

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,
Integration of Appurtenant Rights and
Amendments to the Interim Instream Flow
Standards, Na Wai Eha Surface Water
Management Areas of Waihee, Waiehu, Iao
and Waikapu Streams, Maui

Case No. CCH-MA15-01

DECLARATION OF MICHAEL
ATHERTON; EXHIBIT "1"

DECLARATION OF MICHAEL ATHERTON
RE: TESTIMONY; CASE NO. CCH-MA15-01

I, MICHAEL ATHERTON, hereby declare as follows:

1. I am over the age of 21 and am competent to make this declaration. I have personal knowledge of the facts contained in this declaration which are true and correct to the best of my knowledge and belief.
2. I reside in Waikapu, Maui.
3. I have been in the agriculture business since 1975 when I commenced work for a coffee plantation in the Segovia region of Northern Nicaragua. I worked in the Nicaragua coffee plantation for five (5) years. In the 1970's and 1980's, I developed as co-owner of a 1,000 acre plantation, Cerro de Jesus (Jesus Mountain) Coffee Company in the Southern Segovia region of Nicaragua. Approximately one-half of the land I have acquired in Nicaragua there has been set aside as a rain forest preserve. I have worked to develop a small village and a school in the area and am currently one of the largest coffee growers in Nicaragua.
4. In September, 2004, through various entities, I acquired Coffees of Hawaii LLC (formerly Friendly Isle Coffee Company, LLC), a 640 acre coffee plantation on Molokai. I sold the company in 2014 to Hawaiian King Candies after successfully revitalizing the coffee

industry on Molokai and developing the recognition and brand of 100% Molokai coffee.

5. In 2005, through various entities, I acquired significant acreage, in excess of 1,600 acres, involving four (4) parcels of land from Wailuku Agribusiness. Over the past decade the land has evolved from 100% sugar cane production to a more diversified agricultural production model. This includes the addition of organic row crop cultivation by Kumu Farms, as well as large scale dry land taro, banana, and other row crop production by Hoaloha Farms. The acreage cultivated by both tenants will increase dramatically as sugar cane cultivation ends in 2016.

6. Also, in 2006, through various entities, I acquired Maui Tropical Plantation, comprised of approximately 59 acres. Maui Tropical Plantation has been revitalized as an eco-tourist site, emphasizing agriculture, farm to table values, and other tourist education activities. I have already expended in excess of \$10 million in the acquisition and development of Maui Tropical Plantation.

7. As part of the acquisition of real property on Maui, I have obtained water delivery commitments from Wailuku Water Company in order to irrigate the 1,600 acres of land that I have purchased through various entities in Waikapu and the Maui Tropical Plantation property. Wailuku is obligated to deliver up to 2.5 MGD for the development of agricultural crops and for the irrigation of the Maui Tropical Plantation.

8. Attached to this Declaration as Exhibit "1" is a summary outlining the general uses and water needs for the real property my associates and I have acquired on the island of Maui. It identifies the current and anticipated future use of such property, including the current water usage and expected future water needs for each parcel.

9. Ultimately, I expect in excess of 1,000 acres to be cultivated by Kumu Farms and Hoaloha Farms and will need approximately 2 million gallons a day in water to satisfy such need.

10. I have invested approximately \$38 million on real property on Maui. Of the 2,000 acres that I will have ultimately acquired; I plan to cultivate over 1,000 acres into diversified agriculture. This is an attempt to fill the void that will be left by sugarcane's departure, while continuing to develop the Maui Tropical Plantation as an agro-tourism destination.

11. In pursuing the investment, I have relied upon the water delivery obligations we have obtained from Wailuku Water Company. Without the delivery of such water from Wailuku Water Company, my investment will fail and much of the 2,000 acres that I have acquired will become fallow which may lead to serious environmental consequences due to the slope and erosion factors on the land.

