160:21 161:14
notifications 42:20 43:2,23 168:17 193:19 245:3 252:9	objection 47:25 50:6 63:17 77:17 79:3 96:2 126:21 128:17 130:11 131:16 134:12 143:2 146:5 147:18,25 157:14 182:21 219:24 257:9 258:15,22,23 259:6,15 260:21 261:9,20 271:1 280:25	offered 14:13 159:5
notified 200:8,10	objections 5:11 10:10 11:23 12:1 257:2	offhand 36:13 41:10,12 45:15 111:3 115:4 120:8 200:4 273:11
notify 189:17 221:11	objective 259:5,12 261:8	office 9:5,8 58:15 59:5,6,12 166:20 177:7,8 181:5,6,8,12,17 198:16,25 199:12 202:16,20 203:2 209:17,19 210:2,4,8 211:10,12 212:13 213:1 225:23 251:22
notifying 190:24	obligated 153:11	offices 8:3
notwithstanding 205:22 232:2,4	obligation 23:19	Offoce 5:14
November 5:4,7,17 8:1 83:10	obliterated 153:20	omissions 25:16
number 41:6 45:21,22 115:7 120:10 147:8 175:25 219:20 220:6 240:25 243:21 253:23 268:22 269:19,23 272:10,18,24 273:19 274:20 275:23 281:14, 16	obtain 13:17 16:18 84:14 86:10, 14,19 89:22 242:10	on/schedule 157:19
numbered 32:18	obtained 16:23 61:13 87:17 103:9 104:24 168:16	ongoing 161:1
numbers 104:13 149:6 240:16 250:8	obtaining 15:13 16:21 17:2,10, 13,15	online 166:18 201:15 219:6
	occasion 207:5	OPA 177:3,6
		operate 115:11 146:23,25 156:18 157:7,11,18,20,22
		operated 157:3,19 262:10
		operates 158:3
		operating 147:3
		operation 48:9 281:17
		operational 278:17
		operations 52:16 114:24 213:12,20,21 281:13

DEPOSITION OF KATHERINE MROWKA

operator 49:22 61:3	owners 89:21	83:21 87:6 100:1 102:20 116:8
opinion 48:1,3 50:7 79:4 128:18 130:12 131:17 146:3,6 154:1 257:10 258:16 260:25	owns 68:16	129:16 131:13 132:4 140:14 159:6 174:1,4 178:4,14,22 190:8,9 192:4 201:14 219:16 220:3,5 250:25 251:12,16 253:23 254:1,5,17,20 266:17 279:22
opportunity 11:20 159:6 163:14 194:14	oxygen 51:4 267:19	
	<hr/> P <hr/>	
opposed 57:25 71:4 114:5 115:6 238:23	p.m 217:10	party 41:4 79:12 102:24 103:3 254:23 267:14 279:18
order 29:4 32:13 33:14,25 49:25 50:14 56:9,20 58:23 59:20,23 65:12 97:5 98:23 100:7 106:13 110:16,20 115:10, 13,16 116:7,13 120:14 146:10, 19,22 147:2,6 152:12,20 156:25 174:6 175:24 204:12 213:21 215:10 222:16 236:24 249:25 250:16 251:13,17 254:16,17 256:3,6 257:16 261:19 270:10 276:20,25 277:2,8,25 279:16	p.m. 194:10 217:1 218:19 282:15	party's 116:11,16
ordering 262:6	Pacific 96:16 277:21 281:12,17, 22	pass 58:21 65:11 279:16
orders 111:8 145:1 147:3,4,9, 14 242:10,12 250:16 252:9 267:9	package 194:8,9 195:1	passed 51:6 237:22 260:2
organizational 160:11 161:21 226:25 227:7	pages 5:5,7,10,12,15 6:5,15,17, 19 7:4,9,12,14,16,17,20 223:13	past 96:19 135:10 142:14 273:7
origin 106:14	paragraph 31:11 32:1,14,23 33:13 44:21 45:4 59:25 61:2 68:15,23 70:8 86:20 87:8 88:17 120:23 171:5 173:17,21 178:5, 24 183:12 191:6 215:4 249:19	Patterson 9:11
original 153:11,15,18 201:13 217:6 237:7	paragraphs 32:18 87:13	Paul 6:7 7:19 21:13,17 22:4 165:9 221:20 268:20
originally 123:13	parameters 258:10	pause 11:23
originating 151:23	parens 177:3	Peach 176:7
Oroville 127:18	parse 47:5	pelagic 215:9,19
ot 5:6	parsed 34:10 47:1 84:15	pending 8:19 12:24 49:19 116:20 118:8 221:14,15 253:1
outfall 94:23,25 95:4	part 13:2 14:25 17:9,14 24:2,6 28:15 29:10,11 35:8 47:6,20 48:5,11 49:3 69:12,13,16 70:21, 23 81:3 85:19 88:2,25 89:7 97:16 99:22 106:5,10 116:6 121:23 123:20 134:14 150:20 169:9 170:2 184:21 208:18 232:19 253:18 255:17 261:18 262:7,11 281:9	people 18:14 20:10,23 26:8 28:21 43:5,7 50:16 55:17 56:3 110:18 113:1 143:15 164:23 168:4 177:19 178:1,6,10 181:6 183:1 184:25 189:17,23 191:12 192:15,16 199:23 200:12,19 203:13 205:12,14,15,24 207:9 241:3 242:9 254:9 255:9,16 270:2 274:20,23 275:2,10 282:1
outflow 213:9 214:14,15 259:22 260:6	participate 45:13 159:6,8 195:17 196:14 206:24	percent 38:3 119:11,15 120:25 121:3 122:17 131:23,24 132:2 158:25 159:9,11,17,21 160:5 185:25 186:20,23 187:11,18 235:10 239:3,5 249:20,24 250:1,2,8,13 251:4
outlined 215:10	participated 35:13 195:20 207:12	percentage 151:22
outreach 35:14 36:11,22 38:1,8 41:3 42:13,16,18,24 43:20 45:9, 14 46:6 133:7	participates 225:12	percentages 155:11
overbroad 12:3	participation 166:6 170:25 225:18	percolating 125:2
oversee 19:4,5	participatory 187:13	perform 92:6
overseeing 18:14 19:13	particle 262:15 263:2,12	performed 85:5,10,15
overworked 275:16	parties 14:13 27:20 30:3,9,18 35:18 45:22 46:18 47:3 64:14	period 17:9,25 48:17 145:20 206:4 246:15 280:16
		periodically 163:3

DEPOSITION OF KATHERINE MROWKA

periods 110:14 111:2	planning 225:23	116:1
permanently 221:23	plans 125:4	post-14 106:8 125:12 239:24 247:12,14,20,21 248:18,22
permit 64:5 83:24 84:14,21 86:11,15 141:6	plant 89:21 141:24 156:12 157:12	post-14s 248:11
permits 272:22	plants 125:4	post-1914 26:19 30:4,6 38:12, 13 40:6,8 56:15 122:1 125:25 126:2,4,10 240:4,9 242:6,16 247:6
permitting 17:14 18:12 70:15 84:18 95:2,7,13 96:11 133:17, 19 272:5,8,9 273:14 274:10	played 170:2,9	posted 104:22 110:7,13,19 111:2,11,15 112:3,8 180:23 220:5
perplexed 245:10 246:3	plenty 232:3	posting 110:16,17,20 111:8,10
person 10:15 133:21 169:20 195:22 259:2 274:2	plotted 126:15	postmarked 174:19
personal 282:5	point 17:12 34:23 38:22,25 39:1,10 40:2 42:1 44:20 51:6 56:6 72:8 76:12,15 78:23 84:11 89:19 94:17 112:12 114:6,7 117:9 139:14,20 140:2,4,13 150:21 152:4 153:17,18 154:10, 13 158:20 171:11 234:9 243:1 250:11 260:2 264:20	potential 180:18 226:6,9
personally 8:7 103:15 178:13 232:9	pointed 152:17	potentially 55:6
persons 22:22 28:13 42:21 132:20 176:13,23 189:8 202:9	pointing 67:11,13	power 107:7 163:7 167:3,14 203:17 279:6,8
perspective 209:8	points 114:10 138:5 234:11 260:9 266:14	PRA 197:11
petition 94:3,10,13	policy 111:12 201:3	practices 221:10 279:21
petitions 214:11 267:10	pool 142:24 147:10,17,18 148:5,21 150:11 228:18,21 229:19	Prager 9:7
PG&E 282:6	poor 152:19,23 198:3 219:7	pre-14 124:15 139:4 158:10 198:9 242:22 243:2,15,16,23 244:12,23 245:3,13,19 246:7,19 249:4 253:16 254:1,8,11,13,20 255:9 264:18
phone 195:23 206:24	poor-quality 128:7	pre-14s 248:15
photo 5:23	poorer 128:6	pre-1903 172:8,25
photograph 100:7 101:11	poorly 58:1	pre-1914 26:20 30:8 86:9 113:20 114:17,18 115:18 116:1 121:3 190:24 191:9 243:12 253:24 270:3,8,11 277:8 278:14 279:5,7
photos 99:4	Porter 258:13,17	pre-emption 184:16
phrase 69:1 70:8 173:5	portfolio 201:1	pre-project 136:4,5,9
physical 39:24	portion 62:2 63:1 65:22,24 67:7 68:2 72:16 73:1 84:15,18,20,23, 25 86:17 90:1,6,8 102:23 119:2, 4 121:11,24,25 122:2,4 124:8, 18,19 129:19 189:14 211:20 216:9 256:14 271:7	precedent 152:22
pick 83:23 90:13 129:12 130:18 145:22	portions 93:1,3 147:23	predated 133:9,10,12
picked 80:21 90:14 252:22	position 17:5,16,17,20,22 18:19 35:3 74:10 75:13 133:13, 15 139:11,18 146:12 156:8 232:1,6,9	predates 231:24
picking 260:16	positive 92:24	prefer 12:22
picture 39:22 40:4 68:3 115:25 123:6 135:14 144:6 184:22	post 110:21 111:16,17,20,21,22	preliminary 24:23
pink 122:6,8		premarked 8:14
Pittsburg 135:11,15,18		preparation 179:21
pivot 109:7		
place 13:5 62:23,25 63:2,10 85:2 87:24 88:3,4 89:13,20 94:18 96:13,21,22 124:20 156:25 248:4 253:18		
places 55:5		

