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17 **STATE WATER RESOURCES CONTROL BOARD**

18 PUBLIC HEARING TO DETERMINE
19 WHETHER TO ISSUE A CEASE AND
20 DESIST ORDER AGAINST WEST SIDE
21 IRRIGATION DISTRICT

22 **DECLARATION OF NICHOLAS F.
23 BONSIGNORE IN SUPPORT OF MOTION
24 FOR CONTINUANCE**

25 I, Nicholas F. Bonsignore, submit this declaration based upon my personal knowledge.

26 1. I am a California Registered Civil Engineer, and hold License No. C39422, originally issued
27 in 1985. My License is current and I am in good standing with the State Board for
28 Professional Engineers, Land Surveyors and Geologists. I hold a Bachelor of Science in Civil
Engineering from the University of the Pacific, Stockton, CA. I have over 33 years of
professional experience in water resources engineering including acquisition and
administration of appropriate water rights pursuant to Title 23 of the California Code of
Regulations; hydrologic analyses in connection with water availability studies and water
diversion projects; and design of water diversion, storage and conveyance facilities including
pipelines, pump stations, and dams and reservoirs.

- 1 2. I was retained by The Westside Irrigation District (WSID) to provide technical expertise to
2 assist in preparing a defense in the pending enforcement proceeding (Cease and Desist Order,
3 CDO). The basis of the enforcement proceeding against WSID is the alleged unavailability of
4 water for WSID to divert under its License 1381 (Application 301) during 2015.
- 5 3. The CDO cites the SWRCB's website
6 http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/analysis/ for
7 information on the analyses the SWRCB makes to determine water availability and demand.
8 The CDO also cites, as an example of its graphical depiction of water availability and
9 demand, a chart identified as combined Sacramento/San Joaquin River Basin Senior
10 Supply/Demand Analysis (although it appears that name of this chart on the SWRCB's
11 website now differs from the one cited in the CDO).
- 12 4. I have reviewed the water availability analysis Excel spreadsheet and graphs posted by the
13 SWRCB on its website, specifically the chart titled "Combined Sacramento-San Joaquin
14 Watershed with Delta" updated August 21, 2015, and the corresponding Excel workbook
15 referred to as "Supporting Analysis Spreadsheet", which contains numerous spreadsheets. I
16 have also reviewed other spreadsheets and documents produced by the SWRCB to date in
17 response to WSID's public records act (PRA) request.
- 18 5. The information provided to date does not provide sufficient explanation to understand how
19 the SWRCB conducted the water availability and demand analysis or to assist WSID with
20 understanding the analysis. The SWRCB did not prepare a formal report that describes the
21 methodology used to quantify supply and demand, the assumptions made to estimate or
22 compute supply and demand, or a sensitivity analysis associated with any such assumptions
23 and estimates.
- 24 6. On the demand side, the SWRCB's quantification of water demand for the watershed
25 tributary to the Sacramento-San Joaquin River Delta is set forth in a spreadsheet having up to
26 167 input parameters for over 16,000 separate water rights (i.e. the spreadsheet contains over
27 2.6 million cells). It appears that certain subjective decisions were made regarding these
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1 inputs that are not fully explained in the information provided to date. For example, per the
2 CDO, the SWRCB used various disparate sources of demand data for certain individual rights
3 that were reported for the years 2010 through 2014 to determine demand in 2015. I am
4 unable to discern from the information provided by the SWRCB how the use of demand data
5 for years prior to 2015 informed the SWRCB's analysis of water availability in 2015. I have
6 also identified, in a small sampling of the over 16,000 water rights, demand values that may
7 be in error or which are not supported by the SWRCB's asserted use of prior years' data, and
8 thus the basis for the values is unclear to me.

9 7. On the supply side, the analysis appears to use a "Full Natural Flow" (FNF) computation for
10 10 different tributaries that flow into the Delta. However, these flows represent water
11 potentially available many miles away from WSID's point of diversion. For example, the
12 reckoning point for FNF for the Sacramento River is located north of Red Bluff some 175
13 miles north of WSID's point of diversion. The reckoning point for FNF for the San Joaquin
14 River is located at Friant Dam approximately 114 miles southeast of WSID's point of
15 diversion. The SWRCB's quantification of daily FNF does not account for accretions to or
16 depletions from tributary flows that likely occur in the reaches between the distant FNF
17 reckoning points and WSID's point of diversion in the Delta. I have not found an
18 explanation in the information provided by the SWRCB as to why such adjustments to FNF
19 were not made. The omission of such adjustments to FNF raises questions as to whether the
20 SWRCB's analysis of supply accurately quantifies water available at WSID's point of
21 diversion in 2015 sufficient to support the SWRCB's curtailment decision for WSID.

22 8. I have created an initial list of questions I need to ask SWRCB staff regarding their water
23 availability analysis in order to inform my own understanding of the analysis. I anticipate
24 receiving answers to these questions during the depositions of the SWRCB prosecution team
25 witnesses.

26 9. On November 3, 2015, the SWRCB provided additional information to WSID that was not
27 included in the SWRCB's initial production of documents in response to WSID's Public
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1 Records (PRA) request. Analysis of this new information, and any other additional
2 information that may be produced by the SWRCB in response to the PRA, will require
3 additional time to review and understand.

4 10. I have been informed that depositions of SWRCB staff involved in determining water
5 availability and enforcing against WSID have been scheduled during the month of November.
6 I anticipate that additional information provided as a result of the depositions will require
7 additional time for analysis.

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9 11. I anticipate that it will take me at least 30 working days after the conclusion of the depositions
10 and production of all related SWRCB documents to understand the SWRCB analysis and
11 determine whether or not the analysis is consistent with the methodology and data used by
12 SWRCB to reach its conclusions regarding water availability. I will then need to make any
13 adjustments to that analysis that I believe are warranted to correct errors, or if necessary
14 prepare an appropriate alternative analysis, independent of the SWRCB's method, to develop
15 an opinion about water availability for WSID. I estimate this will take an additional 30
16 working days. I will need additional time to prepare written testimony and exhibits for the
17 hearing.

18 12. The currently scheduled January 11, 2016 hearing date and potential November/December
19 2015 testimony and exhibit submittal deadlines are impossible to meet with coherent and
20 useful technical analysis given the current information available from the SWRCB.

21 I declare under penalty of perjury under the laws of the State of California that the above is true to
22 the best of my knowledge and if called as a witness would testify competently thereto.

23 Date November 5, 2015

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25 **NICHOLAS F. BONSIGNORE, P.E.**

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