12. The lack or limitation of the necessary water allocations would have a catastrophic economic consequence to my companies and would also have a significant adverse effect on continued agricultural activities and the environmental stability of the Waikapu and down-wind Maalaea areas.

13. Five SWUPA have been submitted to the Commission for properties my associates and I own in Waikapu, excluding lands that are currently leased by HC&S. HC&S has submitted separate SWUPA for its water allocation needs. A summary of the applications is as follows:

SWUPA	TMK NO.	PARCEL ACREAGE	REQUESTED GPD	USE & ACREAGE
2356	3-6-004-003	657.195	516,714 gpd	61.1 Coffee
2297N	3-6-004-003	657.195	1,340,000 gpd	100 Feed and forage 30 Coffee 70 Reforestation
3471N	3-6-004-006	52.976	109,048 gpd	52.98 Herbs
2203	3-6-005-007	59.054	124,532 gpd	40 Crops 15 Landscape 4 Nursery
3472N	3-6-006-036	0.72	5,544 gpd	0.72 Feed and Forage

SWUPA Nos. 2356, 2297N, 3471N, 2203, and 3472N are incorporated by reference herein.

14. On February 6, 2012, MTP Operating Company, LLC (“MTP”) and Waikapu Properties, LLC (“WP”) submitted extensive documentation to the Water Commission supporting claims for appurtenant water rights for the above properties. Copies of said documents are submitted as Exhibit Nos. 2203-MTP-2, 2356-Waikapu-3, 3471-Waikapu-2, and 3471-Waikapu-2, and are incorporated by reference herein.

15. Three of the four parcels were granted provisional approval of appurtenant water rights – TMK Nos. 3-6-004-003, 3-6-005-007, and 3-6-006-036.

16. Because the original Land Commission Awards, Royal Patents, land grants, and native and foreign testimony before the Land Commission at the time of the original award do not reference the specific square footage of each lo`i nor provide the volume of water that was used to cultivate the existing agriculture on the properties, other credible sources were used to quantify each parcel’s appurtenant water allocation, including but not limited to testimony by Paul Reppun, Dr. Lawrence Miike’s book *Water and the Law in Hawaii* (2004), and journals of

Prussian botanist F.J.F. Meyen taken from the early 1800s.

17. For the parcels that were granted provisional recognition of appurtenant water rights, the quantity of water allocated to each parcel was quantified as follows:

TMK NO.	SWUPA NO.	APPURTENANT WATER ALLOCATION	AMOUNT OF WATER REQUESTED	% REQUEST COVERED BY APPURTENANT ALLOCATION
3-6-005-007	2203	541,680	124,532 gpd	100%
3-6-004-003	2356 2297N	744,150	516,714 gpd 1,340,000 gpd	40%
3-6-006-036	3472N	67,200 gpd	5,544 gpd	100%

See Table 1 attached to MTP's Opening Brief, and Tables 1 and 2 attached to Waikapu Properties' Opening brief, which are all incorporated by reference herein.

18. SWUPA 2203 was filed on behalf of MTP and pertains to TMK 3-6-005-007. The application requests an allocation of 124,532 gpd for irrigation of rotating row crops (40 acres), landscape (15 acres), and ornamental and nursery plants (4 acres) on the 59 acre parcel. The uses and corresponding volumes of water requested are not only consistent with the Hawaii Department of Agriculture (HDOA) Irrigation Water Use Guidelines for the same types of uses, the requested amounts are only *one-half* the amount recognized by the HDOA as generally required for these specific uses. See Table on page 7 of MTP's Opening Brief filed herein, which is incorporated herein by reference.

19. Two SWUPAs were filed on behalf of WP pertaining to TMK 3-6-004-003. SWUPA 2356 requests an allocation of 516,714 gpd to irrigate 61.1 acres of coffee crops. The current use and corresponding volume of water requested is consistent with generally accepted

water duties of irrigation of coffee trees.