DEPOSITION OF KATHERINE MROWKA

prepare 46:11 92:12 97:24 100:15 107:15 108:11 144:2 222:6 226:6	34:11 56:9,17,20,21,23,24 57:3, 4 75:2 85:23 106:12 107:11 126:18,25 150:19,25 172:2,4, 11,23 173:2,4,10,12 190:5,25 208:10,14,21 210:12 276:5 277:9 279:11	projected 250:9 251:3,6,10,18
prepared 5:19 11:15 58:19 65:16 102:5,9 108:4 117:8 158:23 219:7 274:12	private 77:22 102:24 103:3 177:11 179:12	projection 123:3 125:10
prepares 110:10	privileged 12:16 169:19	projects 106:4,7,9,15 144:24 145:2 146:3,23 214:11 228:19 257:7 259:21,25 260:7 261:17 267:14,15
preparing 83:8 100:18 117:24 172:16	problem 148:18 248:10 265:17 279:24 281:4	promote 215:5
present 4:2 16:25 38:15,21 138:13,19 149:23 151:2,11,13 155:22 241:22	problematic 74:23	pronounce 188:3
presentation 225:1	proceed 22:23 23:1,7 24:3 27:12 37:7 275:14	property 277:10
presentations 224:18,20	proceeding 11:9 99:23 164:7 237:17	proportion 238:13,14,17
presented 68:1 169:5,10	proceedings 11:2 189:15 262:8	proportional 238:22
press 188:16 194:20	process 26:4 27:6 28:1,15 58:4 158:23 160:7 178:11 184:11 234:22 273:11,17,19,21	proposal 28:4 228:18,21
presume 12:8 54:22 63:24 138:20,21,22,24 144:11,23 186:10 200:2	processed 273:13	proposed 27:19 28:13 188:20 195:5 228:17
pretty 238:11 239:23	processes 273:3	prorated 151:18,20,21 154:17 155:11,13
prevail 77:22	processing 269:11	prosecute 274:21
prevailing 136:15,16	Produce 5:12 10:11	prosecution 5:11 9:4,6 10:10 28:24 29:1,6,9 71:19,21,25 73:2,5 74:10 75:13 87:21 88:21 116:20 139:11,18 146:11 171:9 178:10 216:22 232:1,6
previous 237:2 241:2	produced 97:6 99:2 100:7 104:20 107:13 110:24 154:17 276:13	prosecution's 169:2
previously 31:4 53:19,23 88:5, 9,11 101:3 102:4 123:8 156:7 234:11 270:2	product 27:21 92:13	prosecutorial 162:18 164:1
previously-approved 260:9	production 5:9 10:5 99:3 143:12	protect 258:20 259:4
previously-stored 247:3 260:14,17	products 22:16	protected 105:24 106:6,11 257:8 258:5 259:13
primarily 19:25 21:25 57:18 103:23	professional 13:23	protecting 215:19
primary 22:19 114:11 166:8,9 206:17 209:3,24	program 14:17 17:11 18:1,11, 20,21,23,24 19:11 29:5,14 34:21 35:6 159:4,7,8 160:6 168:1 186:21,24 187:19 214:23, 24,25 216:21 227:23 267:23	protection 215:9
principles 34:7	progressed 236:12	protects 258:13
printed 276:17	prohibition 126:12,19 168:11	prove 128:6 131:14
prior 29:4,9 39:25 42:20 43:8, 17,22 51:12 55:13 57:14 79:8 85:15 89:19 94:8 98:9 122:24 133:15 136:7 152:19 189:19 202:7 203:8 245:21 254:13 276:22	project 136:7,8 144:5,19,22 145:6,8,12,15,18,25 146:1 150:10 153:10,12 166:19 168:8 227:4	provide 11:7,12 25:19 26:10, 14,24 27:18 35:4 43:7,11,16 99:15 116:6 121:16 163:14 176:13 205:6 223:21 224:8 233:2 235:6 254:15 255:8 263:6 274:2,5
priorities 19:10 30:21 39:17		provided 26:17 27:4,14,22 28:2 36:10,21 37:6 38:1 39:15 43:9, 25 44:1,2 58:8 74:21 79:16 100:1 108:1 115:13 143:10,14 153:23 166:17,18 175:21 201:25 224:19 230:11 257:7 279:12,18
priority 26:9 31:13 32:3,6 33:1		

DEPOSITION OF KATHERINE MROWKA

providing 117:5	266:6 270:10	raise 219:22
provision 94:2,4 126:20 251:24	putting 206:3	raised 162:16 281:13
provisions 174:8 230:18		ran 140:3 211:1
provocations 42:3	Q	rapid 275:25
proxy 230:24	quality 15:18 36:17 72:14	rapidly 275:17
public 36:14 97:7 106:19 107:5, 8 121:16 127:12 163:22 177:7,8 179:11,20,22 180:25 200:1 220:12 225:1 232:8 276:14	81:11,17,20 82:2,5,8,11,18,22, 24 83:4,11,19 128:5,6 136:10, 22 144:24 145:9,12,18 146:13, 21 147:7,20,23 209:11 216:1,5 230:23 231:12 258:9,13,22 259:5,12 264:3 271:5,7,22 277:13,15 278:1	rate 61:6 219:8
public-type 14:13	Quan 167:4	rational 49:12 50:10 254:14
publication 36:4	quantities 48:16	re-diversion 72:11
publications 42:10 166:14	quantity 36:17 37:25 92:4 129:12 244:9	reach 58:5 106:2
published 35:21 36:6 40:24 41:13 118:25 124:21	quantity-wise 250:5	reached 194:25
pull 141:7	question 11:19,20 12:2,5,6,7, 11,12,19,23,24 15:7 27:24 30:25 31:3,25 32:24 33:8 34:13, 15 48:19 49:17,18,19 50:9 55:10 56:10 60:1,8 61:24 63:12 64:22 66:21 67:1 71:20,24 74:4, 15 81:1 83:3,5 85:14 96:5,7 116:6 128:24 129:2,3,5 131:19 142:10,11 143:4,6 151:6 168:18 169:24 212:24 213:16 237:1 239:12 247:5,16 248:10,25 256:19 257:2 259:8 261:22 267:4 272:3 275:9 276:18	read 34:13,14 49:20 55:10,11 74:14,16 77:6,7 83:25 96:6,8 113:6 129:4,6 130:25 142:11,12 150:6 171:6 173:17,20 190:21 191:6 192:12,14 204:21 205:15, 16 208:22 215:8,11 217:16 258:7,10
pulled 109:16		reading 31:25 60:24 87:10 93:8 120:7,12 138:24 158:8 171:8 173:19 191:6 224:1
pulls 129:22		reads 23:22 52:22
pump 80:5,6,21		ready 10:19 60:25 194:25
pumped 80:6 82:17		real 169:24 213:12,19 236:21 249:9 252:13
pumping 5:23 61:15 68:25 71:6 82:13,17 124:24 156:12,18 157:12		real-life 51:9
pumps 61:4 157:22 166:23 260:16		real-time 52:5,8
purchased 277:10		realize 76:8
purple 122:21	questions 11:22,23 12:8 13:8 57:9 60:23 62:16 109:25 118:2, 9,10,14 160:20 189:5 194:23 236:16 237:2 238:6 240:2 257:5 268:1 270:13 271:7 272:1,4 274:7,16,18,19 282:11	realized 49:2
purpose 11:6 46:20 47:11,12 58:12 87:25 88:3,8,10 89:13,20 121:14 146:18 147:12 150:7 178:1 225:19 257:18 259:22 263:6	quick 236:21 249:9 252:13 264:5 270:13 274:18	realizing 247:21
purposes 48:5 66:3 68:19 69:21 82:1,15 91:18 113:2 117:7 124:5 175:1 177:1,10 224:14 270:16 278:21,22 280:20	quicker 281:5	reason 11:12 12:22 77:2 80:19 138:23 170:17,19 171:23,25 178:14 279:22
pursuant 86:3,4,6 97:7 107:13 144:25 179:20 245:19 264:25 276:20,25 277:7	quickly 9:21 169:25 238:11 275:24	reasonable 145:5 231:2,3,8 232:3 271:24
purveyors 201:8	R	reasoning 214:6,9
purview 146:10	rainfall 24:18 39:4 40:11	reasons 61:9 89:11
put 76:9 111:13 121:9 156:25 179:6 236:24 239:18 263:13	rainfall-sourced 40:1	reassigned 168:9
		recall 17:14 31:18 36:12 41:9, 10 43:15 44:5 46:2,9 55:18 95:9,11 112:7 143:17 149:6 160:19 161:8 176:18 185:23 195:13,16 196:23 197:3,6 198:2

