

TESTIMONY OF PAULA J. WHEALEN

My name is Paula Whealen. I am a principal with Wagner & Bonsignore, Consulting Civil Engineers. I have over thirty years of experience working in the field of water rights and water right administration. My experience includes preparation of water right applications, petitions, and statements of water diversion and use on behalf of public and private clients for submittal to the State Water Resources Control Board Division of Water Rights (SWRCB), analysis of SWRCB inspection reports, negotiation with SWRCB staff in settlement of administrative civil liabilities and cease and desist orders, advising clients regarding compliance with the California Code of Regulations Title 23 regarding water rights and beneficial uses. A copy of my resume is attached as Flocchini Exhibit 2.

My testimony, herein provided, addresses my conclusions regarding the issues associated with the diversion and storage of water in the reservoir located at the Flocchini Estate LLC property on 7078 Lakeville Highway, Petaluma, California (Sonoma County Assessor's Parcel Number 068-110-007).

Investigation

I have reviewed the SWRCB's Administrative Civil Liability (ACL) Order and Draft Cease and Desist Order (CDO) against Andrew Flocchini and Flocchini Estate LLC (Flocchini). I have also reviewed the SWRCB's hearing exhibits and testimony prepared for this same matter. The SWRCB database was reviewed to determine if there were any existing water rights associated with the subject reservoir. I also reviewed aerial photographs of the subject reservoir, and the USGS 7.5 minute topographic quadrangle for Petaluma River. I have reviewed the Flocchini reservoir survey dated October 15, 2013 provided by Kurt Kelder, P.E. that sets forth the capacity of the reservoir. Mr. Ryan Stolfus from this office made a site investigation on April 30, 2015 to the Flocchini property to obtain additional information on the subject reservoir. Mr. Stolfus

determined that the reservoir volume was greater than previously disclosed by the Kelder survey due to the presence of flashboards in the spillway. Consequently, we estimated the reservoir has a capacity of 22.3 acre feet.

Conclusions

Based on the foregoing information, I advised Mr. Flocchini to file an application to appropriate water. In addition, we have retained a fisheries consultant, Michael Podlech, to make a site visit to the Flocchini property for the purpose of determining the stream classification of the stream on which the Flocchini reservoir is located. Mr. Flocchini has authorized us to file the application with the SWRCB. The application will be filed prior to May 15, 2015.

We have estimated that Mr. Flocchini's water use to be about 19 acre feet per year. However, given uncertainties associated with such determinations we have conservatively concluded that the full volume of the reservoir was consumptively used each year. This assumption is made only for purposes of settlement. The amount is 22.3 acre feet.

Mr. Flocchini has also avoided the annual water right application fee of \$150.71 (\$452.13 for the years 2011-2013), and interest on SWRCB application filing fee of \$106.61 (three-years of interest at 3% on Application filing fee of \$1,184.50).

Based on the information provided by Brian Coats, whose calculation assumes 50 feet of pumping lift and a 10 horsepower (hp) pumping plant, we have assumed a total lift of 100 feet to be conservative. A 10 hp pumping plant is equivalent to 7.6 kilowatts. Assuming the plant pumps 200 gallons per minute, the plant would operate about 605 hours per year and use about 4,598 kWh. Mr. Flocchini reported his summer peak kilowatt hour (kWh) cost to be \$0.285/kwh and his off-peak cost to be \$0.14/kwh. We have used an average cost of \$0.21/kwh. Therefore, the avoided pumping cost would be \$1,310.35 per year, or \$3,931.04 for the three-year period.