20. SWUPA 2297N requests an allocation of 1,340,000 gallons per day for irrigation of feed and forage, irrigation of coffee trees, and reforestation of native and endemic trees and shrubs on 200 acres of the 657.2 acre parcel. The current use and corresponding volume of water requested is consistent with the HDOA Irrigation Water Use Guidelines for the same types of uses. See Table on p. 8 of Waikapu Properties' Opening Brief, which is incorporated by reference herein.

21. SWUPA 3471N was filed pertaining to TMK 3-6-004-006. The application requests an allocation of 109,048 gpd for irrigation of a variety of herbs on the entire 52.98 acre parcel. The current use and corresponding volume of water requested by WP of 2,058 gallons per day per acre (109,048 gallons per day / 52.98 acres) is consistent with generally accepted water duties for irrigation of herbs and well below the (HDOA) Irrigation Water Use Guidelines for the same types of use.

22. SWUPA 3472N was filed and pertains to TMK 3-6-006-036. The application requests an allocation of 5,544 gallons per day for irrigation of feed and forage for livestock production on the entire 0.72 acre parcel. The current use and corresponding volume of water requested by WP of 7,700 gallons per day per acre (5,544 gallons per day / 0.72 acres) is consistent with the HDOA Water Use Guidelines for irrigation of feed and forage.

23. The aforementioned uses of surface water are for reasonable-beneficial uses and consistent with the public interest. MTP (TMK 3-6-005-007) is located on a property that is classified as a mixed-use and zoned in the State Urban District and the State Agricultural District. Such zoning accurately reflects the diverse nature of the property and accounts for the

working agricultural farms as well as the commercial shops and restaurant that are part of Maui Tropical Plantation.

24. The three WP parcels are all within the County's agricultural district. The larger parcels – TMK 3-6-004-003 (657 acres) and TMK 3-6-004-006 (53 acres) – are both designated by the State as agricultural lands, and the small 0.72 acre parcel (TMK 3-6-006-036) that abuts the Maui Tropical Plantation is within the State urban district. The current uses are consistent with both the State and County land use plans and the public interest.

25. There are also no feasible alternative ground water sources. The use of reclaimed water is not a practical alternative for the acreage that I have acquired. As stated by Mr. Schwarm, the Wailuku-Kahului Wastewater Reclamation Facility does not have an adequate infrastructure system to serve my property. It has no distribution lines or storage tanks to serve central Maui. Based on a 2014 study commissioned by HC&S and conducted by Austin, Tsutsumi & Associates, it is my understanding that the construction costs alone for upgrades at the treatment facility and off-site improvements necessary to utilize the reclaimed water would total \$16.9 million. In addition, the operating and maintenance costs, including purchasing the limited supply of water at the County's current rate of \$0.15/1000 gallons for "Major Agriculture" usage, is expected to be approximately \$521,000 per year. These figures do not include additional costs that HC&S (or any entity seeking to use reclaimed water from the treatment facility) will need to incur related to operational changes necessary to comply with relevant laws and regulations. Such a system would not be operational until 2020 or 2021 at the earliest because of the permit requirements.

Although the Kihei Wastewater Facility does have distribution lines and storage

capacities, its reclaimed water is utilized only in the Kihei area. There is no infrastructure to store or distribute the reclaimed water to properties in central Maui, such as the property I have acquired.

26. There are no desalinization plants on Maui. Given the current technology and power costs, it would be cost prohibitive to desalinate water for irrigation of agricultural crops and feed.

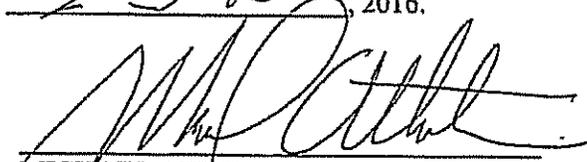
27. WP is currently exploring groundwater development on its property. The groundwater development program would serve the urban development area of WP as defined in the County of Maui long range plan for urban development. WP has drilled five (5) wells, three of which have been identified as suitable for potable use. The remaining two well sites have preliminarily shown low salinity levels, and testing is being conducted to determine the viability of those wells for domestic use, and if not, for possible non-potable use. The water development program's feasibility is ongoing, and there is currently no water available from these wells to meet WP's immediate agricultural water needs.