DEPOSITION OF KATHERINE MROWKA

202:5,15,19,24 203:1,4,21 204:6,20 206:14 208:22 217:21 218:24 221:20 255:14 258:6	record 9:21 11:18 32:10 34:14 49:20 53:16 55:11 57:8 74:16 77:7 96:8 113:6 129:6 142:12 149:11 185:19 186:14,17 197:16,17 204:20 205:10,16,17 220:1 223:5,7	regard 102:25 182:13 203:12 231:1
recalling 202:16		regime 155:18 278:19
recapture 72:12 128:2 131:4		Regional 140:16
recapturing 60:20 70:10 71:3	records 14:23,24 15:3,10 22:23 24:17 25:15 36:14 97:7 159:23 179:20,22 240:24 251:12 276:14	regions 54:17
receipt 173:24 174:2,6,21,25 175:16 178:20		regular 195:10
receive 114:9 115:17 165:18 174:1 176:10 191:16,23 192:9 220:3 245:14,16 273:23	recycle 77:8	regularly 224:8
received 35:17 37:20 54:21 112:22 115:24 174:18,20 175:7 176:22 178:4,15,18 179:1 205:4,19 211:9 217:12 220:5 245:5 250:21 251:16 252:25 254:17 276:7,24	recycled 77:9	regulate 278:7 279:4 280:19
receiving 113:14 132:19 174:10 175:11 245:25 246:12 277:25	red-orange 239:23	regulating 158:1 279:20
recent 36:5 56:1 162:23	Redding 139:13,19 152:15	regulation 79:7 237:22 279:22 280:14,18 281:2
recently 56:2 62:12 78:5	redistribute 60:2	regulatory 278:2,4,10,15,19 279:15,21 280:1,5,15,16,23 281:9
recess 57:7 96:24 149:10 223:6	rediverted 260:17	relate 105:16
recipients 206:17	reduce 92:19	related 16:5 19:7,10,22 20:3,4 21:7,8 22:2 24:22 29:20,24 53:19 68:10 102:5,9 104:23 105:10,13 106:18 163:20 168:12,13 178:17 224:13 253:10
reclaim 72:9 131:2	reduced 92:21 242:5,17	relates 23:19 202:2,3
reclaimed 84:5	reduction 92:17 159:1 215:25 216:4	relating 212:1
reclaiming 84:5	reductions 250:22,23	relation 193:18
Reclamation 51:3 124:3,4 127:9 240:3 241:8,14 245:15,23 266:5 267:16	reentered 41:23	relative 89:16 172:20 174:7
recognition 208:13	refer 137:16 249:12	relaying 204:1
recognize 97:9 99:3 100:14 144:9 160:9 198:15 200:20,21	reference 94:11 178:25 196:16 225:3 228:8	release 47:16 188:16 194:20 247:2 258:21 259:4,12 266:3,11
recognized 198:14	referenced 229:9 271:11	released 47:23 48:4,23 50:10 246:12 259:21 260:5 265:9 280:24
recollection 13:3 45:12 103:21 120:6 197:23 208:15,25	references 88:17	releases 33:22 47:11 50:5 124:4 216:1,4,9 265:4 266:21 267:24 270:15
recommend 281:7	referred 222:8	releasing 51:3 56:2 261:3 266:17,18,20,24
recommendation 26:11,15 27:8 28:2 37:5	referring 43:18 59:6 90:2 97:15 98:15 99:6 137:8 180:15 185:22 230:21 249:23 267:13	relevance 174:25
recommendations 24:16 25:11 26:18 27:16 28:7	refers 186:8 194:16	relevant 51:25 53:11 70:12,13 81:6,7 83:12 174:3,4 214:15
reconsideration 174:12	refinements 237:8	relied 99:21 100:1 114:17 150:16 244:2
	reflect 32:19 114:15 116:5 120:15	relies 81:2
	reflects 125:21	
	refresh 33:10,12 84:7 88:13 119:17,19 135:2,19	
	refreshed 108:23 109:1 120:5	
	refresher 109:10	
	refreshing 244:9	

DEPOSITION OF KATHERINE MROWKA

rely 100:20	requested 174:10	115:13,16 170:5 177:16 179:22
relying 79:2,9,10	require 46:19 93:24 94:3 273:1, 4,6,18 274:1,11	189:4 219:7 226:6 257:20 270:9 275:21,25
remain 111:4 146:20	required 47:10,12 84:14 87:23 89:12 94:1,7 130:9 144:24 171:21 191:5,8,17,24 192:10 216:1 219:1 273:5,15,20	responses 51:18,21,23 52:6
remainder 270:11	requirement 49:25 252:5 261:16 267:18,19,20	responsibilities 17:8 18:8,25 19:4 22:12,14 23:25 77:24
remained 148:6	requirements 49:23 50:14,18 144:25 145:3 146:13,21 147:7 252:10 261:1,12,15	responsibility 25:5
remaining 250:2	requires 146:19	responsible 19:13 224:18 261:7
remember 33:7,8 36:2,5 46:4 102:6 104:12 195:24 196:2 201:17,21,22 204:10 235:12 240:20 241:15 257:3	reread 49:18	responsive 275:7
remembered 8:1 213:15	rescinded 189:14	rest 199:25 200:12 247:8 263:14
remembering 198:3	rescission 219:2	restrictions 72:11
remind 27:25	research 41:16 84:24 102:22	result 89:25 106:15 114:13 174:10 189:15 220:17 230:25
reminded 28:20	reservoir 33:22 48:9 49:22 52:16 114:24 145:15 152:9 158:1 216:8,9 246:13 266:18 267:24	resulted 90:5 184:24
reminder 218:25 219:9	Reservoirs 137:25	results 92:17
reminding 219:4	resources 10:18 13:18,20 16:24 36:4 40:12,15 52:15 69:15 70:19 106:20 107:24 126:17 127:17 153:23 158:19 166:5,7,9,11,12 186:11 199:6 232:23 233:11,12 237:10,23 238:2 241:22 261:18 277:5	resume 16:20 17:23
removal 92:3	Respect 22:13,15 25:1,12 26:3, 18,19,20 30:3 35:18 60:15 68:6 80:9 81:20 85:5 87:15 113:19 118:15,20 119:5 127:6 129:16 130:20 140:12 148:5 162:20 164:19 166:15 168:3,20 176:22 177:12 179:10 181:13 185:24 187:11,18 201:6,9,18,23 202:18 212:14 213:8 215:17 223:20 224:9 229:9,10,16 234:15 267:22 282:2,6	retention 111:12
repeat 55:9 66:25 71:14 74:13 77:4 86:13 113:3,5 129:3 131:18 142:10 259:8 261:22	respecting 162:18	return 34:3 35:9,18,19,23 36:24 37:1,19,24,25 38:17 39:6 40:22 72:12,14 74:19 76:6 77:18,20 78:9,10,20,24 79:10,12 80:14 83:22 84:11 85:6,10 87:7 118:21,24 119:1,5,12 121:3 123:9,11,17,18 124:7,8,10,11, 12,15,24 129:20 130:7,8,10 134:5 148:11 234:7 235:10
repeating 96:5	respond 141:14 275:17 281:24	returned 124:6 196:12
rephrase 151:7	responded 176:25 219:16	reuse 130:19
report 20:17 36:8,9,15,25 81:14,19,20,21,22 82:20 83:1 92:10 93:9 102:4,8,9,12 127:19 138:25 142:7	response 5:12 10:11 54:10 59:23 89:5 97:8 99:3 108:1	revamped 163:3
reported 254:9 270:7 276:15		review 17:23 22:22 25:20 27:23 54:24 55:19,22 56:12 57:1 60:22 87:11 90:15 96:19 101:8 163:10,15 233:11 238:20 248:1, 3 253:5 272:6
reporter 8:5 11:18 34:12 74:14 77:5 96:6 113:4		reviewed 31:16 37:7 51:25 58:10,13 70:7 78:5 83:16 87:13 99:8 107:17,20,21 179:23 257:21 270:20
reporting 246:2 256:13		reviewing 16:12 29:5 51:24 68:3 83:14 102:21 238:18 262:5 274:9
reports 21:10 22:6 40:24 41:14 58:17 62:14 78:6 224:3,5 226:24 227:16,18,20 268:20		reviews 55:12 56:5 57:2 101:22
represent 80:2 118:7 153:18		
represented 99:20		
representing 9:4,17 236:20		
request 5:9,12 10:5,11 36:14 97:7 99:3 111:10,13 141:14 174:18 176:17 177:17 179:20, 22,23 191:18 192:11,14 197:20 213:23		