28. MTP and WP's requests for surface water from Na Wai Eha and the uses of that water are both reasonable and beneficial and include only amounts that are necessary for economic use and efficient utilization. For the foregoing reasons, I respectfully request that our applications be granted.

[Remainder of page intentionally left blank. Signature to follow.]

I, MICHAEL ATHERTON, declare under penalty of law that the foregoing is true and correct.

DATED: Wailuku, Hawaii, 2-5-16, 2016.



MICHAEL ATHERTON

SWUPA - Summary of Current, Future Water Usage (2016)

TMK	3-6-04:03	3-6-04:06	3-6-06:036	3-6-05:07	3-6-02:03	3-6-02:01
Owner	Waikapu Properties, LLC	Waikapu Properties, LLC	Waikapu Properties, LLC	MTP Operating Company, LLC	Waiale 905 Partners, LLC	Waiale 905 Partners, LLC
Current Lessee	Makani Olu Ranch, Kumu Farms, Hoaloha Farms, HC&S	Kumu Farms	Kumu Farms	Kumu Farms, MTP	HC&S	HC&S
Future Lessee	same	same	same	same	Kumu Farms, Hoaloha Farms	Kumu Farms, Hoaloha Farms, TBD Coffee Grower
Acreeage Utilized	657.2	53	0.72	59	521.4	284
Current Use	cattle, rotating row crops, banana, sugar cane	rotating row crops	rotating row crops	rotating row crops, permanent orchards	sugar cane	sugar cane
Future Use	same cattle, more rotating crops, banana	same	same	same	rotating row crops, banana, permanent orchards	rotating row crops, banana, permanent orchards, coffee
Current Water Usage (GPD) *	1,340,000 [1]	530,000	5,544	124,532	see HC&S SWUPA	see HC&S SWUPA
Future Water Usage (GPD)	866,835	69,906	5,544	500,000	687,718	374,591
Source of Water	Wailuku Water Co., TMK 3-6-03:01	Wailuku Water Co., TMK 3-6-03:01	Wailuku Water Co., TMK 3-6-03:01	Wailuku Water Co., TMK 3-6-03:01	Wailuku Water Co., TMK 3-6-03:01	Wailuku Water Co., TMK 3-6-03:01

* it is believed that HC&S water usage for sugar cane on COMBINED acreage was 3,000,000 GPD

[1] This does not include HC&S sugar cane water usage.

PETER A. HOROVITZ No. 6920-0
KRISTINE TSUKIYAMA No. 7451-0

MERCHANT ♦ HOROVITZ, LLLC
2145 Wells Street, Suite 303
Wailuku, HI 96793
Telephone (808) 242-5700
Fax (808) 442-1255
pah@mhmaui.com

Attorneys for
WAIKAPU PROPERTIES, LLC

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,
Integration of Appurtenant Rights and
Amendments to the Interim Instream Flow
Standards, Na Wai Eha Surface Water
Management Areas of Waihee, Waiehu, Iao
and Waikapu Streams, Maui

Case No. CCH-MA15-01

CERTIFICATE OF SERVICE
[RE: WAIKAPU PROPERTIES]

CERTIFICATE OF SERVICE

On February 5, 2016, a copy of the Opening Brief, Witness List, Exhibit List, and Exhibits, were served on the following parties by U.S. mail, postage prepaid, or by electronic service, as indicated below:

SERVICE BY MAIL

(Continued on next page)

Noelani & Alan Almeida
Gordon Almeida
P.O. Box 1005
Wailuku, HI 96793

Alan Birnie
175 W. Waiko Road
Wailuku, HI 96793

Thomas Cerizo
1740 Kamamalu Place
Wailuku, HI 96793

Joseph Alueta
P.O. Box 785
Wailuku, HI 96793

Vernon Bal
230 Koeli Street
Wailuku, HI 96793

Cordell Chang
2315 Kahekili Highway
Wailuku, HI 96793

Michael Bailie
P.O. Box 1433
Wailuku, HI 96793

Gary & Evelyn Brito
2160A Puuohala Road
Wailuku, HI 96793

Winifred & Gordon Cockett
1159 Piihana Road
Wailuku, HI 96793

Dorothy Bell
1419 Nuna Place
Waikapu, HI 96793

David & Anne Brown
2525 Kahekili Highway
Wailuku, HI 96793-9233

Douglas Myers
1299 Malaihi Road
Wailuku, HI 96793

Dwayne Betsill
Koolau Cattle Company LLC
635 Kenolio Road
Kihei, HI 96753

Joshua Chavez
P.O. Box 6240
Kahului, HI 96733

Regino Cabacungan
304 Hoomalu Place
Wailuku, HI 96793

Pauline Kanegai Curry
P.O. Box 3172
Wailuku, HI 96793

Charles Dando, Sr. & Jr.
85 E. Kanamele Loop
Wailuku, HI 96793

Dave Gomes
Hawaiian Cement- Maui
Concrete & Aggregate Division
P.O. Box 488
Kahului, HI 96732

Alfred & Patricia DeMello
El Ranchitos DeMello
P.O. Box 1394
Lockeford, CA 95237

James Dodd
P.O. Box 351
Wailuku, HI 96793

Darrell Higa
918 Kanakea Loop
Lahaina, HI 96761

Michael Doherty
41 Waihee Valley Road
Wailuku, HI 96793

Russel Gushi
185 West Waiko Road
Wailuku, HI 96793

George & Yoneko Higa
592 S. Papa Avenue
Kahului, HI 96732

Richard Emoto
2032 B Ulei Lane
Wailuku, HI 96793

Steve Haller
1060 East Kuiaha Road
Haiku, HI 96708

Valentine Haleakala
2160 Puuohala Road
Wailuku, HI 96793

Paul & Jennifer Higashino
P.O. Box 239
Wailuku, HI 96793

Hiolani Ranch LLC
P.O. Box 34167
San Diego, CA 92163

Patricia Federcell
88 South Papa Avenue, Apt. 404
Kahului, HI 96732-3307

Robert Hanusa
895 Malaihi Road
Wailuku, HI 96793

Brian Ige
RCFC Kehalani, LLC
2005 Main Street
Wailuku, HI 96793

Rudy & Perlita Fernandez
P.O. Box 330808
Kahului, HI 96733

Greg Ibara
227 Kawaipuna Street
Wailuku, HI 96793

Roderick Fong
Fong Construction Company Inc.
495 Hukilike Street, Bay #4
Kahului, HI 96732

Ronald Jacintho
ROJAC Trucking, Inc.
150 Pakana Street
Wailuku, HI 96793

Ronald Jacintho
Pohakulepo Recycling, LLC
150 Pakana Street
Wailuku, HI 96793

Clifford & Cristal Koki
P.O. Box 442
Wailuku, HI 96793

Lawrence Koki
2585 Kahekili Highway
Wailuku, HI 96793-5930

Amanda Jones
Spencer Homes Inc.
P.O. Box 97
Kihei, HI 96753

Mary Jane Kramer
Na Mala O Waihee Private Water Co. Inc.
c/o Commercial Properties of Maui Management, Inc.
1962-B Wells Street
Wailuku, HI 96793

Anthony Manoukian
Anthony Aram & Downey Rugtiv Manoukian Trust
P.O. Box 1609
Waianae, HI 96792

Donald Kuemmeler/RCFC Kehalani LLC
555 California Street, Suite 3450
San Francisco, CA 94104