revised 250:13	22 90:12,16,19,20 91:6 97:19, 20,21,22 98:13 100:23,25 101:6,17,18,21,24 102:1 107:7 112:18 124:6 126:15 127:7 128:8 131:21,22,24,25 132:2 137:5,15,17 139:4,5,14 151:20, 21,25 152:1 154:18,21 155:8,9, 14 238:23,24 242:5,22 243:3,10 244:17,20 247:9 248:6 250:3 253:2 254:8 255:3 261:6 263:13 264:9,14 265:1,9 266:7,22,24, 25 267:11,12	Ryan 7:11
rgilmore@bbid.org 178:25		<hr/> S <hr/>
Rich 7:21 226:14 227:22,23 229:4,23 230:1		Sac 13:20
Rick 4:5 61:4 204:7 231:4		Sacramento 8:4 13:15 26:23 42:19 43:20,24 44:7 45:5,9 46:6 53:21 84:16 107:9 112:18 126:14 137:5,15 138:9 139:4,5, 13 140:16 151:20,25 152:3 154:18,21 155:8,14 194:21 238:24 250:3 261:4,6 273:17
Riddle 7:22 168:1 182:12,17 183:1 214:1 226:17 227:5,11, 12,16 228:2,13 229:25		Sacramento/san 36:16 45:7 191:1 239:4
Riddle's 231:1	River's 152:3 238:13	safety 200:24 201:11,16
right-hand 120:22 162:1 227:8	rivers 54:25 127:10 137:12,16	sale 103:2
rights 14:8 16:3,11,13 17:4 18:17 19:10 24:25 25:7 26:20 27:2 30:4,6,9 40:6,9 42:22 47:4 56:15 69:25 70:5 81:23 106:3,8, 10 107:17 113:20 115:19 116:1 132:9 148:21 158:6 162:2 175:13 176:14 185:25 198:24 199:1,24 203:6 208:2,15,23 209:1,2,4,5,12,24 210:16 227:9 228:5 237:13 240:5,7,9,15,23 241:1 242:7 243:2,3,10,13,14 244:3 245:15,16,19 247:12 253:25 254:2,6,13,20 257:13 258:25 259:2,10,11 264:18 267:12 270:8 272:5 273:9 276:19,24 277:17	Robin 10:17	sales 73:6 88:15
	Rodrigues 199:20	salient 148:13,14
	Rodriguez 199:18	salinity 267:19
	role 13:2 170:9,22 176:17 201:6,9 214:22 225:24	salt 136:13
	Ron 213:19 215:2	salty 134:11 136:19
	Ronald 7:13	San 6:3 9:18 26:21 42:18,24 44:6,10,11,13,17,18,21,25 45:6 97:22 101:18,24 107:9 113:15 114:3,11 123:21,22 124:6 127:7 137:5,14 138:2,10 151:21 152:1 154:18 155:8,14 188:14 194:20 208:3,7,23 209:3 210:1,10,13 225:25 236:20 238:13,23 239:2 242:5,20,21 243:3,10 244:17,20 246:9 247:9 248:6 250:3 253:2 254:8 263:13 264:19 267:11,12
	room 8:25 9:20 10:16 160:14	Sanitation 140:17
	rough 134:24	Sanjoaquin.gov.org. 177:19
	roughly 43:22 66:13 135:1,7,8, 17 136:12,14 137:22,24 140:18, 19 145:22 243:19	satisfaction 245:20
	routine 208:18	satisfied 146:16 256:15,18
	routinely 269:22	satisfy 19:8 22:18 113:15 154:2 245:12
	routing 152:8,9	Satkowski 7:22 226:14 227:22 229:4,23 231:4
	RTDOT 213:8,10,11	Saturday 194:13
	Ruiz 9:14	saved 159:21
	rule 128:23 237:22 278:22 280:11	savings 160:5 185:25 186:21
	ruled 280:3	schedule 157:19
	rules 77:11 280:4,17	
	run 193:1 210:2 275:13	
	running 226:1 269:19	
	runoff 61:5	
	runs 278:24	
	rush 265:23,24	
	Russell 203:23,25	
riparian 113:20 114:17 115:2, 18 116:2 121:3 124:14 159:7,17 160:1,2 172:8,25 185:25 186:21 242:22 243:3,13,14,17,24 244:11,15,17,19,22,25 245:13 246:7,8,19 247:6 249:4 253:16, 25 254:2,11,12 255:9 270:3,8, 11 277:9 278:9,12 279:1,2 280:22		
riparians 159:1 173:13 246:17 254:3 255:10		
Ripon 51:4,6		
river 6:3 26:23 38:23,25 39:11 42:19,20,25 44:7,11,12,21,24 45:9 46:23 52:1 53:21 55:5 68:24 69:3,8,10,12,13,17,20 72:13,15 73:10,17,18,20,25 74:3 76:21,22 79:23 81:4,9,12, 16 82:6 84:17 85:25 86:22 88:6,		

DEPOSITION OF KATHERINE MROWKA

scheme 278:17	181:2 191:6 215:8 238:12	shifted 116:8
science 18:16	251:2,6	shocking 249:18
scientist 59:4	sentences 11:17	shop 136:24 170:4
scientists 20:9	separate 42:19 47:2,5,8 59:13 64:4 86:4,11,15 241:18 245:15	short 57:9
Scott 107:7	246:18	shortage 30:16 42:20 43:2,23 105:1 172:21 180:18 189:9,20 193:19 225:24 234:19 245:3 246:14 256:17
searched 177:20	separately 26:19	Shorthand 8:5
season 49:3 133:22	separation 164:3	shots 264:6
secondary 22:20	September 7:20 18:22 34:21 184:1 223:15	shoulder 109:13
secretary 188:9,10 199:5	Sergeant 167:7	show 27:8 65:2,4,16 67:10 82:16 100:22 121:19,23 123:1 150:3 194:14
section 67:13,18 83:22,25 84:2, 10 87:18,23 89:12,18 94:7 102:9 126:5 131:7 132:9,18 162:8 227:4 249:13 257:8 259:2 262:6 272:5	series 50:24	showed 98:12 126:14,15 231:11 232:5 241:23
seek 42:11,23 174:5	serve 40:5 121:21 150:24 179:4 219:11	showing 5:16 27:9 67:7 144:9 218:5 246:1
seeking 95:24	served 46:12,20 57:3,4	shown 65:24 67:4 79:25 97:20 122:25 134:22 144:16
sees 52:22 163:22	server 177:21 178:16	shows 56:8 65:7,22 68:3 92:10 121:20,24 125:24 144:19,21 145:8 232:3 233:17
segment 90:13,14	serves 178:7 203:20	shrunk 98:3,5
segment-type 263:23	service 46:16 80:7 106:2 116:16 178:11 179:17 266:19, 20 267:1,5	side 5:16,19,21 8:20 9:10 10:2 15:20,23 16:5 21:5 22:8,13 23:1,7 28:23 29:11,21 30:3,11, 23 31:2,8 32:6 38:9,25 39:1,10 40:2 41:18 42:1 44:9,10,16,22, 24 45:3,13 46:1,13 52:1 53:23 54:20 55:7,24 56:12,19,22 59:17,18 60:19 61:12,14,22 62:1,3,9,15,20 63:8,16,25 65:16,20 66:15 67:2,22,23 68:6 69:11,16 70:6,17 71:12,16 72:1, 21 73:3 74:8,10 76:2,7,11,20,24 77:15 78:21,23 79:18 80:5,17 81:23 82:3,12,17,24 86:3,9 87:1,7,16,17 88:7 89:2 97:12 98:12 100:19 101:1 104:10 112:16 115:25 116:22,24 117:7 119:14,15,18 120:2,9,22 121:7 123:21,22 127:23 128:2 129:12, 21 131:20 132:1,17 135:24 137:12 138:3,9,10,25 141:1,4 142:1 162:1 164:10,12,17,20,25 165:1,4,5,6,10,23 166:2 167:16, 17,25 168:2 169:2,3 182:18
select 184:22 268:23	services 203:17 225:23	
selected 183:23	servicing 116:11,16	
selecting 110:12	serving 29:5 164:6	
selective 157:24	session 42:18,24	
seminars 14:12	sessions 36:11	
send 169:20 195:1 205:25 219:4,21	set 8:11 206:22 236:4 240:15 251:8 258:8	
sending 188:20	sets 257:18 261:11	
senior 17:21,25 18:7,8,10,12 20:14,17,18 21:9 39:20,23 47:7 105:10,23 106:5,10 133:17 156:5 171:10,12,16,21,24 172:7 173:3,12 188:14 192:25 199:24 208:24 221:25 222:1,2 226:20, 22,23 227:15,24 249:4 268:20 269:8 273:20 274:6	Settlement 112:18	
seniority 39:21 106:2 129:8 172:20 173:6	seven-day-a-week 157:23	
seniors 20:25 21:2 216:20 268:19	seventh 106:18	
sense 118:12,13	severity 276:2	
sentence 60:7,15 68:23 72:8 86:20 120:24 171:6 173:20	share 159:24 177:1 233:7	
	shared 179:12,13	
	sharing 177:11	
	Shasta 152:6,11 245:6 261:3	
	shed 254:7	
	Sheri 7:4	
	shift 17:12	