Kenneth Mendoza
2160 B Puuohala Road
Wailuku, HI 96793-0463

Jonathon Kurtz
Living Waters Land Foundation, LLC
P.O. Box 2327
Wailuku, HI 96793

Kenneth Kahalekai
240 Waihee Valley Road
Wailuku, HI 96793

Jane Laimana
45-520 Alokahi Street
Kaneohe, HI 96744

Leinaala Kihm
1415 Honua Place
Wailuku, HI 96793

Jinsei Miyashiro Trust
P.O. Box 235
Wailuku, HI 96793

David & Katherine Lengkeek
128 River Road
Wailuku, HI 96793

David Niehaus
1630 Piiholo Road
Makawao, HI 96768

Kaanapali Kai Inc.
2145 Wells Street, Suite 330
Wailuku, HI 96793

Glenn McLean
350 West Waiko Road
Wailuku, HI 96793

Kaui Kahalekai
202 Waihee Valley Road
Wailuku, HI 96793

Lawrence Miyahira
Jason Miyahira
P.O. Box 762
Wailuku, HI 96793

Alfred Kailiehu Sr. & Alfred Kailiehu Jr.
3660 Kahekili Highway
Wailuku, HI 96793

Elsie Miyamoto
1455 Miloiki Street
Honolulu, HI 96825-3229

Cindy Lee
Waiolani Mauka Community Association, Inc.
c/o Scott Nunokawa
P.O. Box 946
Wailuku, HI 96793

Sterling Kim
Hale Mua Properties, LLC
250 Alamaha Street, Suite N18
Kahului, HI 96732

Glynnis Nakai
Maui National Wildlife Refuge Complex, USFWS
P.O. Box 1042
Kihei, HI 96753

Lester Nakama
Aloha Poi Factory, Inc.
800 Lower Main Street
Wailuku, HI 96793

Isabelle Rivera
P.O. Box 364
Wailuku, HI 96793

Katherine Riyu
P.O. Box 696
Wailuku, HI 96793

Warren Soong
245A West Waiko Road
Wailuku, HI 96793

David Nobriga
Nobriga's Ranch Inc.
P.O. Box 1170
Wailuku, HI 96793

Waldo Ullerich
Emmanuel Lutheran Church & School
P.O. Box 331194
Kahului, HI 96733

Yoshie Suehiro & Natalie Hashimoto
915 Malaihi Road
Wailuku, HI 96793

Nelson Okamura
Kihei Gardens & Landscaping Co. LLP
P.O. Box 1058
Puunene, HI 96784

Yoshie Suehiro & Natalie Hashimoto
915 Malaihi Road
Wailuku, HI 96793

Nelson Okamura
Kihei Gardens & Landscaping Co. LLP
P.O. Box 1058
Puunene, HI 96784

Waldemar & Darlene Rogers
1421 Nuna Place
Wailuku, HI 96793

Takitani Agaran & Jorgensen
Wailuku Executive Center
24 North Church Street, Suite 409
Wailuku, HI 96793

Burt Sakata & Peter Fritz
107 Waihee Valley Road
Wailuku, HI 96793

Noel & Katherine Texeira
P.O. Box 2846
Wailuku, HI 96793-7846

Francis Ornellas
340 Iao Valley Road
Wailuku, HI 96793

Alfred Santiago & Colin Kailiponi
2445C Vineyard Street
Wailuku, HI 96793

Thomas & Patricia Texeira
Denise Texeira
205 Waihee Valley Road
Wailuku, HI 96793

Ken & Saedene Ota
2261 Aupuni Street, Suite 101
Wailuku, HI 96793

Kalani & Tera Paleka
P.O. Box 342
Wailuku, HI 96793

Ione Shimizu
219 K West Waiko Road
Wailuku, HI 96793

Melvin Riyu & Judith Yamanoue
P.O. Box 696
Wailuku, HI 96793

Robert Pinto
c/o Claire Pinto
130 Pilikana Place
Wailuku, HI 96793

Milla Richardson
94 Laukahi Street
Kihei, HI 96753

Kurt & Betsy Sloan
P.O. Box 310
Kihei, HI 96753

Donnalee & David Singer
P.O. Box 3017
Wailuku, HI 96793

ELECTRONIC SERVICE

Douglas Bell
1420 Honua Place
Waikapu, HI 96793

sandi.doug@hawaiiantel.net

Francisco Cerizo
P.O. Box 492
Wailuku, HI 96793

cerizof@gmail.com

Heinz Jung & Cecilia Chang
P.O. Box 1211
Wailuku, HI 96793

cici.chang@hawaiiantel.net

Jordanella (Jorrie) Ciotti
484 Kalua Road
Wailuku, HI 96793

jorrieciotti@gmail.com

Fred Coffey
1271 Malaihi Road
Wailuku, HI 96793

hawaii50peleke@yahoo.com

Kathy De Hart
P.O. Box 1574
Wailuku, HI 96793

kdchart17@gmail.com

John V. & Rose Marie H. Duey
Hoouluhahui LLC
575 A Iao Valley Road
Wailuku, HI 96793
cc: Nani Santos

jduey@maui.net

nanisantos808@gmail.com

Stanley Faustino
c/o Kanealoha Lovato-Rodrigues
384 Waihee Valley Road
Wailuku, HI 96793

kanealoha808@gmail.com

William Freitas
c/o Kapuna Farms LLC
2644 Kahekili Highway
Wailuku, HI 96793

kapunafarms@gmail.com

Diannah Goo
c/o April Goo
2120 C Kahekili Highway
Wailuku, HI 96793

ag2517@aol.com

Nicholas Harders on behalf of:

waikapu@me.com

- Karl & Lee Ann Harders
1422 Nuna Place
Wailuku, HI 96793

- Theodore & Zelig Harders
T&Z Harders FAM LTD PTNSHP
Theodore & Zelig Harders Family Ltd.
Partnership
1415 Kilohi Street
Wailuku, HI 96793

Evelyn Kamasaki
Cynthia Ann McCarthy
Claire S. Kamasaki
1550 Nukuna Place
Wailuku, HI 96793

cmcmaui@live.com

Charlene E. & Jacob H. Kana, Sr.
P.O. Box 292
Wailuku, HI 96793

char1151@hawaii.rr.com

Kimberly Lozano
P.O. Box 2082
Wailuku, HI 96793

pauahi808@aol.com

Renee Molina
P.O. Box 1746
Wailuku, HI 96793

myoheo@yahoo.com

Lorrin Pang
166 River Road
Wailuku, HI 96793

pangk005@hawaii.rr.com

Victor & Walette Pellegrino
1420 Kilohi Street
Wailuku, HI 96793

hokuao44@msn.com

L. Ishizawa
Piko Ao, LLC
2839 Kalialani Circle
Pukalani, HI 96768

lorilei@hawaii.edu

Michael Rodrigues
2518 W. Main Street
Wailuku, HI 96793

mikerodmaui@yahoo.com

Burt Sakata
107 Waihee Valley Road
Wailuku, HI 96793

waihee89@yahoo.com

Bryan Sarasin, Sr.
c/o Bryan Sarasin, Jr.
P.O. Box 218
Wailuku, HI 96793

mauifishfarm@hawaiiantel.net

Duke & Jean Sevilla & Christina Smith
702 Kaae Road
Wailuku, HI 96793

sevillad001@hawaii.rr.com

Jeff & Ramona Lei Smith
P.O. Box 592
Wailuku, HI 96793

ohianui.ohana@gmail.com

Murray & Carol Smith
P.O. Box 11255
Lahaina, HI 96761

murray@jps.net

Crystal Smythe
John Minamina Brown Trust
727 Wainee Street, Suite 104
Lahaina, HI 96761