DEPOSITION OF KATHERINE MROWKA

183:2 216:22 227:6,8 239:10 262:11 277:12	size-wise 98:3,6	14
Side's 21:16 30:14 33:1,18 38:22 48:21 56:6 63:7,14 73:1 76:4,10,13,17,19 77:1 80:9,14, 21 87:15 131:4 132:11	slightly 186:1	speaks 192:3 261:21
sidewalk 161:18	Slough 153:19	special 227:4
Sierra 279:8	small 209:2,5 240:10 272:24	specialist 18:10 21:9 221:25 222:1,2 268:20
Sierras 138:1,3 278:25	smaller 209:13	specialized 14:2,4,18 15:17
sign 178:6,11	snapshot 52:5	specialty 13:20
sign-ups 179:17	solely 19:22 20:2,3,4 72:11 75:6,9 80:14 134:1 141:17 147:14 184:15 253:10	species 215:10,19,24 282:3
signatory 189:8	solid 98:7	specific 16:12 29:20,23 30:8 31:2 35:25 39:15 47:3 49:23 55:23 56:5,7,11,19,24 70:18 89:4,6 91:23 111:22 118:10 126:24 153:2,7 155:13 165:3 171:18 193:12 197:23 218:5,10 237:9
signature 27:23 28:12 31:22 195:5	SOMACH 8:3	specifically 31:1 73:6 77:14 94:9 105:2 108:22 119:8 181:14 215:20,23
signed 26:10 99:17 178:2,22 179:16 282:19	sooner 100:4	specifics 24:11,12 30:23 37:23 43:15 115:20 135:2 282:8
significant 41:6 45:23 93:5 269:18	sort 197:6	specifies 94:2
significantly 26:22 269:16	sound 34:7 36:19,20 115:3 213:14	speculate 13:4,8 60:18 102:19 132:22 159:19,25 182:4
similar 11:4 85:9 95:6 102:8 136:16 233:6 271:16	sounds 25:18 197:22	speculating 102:18 181:25 184:9,13
SIMMONS 8:3	source 36:10 39:9 40:10 68:13 70:18 76:16 81:8 124:13,16 129:8,10 130:1,5 131:8,15 141:17 142:4 150:3,9 153:2,3,5, 7,11,15 154:2,9 155:2,4,7 156:9 266:15	speculation 95:22 147:25 157:14
simple 192:11 258:11 260:23	sources 15:14,15 34:5,8,17 38:24 41:17 46:11 49:12 61:18, 23 62:6 64:12 70:2,14 71:9 72:17,24 74:20,23 75:15 76:25 77:11 80:17 83:14,16 84:24 128:12,13 131:25 136:25 149:14,22 154:12 184:21 209:4 243:18 265:13	spoke 36:11 42:4 108:15,17
simplified 194:20,22	South 9:14,24 150:4 152:3 215:5 264:19	sports 103:24 104:3
simply 52:22 92:20 94:3 111:13 157:18 163:13 172:10 191:12, 25 233:16,24 280:19	southern 248:4 260:11	spreadsheet 43:16,18,25 110:13 111:23,24 121:10 185:3 234:5,25 235:5 236:5,7 238:19 246:23 248:20
simulation 262:21	Spaletta 4:17,21 8:15,16,17 9:20 10:15,19 18:6 32:11 33:16 34:12,15 48:2 50:4,8 53:10 55:10,22 57:5,8 59:2 63:19 65:11,15 71:20,25 74:14,22 77:5,13,20,25 79:5 95:24 96:4, 12,22 97:2 98:22 99:1,20 100:4, 11 104:14 108:5,10 113:4,11 118:1 130:25 187:24 272:2,3	spreadsheets 43:8,13 109:4, 11,12 110:5,6,25 111:1,14,16 235:18
siren 271:19	speak 108:10,14 149:17 150:1 160:7 178:13	spring 150:4
sit 36:23 39:24 69:7 73:11 101:19 115:21 171:19 242:15 244:7	speaking 21:22 207:13 224:11,	squarely 252:10
sits 227:9		stadium 103:24 104:3
situation 22:3,16 24:13,14 26:22,23,25 29:15 34:1 35:16 43:10 51:9,13 68:10 84:13 87:22 94:16,21,24 121:18,20 123:2,4 130:21 152:19 159:20 171:15 175:3,12,15,23 180:25 242:1 276:4 282:4		staff 18:14 20:13,17,22 21:13, 22,25 22:9,16,21 24:8 25:1,2,10 31:16,20 37:12 41:16 49:1 50:11 53:1 58:9,13,19 59:4,12 61:15 64:22 92:10 102:4,8
situations 83:21		
size 98:8 250:4		

DEPOSITION OF KATHERINE MROWKA

112:7,8 133:21 165:2,3,4,21 167:21 168:7,9,20 171:3 197:12 223:20 224:7 225:11 230:2,4 231:1 232:22 242:18 243:7 255:7 268:7,12,16,22 269:7,8,9, 14,17,21,23 274:22 275:1,3 277:5,13 282:9	238:2 240:17 241:22 242:19 257:7 261:17,18 270:18 274:24 276:14 280:3	storm 51:19
staff's 27:7	state's 77:23	straight 28:14
staffing 20:15 274:20	stated 61:4 123:8 189:7 205:13 262:6	Strait 135:12
stakeholder 35:14 37:23 43:17 133:7	statement 69:6 83:9 85:12 101:10 105:6 107:25 108:4 115:9 117:8,25 131:6 158:8 239:17 242:12 245:25 246:1,3 249:21,24 250:1	stream 38:16,21 39:3 41:23 51:9,18,21,22 52:6,23 54:10 84:4,20 85:1,24 88:25 89:5,8 91:25 92:2 95:15 123:19 124:9, 25 139:23 141:7,19 151:5,14, 19,23 171:13,19 239:1 254:25 255:4 258:14,21 259:5,13 263:23
stakeholders 38:5,7 42:12,25 43:24	statements 119:21 208:8,11 244:2 254:10	streams 24:19 54:16 89:5 96:9, 10 136:16,17 137:6,7 156:21 157:2
stamped 99:17	states 60:1 101:18 127:8 174:16 177:5 180:17 204:23 240:2 241:8 267:16 280:19	street 161:19
stand 59:22 213:10	station 5:23 54:24 68:25 82:13, 17 264:13	stretch 56:16
standard 20:12,14 51:4 77:11 79:1 106:24 150:16 279:21	stations 33:24 54:3 137:20 138:5 148:11	stretched 275:9
Stanislaus 248:22 255:3 264:9, 14 265:9 266:7,22	status 225:13	strictly 87:6 255:9
start 12:9 13:12 18:23 38:19 104:18 156:25 175:19	stay 147:6 183:25	strike 38:19
started 8:24 9:22 10:20 104:8 210:25 250:19	step 68:5 104:5	strong 198:4
starting 9:2 34:21 216:5	Steven 103:4,6,10	struggle 122:12
state 8:5 9:6,7 11:2 13:14,15, 21,24 16:24 28:16 30:13 32:14, 20 33:15 43:5 46:21 49:25 50:4, 14 66:2 69:15 70:1,15,18 71:11, 15,19 77:21 79:17,18 84:13 87:18 94:13 95:18,22 96:14 97:6 99:2,24 100:7 101:17 105:15 106:4,7,9 110:7,24 112:10 113:1,8 132:25 133:13, 16 136:7 139:25 140:11 141:15 142:3,17 143:7,15 144:25 145:3,15 146:8,10,22,24 147:21 148:1,5,20 149:12,16,20,21 151:9 152:14 153:10,12 155:21 159:5 160:4 166:19 168:25 170:1,15 171:18 175:8,9,22 177:9 180:22 181:7,12,20 185:3 186:11 190:2,23 199:23 200:8, 24 201:2 204:6 205:20 206:2 209:25 211:11 212:1,13 215:17 218:24 219:20,22 220:6,10,12, 14,18,19,24 221:3,5,13 225:16, 17 226:2 228:4,8 229:5,15,20 230:22 231:15,18 232:7,11,13, 17,25 234:1,2 237:10,18,23	Stockton 141:6,9,16 204:20 205:10,16,17	stuff 189:1 224:17 230:16 274:24
	Stockton's 141:3	style 98:12
	stood 276:6	Subdivision 89:23
	stop 96:21,23 135:11 189:13 190:3 191:2 200:7 221:4	subject 15:6 70:3,14,25 71:1 72:10 74:24 75:4,20,21,23 77:11 78:11,22,24,25 79:11 84:17 86:18 88:25 95:1,7,12,19 141:18 159:13 160:20 185:15 186:1,9 194:9 196:1 208:2 218:21 222:7 228:3 237:13,15 244:15 259:17 263:17 279:9
	stopped 50:17 147:16	submit 218:22 273:1,6 274:5
	storage 47:12,24 48:4,23 50:11 127:9 132:5 145:15 149:4 213:9 266:3,6,11,18 278:2,4,11,15,19 279:2,3,7,16 280:5,12,14,15,16, 23 281:5,6,9	submittal 65:7 230:12
	store 279:23 280:11,13	submittals 65:10 233:13 277:24 278:1
	stored 49:3 112:22 114:9,20 115:6,17,23 123:25 245:6,11 246:10,12,15,16 265:4,8 270:14,15	submitted 59:18 168:23 219:21 232:18 270:12 273:9 276:19 277:7,21
	stores 124:2	subordinate 164:17,18
	storing 278:8,20	subordinates 247:18

DEPOSITION OF KATHERINE MROWKA

subparts 24:1	113:2 114:14,18,21,22 115:7,22	tailwater 41:22 46:15 60:2,20
subscribed 176:14	119:14,15 121:7,18,20,24	61:5,14,16 70:10 71:4,5 81:4
subsection 89:23	122:2,23 123:1,4,6,16 134:9	84:10 85:21 86:1,11,15,22 87:1
subsequently 64:17	139:16 140:3,4,6,7 141:1,4,25	100:22
subtracting 92:7	147:15 150:14 152:18,22 153:3	tailwaters 81:12 86:17
sufficient 19:8 22:17 24:24	156:20,22,23 159:14,24 160:2	takes 152:2,5 157:9
25:6,23,25 27:1 29:16 40:5,8	166:8,15 168:17,21 171:14,21	taking 5:4,6 9:23 10:1 76:20
147:23 151:1 189:18 204:2	172:2,10,22,24 175:12,23	128:7,8 171:17,23 220:17
231:12 232:10,22 233:18 247:7	180:20,25 182:13 190:1,4	246:16 248:4 256:7 281:5 282:7
suggest 58:8 147:22	201:1,19 209:20 214:17 216:10	talk 37:12 47:22 62:25 87:8
suggesting 33:12	235:5 236:9 248:14 252:9	103:22 104:6 108:19 109:2,19
suggests 230:23	255:19 263:7 271:4	136:3 155:23 156:1 160:15,18,
suit 198:4	supply-planned 112:16	22 161:11 167:4,23,25 168:4,5,
Suite 8:4	supply/demand 6:4 242:6	7,19,21 179:10 189:2 197:19
summarize 127:25 234:14	250:12	200:5 209:16 217:18 235:2
summary 43:12 128:9 143:14,	support 32:20 45:2 53:23 59:9,	talked 16:17 25:9 36:4 95:17
15	10 94:5 102:22 103:10 217:14	102:18,19 108:20 109:6,20
summation 257:25	supported 33:6 37:8 228:16	112:14 113:8 152:18 167:5,6
summer 64:8 66:23 67:3,25	229:1,3,13,17	186:22 234:23 235:4 252:4
72:3,18 83:13,19 150:4 151:2	supporting 233:1 274:1	talking 42:16 52:19 62:22,24
Sunday 108:7	supports 273:24	72:24 77:18 78:18 107:10 113:8
superficially 211:18 262:23	supposed 98:6	119:13 120:24 160:23,25 161:2,
superseded 111:5	surface 92:4 95:1,15 96:9	4,6 185:24 192:20 201:8 213:20
supervise 22:9	143:22 156:21 180:18	216:8 224:2 235:16 237:18
supervising 20:11,23 227:15,	surrounding 267:6	241:2,10,11 247:18 249:23
24	switch 243:14 244:11	254:25 255:5 260:1 264:21
supervision 20:13 165:2	switching 270:1	280:14
221:24	sworn 8:9	talks 54:2 82:20 183:12 186:20
supervisor 25:12 113:9 162:12	SWRCB 5:14 215:4	192:18 195:9 215:13 279:5
272:4	system 38:21 39:21 41:22,23	Taro 7:15 216:17,19
supervisory 18:12	50:21,25 56:21 98:6 106:3	task 21:9 22:19,20 33:2 193:18
supplied 256:2	113:15 123:20 124:9 141:19	224:22,25 225:5,6,9,20 226:4
supplies 24:10 56:15 183:15	150:24 151:5,14 154:18,19,21	tasked 21:22
200:25 201:7,11 202:21 204:2	155:14,15 177:12 239:3 240:17	tasks 19:21,23 22:1 25:1 65:6
supply 19:8 21:8 22:3,15,18	241:13 244:20 247:7 248:5	Tauriainen 9:5 33:12 57:20
24:1,6,13,22,25 26:22 27:1	258:14,21 259:5,14 260:15	58:7,11 100:2 108:6,8 164:11
29:15 31:12 32:2,6,25 33:3,16,	261:4	TBS 81:15,16
18 34:1,5,9,10,18 35:16 36:17	systems 24:19 124:25 137:5	TDS 82:21 144:8
39:10 43:10,12 46:11 47:7,21	151:19,23 171:13 239:1 255:1,4	team 9:4,6 28:24 29:2,6,10
50:25 53:21 55:2,15 57:1,4		71:19,21,25 73:2,5 87:21 88:21
68:10,11,12,13 76:17 89:2	<hr/> T <hr/>	116:20 168:6 171:9 178:10
91:16 92:20 106:1,2 108:25	tab 227:1	183:4 213:12,20
	tables 109:7	Team's 5:11 10:10 74:10 75:13
	tabs 109:15	139:11,18 146:11 232:1,6
		Tech 230:18

DEPOSITION OF KATHERINE MROWKA

Tech's 230:19	thinking 83:18 265:21	title 35:25 36:12 262:17
technical 153:14 256:10 273:1	thought 46:8 52:11 98:9 107:25 160:7 164:18 173:7 182:17,25 183:1,5 184:14 200:10 205:8,9, 11,13,14,24	titles 19:16
technically 278:20		today 8:18,24 11:4,8,13,16 12:8 13:1 17:24 36:23 37:16 41:5,7 49:7 66:4 69:7 73:11 99:21 101:19 104:8 107:1,4,16 109:16 115:21 153:25 170:4 172:15 184:5 191:11,14 214:23 242:15 244:8 273:7
technicians 20:9	thousand 80:4 94:9,14,15	
technique 35:2	threatened 105:10 106:19 282:2	
telephone 195:21 206:20 207:12	three-week 43:1	told 27:14 41:3 79:8 105:7 116:12 231:2,3 235:9 242:4 255:20 257:22
telling 52:24 56:3 77:25 151:9 190:2 197:22 203:16 209:16 235:6	Thursday 185:13 196:13 197:1 210:25	
temporarily 268:11	TID 266:24	Tom 6:9 7:13,15,17 26:10 133:3 163:18,23 165:17 168:2,16,22 169:21 180:9 181:21 185:15 186:5,8,9,10 187:3,9 189:7,9 193:9,11,14 194:12,18 195:5 198:13 202:21 204:7 207:15 213:25 214:4 217:7,11,12,18,23 218:2,4,16 222:20
temporary 20:3,19 213:21 214:10 221:21 267:10,13,22 268:13	tidal 93:4 139:1 183:14	Tom's 187:13 197:19 218:6 222:4
ten 17:19 18:7 269:21	tidally 138:21	tomorrow 181:3
term 15:4 37:10 106:24 136:23 157:11 256:10	tidally-influenced 91:6 95:18 272:23	tongue 36:1
terms 51:22 121:17 153:14	tide 92:23 96:13	tongue-twisted 123:14
testified 10:23,25 11:5 49:7 52:11 53:23 57:11 101:3 127:21 128:2 130:23 133:25 217:22 253:13 270:1,19	Tim 9:17 188:13 236:19	tool 263:5
testify 116:25 117:3,19	time 11:17 12:1 17:6,9,13,15,25 20:2 29:3 35:2,7 36:6 37:18 48:16 49:15 56:1 62:6 93:7 110:14 111:2,25 112:12 118:2 127:12 128:23 145:20 149:14, 23 152:5,8 154:7 156:20 170:19 175:10 176:18 194:25 200:10 207:6 208:20 213:12,18,19 233:10,12,20,24,25 243:1 248:17 250:11 253:5 263:20 264:18,20 266:14 272:8 273:8 275:19,20 279:24 280:2	top 94:20 166:16 188:18 223:14 249:20,23 250:1,2 252:15
testifying 117:22 130:6,20	time-averaged 239:11,13	topic 105:12,17 113:12 215:22
testimony 11:8,13 98:9 116:14, 15 117:5 127:24 128:10,11 129:11,15 130:16 131:12 182:21 191:11,14,19,22 192:1,3	timeframe 205:5 206:4	topics 14:5 104:7 117:19
Tetra 230:18,19	timeline 118:11	total 20:11 57:1 136:12 239:3 240:11 245:18 256:22 266:4
text 28:11 120:22 260:23	timelines 174:7	totality 243:19
thanking 206:11	timely 233:17 275:7	track 131:13 175:17 193:22 263:15
theory 229:19	times 10:25 11:5 16:5 26:14,17, 25 27:3 28:10,19 37:10 56:4 91:8 93:4,6 152:9 195:13,14,16 235:8 236:11 272:7 279:23	tracking 262:15 263:2,12
thereabouts 91:11 94:25	timing 100:3 188:19	Tracy 61:20 62:9 64:15 72:21 74:5 77:13 87:16 89:9 90:22 102:15 103:11,14
thereof 8:2	Timothy 188:7	Tracy's 73:13 141:24
thin 275:10	tip 35:25	traditional 19:2 149:1
thing 12:22 13:1 101:1 126:15 252:8	tired 12:21	training 14:3,4,8,12,14,17 15:17
things 39:8 49:25 51:20 52:16 62:7 112:14 152:7 163:5,7 166:23 167:12 171:4 179:8 195:1 208:22 220:21,24 224:12 236:12 240:20 252:2,11 278:6		transcript 11:15 58:2

DEPOSITION OF KATHERINE MROWKA

Transfers 214:23,25	types 14:12 23:17 24:19 65:9, 10 107:11 224:25 263:18	16,17,21 159:3,12 189:12,16,17 201:2 211:19 228:8 245:5,9,17 259:20 260:7 261:11 263:4 270:15 271:14 278:9,13
transmission 132:11		
transport 132:13	U	
Treasurer's 211:10,12 212:13 213:1	U.C. 263:22	understood 12:12 127:24 189:24
Treasury 211:12 212:2	uh-huh 28:3 32:4 43:6 54:6 57:21,25 98:11,21 117:2,17,21 121:1 144:18 162:9,11 179:2 203:3,24 205:3 211:5 227:13,19	uniform 221:10
treat 61:15,21,24 113:1 243:2, 10 254:12 265:6	ultimate 133:1,4	unimpaired 33:20 52:13,14,21
treated 47:18,24 48:4 73:6,8,13 74:5 87:15,25 89:20,24 92:3 94:18 103:1 220:19 221:7 254:3	ultimately 219:9	unit 19:3,19,21,25 20:2,4,6,7, 15,18,22 21:6,14,17,20,21,24, 25 133:19 170:4 226:19,23 227:3,14,24 229:6 268:11,14 273:14
treatment 89:21 125:4 141:24 201:7	un-net 248:7	United 127:8 240:2 241:8 267:16
Trgovcich 6:10 163:19 165:15 168:2 180:12 207:24 214:1 217:8,24	unable 275:10	units 19:1,2,12,14,15,23 20:10, 12,13,21 21:4,15,18 22:5 133:18 268:10,12,15
Trgovich 7:9	unauthorized 30:20 86:22 126:12,20 127:1 175:10	University 13:15,16
tribal 206:23	unavailability 45:2 53:24 54:13,14,20 59:24 173:23 178:15	unlawful 127:3,9
tribs 266:13	unavailable 139:12,14,19,20 175:6,8 207:1 243:14	unlawfully 171:25
tributaries 9:18 236:20 247:9	uncertain 36:7 38:6 63:9 74:7 117:10 127:19 272:18	up-to-date 225:21
tributary 44:12 136:15,17	uncertainty 208:17	upcoming 202:22 226:5
trick 213:16	uncommon 273:23	update 169:7,9 178:21
trigger 174:7	undergraduate 13:14	updated 194:21
triggered 174:12,14	underlined 190:21	updates 178:17,19
triple 269:19	understaffed 275:16	upper 23:14 164:19 181:21 246:9
true 126:8 257:23 260:4 266:12 270:17	understand 8:22 10:7 11:10,24 12:5,6,13 13:10 14:25 15:11 22:4 29:10 32:18 50:8 58:6,7 60:11 62:4 63:7,15 69:11 85:22 86:2 90:25 95:19 97:18 100:21, 25 110:5 117:11,22 130:22 136:5 143:4,6 148:20 170:8 172:6 200:22 211:14 222:11 240:18 244:1 246:5,21 247:16, 24 248:25 259:10 264:17 277:24	upstream 39:3,5,7,14 41:19 61:19 62:8 68:24 72:20
trust 106:19 107:5,8	understanding 54:18 62:2,10 63:20,25 64:3,5 66:22 67:23 69:9 72:19 78:7 79:6,10 86:7,8 87:14,19 91:10 95:23,25 101:5, 9 111:24 114:11 117:5 123:5 130:17 131:8,13 134:3,9 137:4 142:25 145:11 150:8 157:9,15,	urgency 213:21 214:10 267:10, 13,22
truthful 110:1		USBR 127:15
TUC 215:10		user 103:6 132:17
Tuesday 196:9		users 34:2,11 123:18 124:23 241:10 270:3
Tuolumne 266:13,25		usual 169:4
turn 31:10 118:2 143:11,21 191:4 236:16,21 269:1		utilize 15:16 71:12 75:15 103:9 158:7,11,15,20 269:6,22
turned 84:3		utilized 84:10
turning 32:23		utilizes 132:17
two-page 99:1		utilizing 183:21
type 15:16 22:19,20 23:16 38:9, 13 110:10 117:13 136:11 145:24 157:8 191:4 211:24 263:5,8,10,19 269:22 274:5		

DEPOSITION OF KATHERINE MROWKA

V	W	
vague 12:3 71:18 134:12 143:2 147:18 271:1	Wade 198:16	93:13,16,21,24 94:2,4,7 95:1,6, 12 96:9 102:9 103:6 104:23 105:1,15,19 106:1,3,4,5,10,16 107:10,17 108:20,24 112:22 113:14 114:1,9,20 115:6,17,23 116:1,3,9,11,17 117:4,6,19,23 118:14,16 121:17,20,21,24 122:2,23 123:1,4,6,13,16,25 124:2,4,5,13,23 125:5,25 126:2, 3,5,6,10,11,12,17,19,20,24 127:4,17,22 128:5,7,8,12,13,14 129:8,9,13,14,17,19,25 130:2,5, 13,17,18,24,25 131:1,3,5,7,9, 14,21,23 132:5,8,12,13,15,16, 17,18,19,21,25 133:2,4,13,16, 20,25 134:3,9,20 136:8,10,22, 25 138:6,12,19 139:12,16,18,25 140:1,3,4,6,11,13,22,25 141:4, 5,6,7,15,25 142:3,4,5,24 143:1, 8,16,22 144:24,25 145:3,9,11, 14,18 146:4,7,8,10,12,13,19,20, 24 147:6,7,10,17,19,21,22 148:1,2,5,6,14,15,19,20,21 149:12,14,16,20,22,23 150:9, 11,14,24 151:1,9,10,13,15 152:3,6,10,14,18,25 153:1,2,4, 5,10,12,23 154:2,6,9 155:2,4,7, 8,9,21,22 156:19,25 157:9,13 158:8,10,17,19 159:13,16,18,21 160:4 162:2 166:4,7,8,9,11,12, 19 167:3 168:17,20,25 169:5,11 170:1,15 171:2,3,10,14,17,24, 25 172:1,2,4,6,7,8,12,13,17,21, 22,24,25 173:11 175:2,5,7,8,9, 11,13,22,23 176:14 177:9 180:18,19,22,25 181:7,12,20 182:18 183:3,6,21 184:24 186:11 189:9,18,20 190:23 191:2,13 192:25 193:19 198:23, 25 199:23 200:5,9,20,24 201:3, 6,7,19 202:21 203:6 204:2,3,7 205:7 206:13 208:2,8,14,23,24 209:1,4,12,19,22,24,25 210:11, 13,16,17 212:2 213:3 214:17, 23,25 215:17,24 216:1,5,6,10 218:24 220:13,20 225:16,17,24 226:2 227:9 228:4,9 229:5,15, 20 230:22,23,24 231:11,16,19 232:3,7,11,13,17 233:1,18 234:15,18,19,21 236:9,12 237:10,13,23 238:2 240:5,7,15, 21,23,24,25 241:9,10,12,16,22, 24 242:4,5 243:14 244:2,12,15, 17 245:2,6,12,14,15,16,25 246:6,8,10,13,14,16,17,19
vagueness 32:8 95:22	Wagner 5:17	
valid 277:11	wait 122:15 247:6	
validate 276:19,24 277:16	waiting 128:21	
valley 123:23 136:7 137:12	Walker 104:4	
variable 121:9	wall 164:10,21,22,25 165:1,5,7, 11 166:2 167:16,17 169:3 182:18 183:2 216:23	
varied 155:11 238:15	wanted 27:20 28:15,18 34:8 51:20 53:4 54:16 108:25 135:2 155:21 167:2 176:21 210:7 232:14 240:16 242:1 252:24 263:20 271:23 277:23	
varies 239:9	warranted 26:1	
variety 14:5 18:15 19:23	wastewater 73:6,8,14 74:5 77:19 87:15,25 88:23 89:20,21, 25 92:4 94:10,12,18 103:1 125:3 141:8,17,24	
vary 91:11 236:8,13 239:8	water 8:18 9:6,7,14,16,25 10:18 13:20 14:8,14,20 15:2,4,8,11,18 16:3,11,12,24 17:4 18:17 19:8 22:3,15,17,18 24:1,6,9,13,14, 22,25 25:6 26:4,9,15,19,20,22 29:8,13,15,16,19,20,23 30:4,5, 14,16,19,21,24 31:12 32:2,6,25 33:3,18,20 34:10 35:16 36:3,17 38:9,11,13,15 39:17 40:5,6,8, 12,15,23 41:21,22 42:20,22 43:2,3,10,19,23 44:6,8,14,15 45:1,23 46:11,18 47:5,6,20 48:4,5,7,14 49:2,24,25 50:14 51:5,12 52:7,15 53:19 55:6,17, 20,24 56:3,11,22,25 58:13 61:19,21,23,25 62:3,4 63:5,6,7, 13,15,20 64:1,2,8,18,25 65:2 66:22 67:1,21,24 68:7,10,11,12, 13 69:15,25 70:3,5,14,15,18,19, 24 71:1,9,13,16 72:2,13,14,18, 20,25 73:7 74:9,11,18,20,24 75:9,14,15,16 76:16,20,24 77:3, 8,9,21 78:20 79:7,14,19 80:3,6, 10,13,16,17,20 81:4,8,9,11,12, 15,16,17,20,23 82:2,5,8,11,17, 18,21,22,23,24 83:4,11,19,22, 25 84:2,4,5,10,11,25 85:20,23 86:4,17,22,23 87:18,22 88:5,9, 11,20 89:2 90:16,20,25 91:8,10	
Vasquez 21:20		
Vasquez's 21:14		
venue 127:13 164:7		
venues 14:13 106:24		
verbally 27:5 281:25		
verify 233:5		
Vernalis 183:15 267:20		
version 30:14 111:6,17,25 112:2 194:22		
versions 110:6,25 111:23		
versus 62:23 115:17 210:14		
vet all 25:14		
vetted 179:24 232:10 264:1		
Victor 21:14,20		
Victoria 257:12		
view 260:3,10,20		
viewed 47:6,21		
violate 220:25		
violating 126:4,11,19		
violation 102:10,22 103:18		
vis-a-vie 243:2		
Vista 135:11		
voluntary 159:1 186:23 187:18		
volunteered 133:21		

DEPOSITION OF KATHERINE MROWKA

<p>247:1,3,7,19,22 248:1,3,5,22,23 249:3 250:12 252:8,25 253:25 255:20 256:17 257:8,13,18 258:13,20,21,22,25 259:1,2,4,5, 10,11,12,13,17,20 260:10,12, 14,17 261:3,4,7,18 262:15 263:3,7,15,17 265:4,8,11 266:15 267:11 269:6 270:8,14, 15,19 271:4,5,7,12,15,17,21 272:5,10,25 273:4,5,8,21,22,25 274:9,11,24 276:3 277:8 278:5, 10,14,18,20 279:1,2,5,7,16,23 280:3,11,19,22,23 281:5,8</p> <p>watercourse 90:1,6,8 130:18 131:9 132:13</p> <p>watercourses 149:4</p> <p>Watermaster 5:15 59:5 159:5</p> <p>Watermaster's 58:15,19 59:6, 11</p> <p>waters 62:9 64:16 75:4,6,19 76:3,6,8 77:10 87:6 95:19,20 96:15 148:13</p> <p>watershed 26:21,22 30:4,8 33:21 39:12,16,18,20 40:5 44:18 50:20 51:23 53:14 107:3 124:23 125:5 139:5,16 152:1 172:20 182:14 183:16 195:7,8 215:22 247:14</p> <p>watershed-based 263:21</p> <p>watershed-style 215:20</p> <p>watershed-type 39:22 106:25</p> <p>watershed-wide 140:9</p> <p>watersheds 19:7 51:10,18 53:6,14 107:3 154:25 155:20 191:1 250:3</p> <p>wave 37:14 210:18</p> <p>ways 55:18</p> <p>web 110:18 111:2,4,13</p> <p>website 104:22,24 107:18 110:7,13,17,22 112:3,9,11 180:23</p> <p>websites 24:21</p> <p>weeks 43:3,22 45:10</p> <p>wells 6:7 7:19 21:13,17 22:4 72:22 165:9 221:20,21 226:1 268:20</p>	<p>west 5:16,19,21 8:20 9:10 10:2 15:20,23 16:5 21:5,16 22:8,13 23:1,7 28:23 29:11,20 30:3,11, 14,23 31:2,8 32:6,25 33:18 38:9,22,25 39:1,10 40:2 41:18 42:1 44:8,10,15,22,24 45:2,13, 25 46:13 48:21 52:1 53:23 54:20 55:7,24 56:6,12,19,22 59:16,18 60:19 61:12,13,22,25 62:3,9,15,20 63:6,8,14,15,25 65:16,20 66:15 67:2,22,23 68:6 69:11,16 70:6,17 71:12,16 72:1, 21 73:1,3 74:8,10 76:2,4,7,10, 11,13,17,19,20,24 77:1,14,15 78:21,23 79:18 80:4,5,9,14,17, 21 81:23 82:3,12,17,24 86:2,9 87:1,7,15,16,17 88:6 90:21 91:1,3,4,17 97:12 98:12 100:19 101:1 104:10 116:21,24 117:7 120:2,9 127:23 128:2 129:12,21 131:4,20 132:1,11,17 135:24 138:24 165:4 262:11</p> <p>Westlands 9:16</p> <p>whacked 256:8,11</p> <p>whatsoever 170:2,9 216:11</p> <p>whilst 50:13</p> <p>Whitney 257:12,22</p> <p>Wildlife 198:22 199:2</p> <p>William 9:3</p> <p>Wilson 7:11</p> <p>window 43:1</p> <p>wintertime 150:4</p> <p>wished 27:20</p> <p>wondering 215:13</p> <p>Wooldridge 20:20</p> <p>word 37:16 153:20,21</p> <p>words 243:16</p> <p>work 15:16 22:16 24:7,8 25:1,2 27:21 29:8,10 52:2 56:14 58:12 92:12 105:22 108:24 109:17 110:10 142:20,22 149:18 166:8 192:24 197:11 200:25 211:20 214:18 224:15,25 225:1 228:11, 24 229:1,11 230:25 232:23 237:7 258:14 263:24 264:3 277:13</p>	<p>work-related 14:4</p> <p>worked 25:3 50:16 134:4 160:7 229:4</p> <p>working 17:11 85:12 105:5,7 188:19 194:24 276:21 277:4</p> <p>works 150:6 193:4 221:22,23</p> <p>workshop 186:25 187:4,6,8,12, 16</p> <p>worries 207:22</p> <p>worse 228:20</p> <p>write 269:12,15 282:6</p> <p>write-up 269:22</p> <p>writing 174:18 281:19</p> <p>written 5:12 10:11 35:21 43:11 59:9 92:12 104:25 274:2</p> <p>wrong 12:3 129:23 182:16</p> <p>wrote 102:24</p> <p>WSID 5:23 60:2</p> <p>WSID'S 86:21</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p>X2 257:7 259:22 260:6,19</p> <p>XX 258:9</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>year 20:16 34:22 35:14 57:2 81:24 89:3 113:16,18 115:11 133:19,23 134:4 136:11 138:9 141:11,14 147:8 149:15,24 154:21 159:20 163:4 175:13,14 180:20 183:13 201:4 209:6 214:11 236:11,12 241:14 261:5 262:11 271:18 275:4,24</p> <p>year's 147:3</p> <p>years 16:3 17:11,16 18:7,11,13 84:1 142:6,19 154:22 163:4 167:11 272:8,9,19 273:3</p> <p>Yeazell 6:17 25:3,4,18 37:13,17 42:6 108:18 109:2 110:11 161:11 165:8 185:10,11,12 234:24,25 235:3,4 253:13 277:14</p>
--	--	--

DEPOSITION OF KATHERINE MROWKA

yellow 161:23 162:2

yesterday 185:21,22 253:13

Z

Zolezzi 9:9 252:22

DEPOSITION OF KATHERINE MROWKA

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

DEPONENT'S CHANGES OR CORRECTIONS

Note: If you are adding to your testimony, print the exact words you want to add. If you are deleting from your testimony, print the exact words you want to delete. Specify with "add" or "delete" and sign this form.

DEPOSITION OF: Katherine Mrowka

CASE: In re: Byron-Bethany Irrigation District

DATE OF DEPO: November 16, 2015

Page Line CHANGE/ADD/DELETE

See attached

Deponent's Signature

Kathy Mrowka Date 11-16

Addendum

Page Number	Line Number	Change/Add/Delete
Page 39	Line 21	Change old to overall
Page 40	Line 11	Change force to amounts
Page 42	Line 3	Change provocations to publications
Page 46	Line 19	Change require to required
Page 51	Lines 3 and 5	Change csf to cfs
Page 81	Lines 15 and 16	Change TBS to TDS
Page 84	Line 18	Change circulating to percolating
Page 88	Line 23	Delete "to the"
Page 96	Line 10	Change filtering streams that are known in different channels to subterranean streams that are in known and definite channels
Page 107	Line 7	Change power to water
Page 117	Line 6	Delete facility
Page 129	Line 22	Change csf to cfs
Page 132	Line 9	Change 2707 to 1707
Page 141	Line 18	Change their to the
Page 146	Line 16	Change court to board
Page 146	Line 5	Change illegal to legal
Page 148	Lines 13,14	Change salient to saline
Page 153	Line 11	Change obligated to obliterated
Page 159	Line 23	Change records to rights
Page 165	Line 21	Change is to has
Page 166	Line 9	Change primary to Department of
Page 170	Line 4	Change today to to date
Page 178	Line 7	Change serves to server
Page 186	Line 25	Delete out
Page 191	Line 5	Change compliant to compliance
Page 192	Line 7	Change or to and
Page 194	Line 20	Change graft to graph
Page 209	Line 21	Change magnitude to management
Page 239	Line 19	Change csf to cfs
Page 240	Lines 12,13	Change csf to cfs
Page 243	Lines 20,22	Change csf to cfs
Page 246	Lines 20,22	Delete of
Page 247	Line 12	Change csf to cfs
Page 248	Line 7	Delete net
Page 255	Lines 11, 17, 24	Change csf to cfs
Page 256	Line 7	Change csf to cfs
Page 256	Line 14	Change command to demand
Page 256	Line 17	Change wasn't to was
Page 256	Line 23	Change csf to cfs
Page 260	Lines 5, 15, 18	Change csf to cfs
Page 263	Line 7	Change without leaving out to about
Page 264	Line 10	Change csf to cfs
Page 265	Lines 1, 4, 6, 25	Change csf to cfs
Page 66	Line 5	Change csf to cfs