cytl@maui.net

Clayton Suzuki
Linda Kadosaki
Reed Suzuki
Scott Suzuki
P.O. Box 2577
Wailuku, HI 96793

cssuzuki@hawaiiantel.net

John Varel
191 Waihee Valley Road
Wailuku, HI 96793

jvarel@fusionstorm.com

Michele & Leslie Vida, Jr.
135 Pilikana Place
Wailuku, HI 96793

mikievida@hotmail.com

Leslie Vida, Sr.
c/o Donna Vida
135 Pilikana Place
Wailuku, HI 96793

dmlavida@yahoo.com

Roger & Kevin Yamaoka
1295 Old Waikapu Road
Wailuku, HI 96793

rryamaoka@aol.com
kty@hawaii.rr.com

Caleb Rowe, Esq.
Kristin Tarnstrom, Esq.
County of Maui
Department of the Corporation Counsel
200 South High Street
135 Pilikana Place
Wailuku, HI 96793
(County of Maui, Department of Water
Supply)

caleb.rowe@co.maui.hi.us
kristin.tarnstrom@co.maui.hi.us
susan.pacheco@co.maui.hi.us

Colin J. Lau, Esq.
465 King Street, Room 300
Honolulu, HI 96813
cc: Russell Kumabe
Holly McEldowney
(Department of Land & Natural Resources,
Division of State Parks)

colin.j.lau@hawaii.gov

russell.p.kumabe@hawaii.gov
holly.mceldowney@hawaii.gov

Yvonne Izu, Esq.
Morihara Lau & Fong LLP
400 Davies Pacific Center
841 Bishop Street
Honolulu, HI 96813
cc: Garret Hew
(Hawaiian Commercial & Sugar Co./HC&S)

yizu@moriharagroup.com

ghew@hcsugar.com

Tina Aiu, Esq.
Oahu Island Director
Hawaiian Islands Land Trust, HILT
P.O. Box 965
Wailuku, HI 96793
cc: Scott Fisher

christina@hilt.org

scott@hilt.org

Isaac Moriwake, Esq.
Summer Kupau-Odo
Earthjustice
850 Richards Street, Suite 400
Honolulu, HI 96813
(Hui O Na Wai Eha and Maui Tomorrow
Foundation)

imoriwake@earthjustice.org
skupau@earthjustice.org
jbrown@earthjustice.org
jparks@earthjustice.org

Avery & Mary Chumbley
363 West Waiko Road
Wailuku, HI 96793
(Makani Olu Partners LLC)

abc@aloha.net

Jodi Yamamoto, Esq.
Wil Yamamoto, Esq.
Yamamoto Caliboso
1099 Alakea Street, Suite 2100
Honolulu, HI 96813
(MMK Maui, LP/The King Kamehameha Golf
Club, Kahili Golf Course)

jyamamoto@ychawaii.com
wyamamoto@ychawaii.com

Pamela Bunn, Esq.
Alston Hunt Floyd & Ing
1001 Bishop Street, Suite 1800
Honolulu, HI 96813
(Office of Hawaiian Affairs)

pbunn@ahfi.com

Craig Nakamura, Esq.
Catherine L.M. Hall, Esq.
Carlsmith Ball LLP
2200 Main Street, Suite 400
Wailuku, HI 96793
(Wahi Hoomalu Limited Partnership)

cnakamura@carlsmith.com
chall@carlsmith.com

Peter A. Horovitz, Esq.
Kristine Tsukiyama, Esq.
Merchant Horovitz, LLLC
2145 Wells Street, Suite 303
Wailuku, HI 96793
(Waikapu Properties, LLC and MTP
(Maui Tropical Plantation) Operating
Company, LLC)
cc: Albert Boyce

pah@mhmaui.com
kkt@mhmaui.com

albertboyce@gmail.com

Brian Kang, Esq.
Emi L.M. Kaimuloa
Watanabe Ing, LLP
First Hawaiian Center
999 Bishop Street, 23rd Floor
Honolulu, HI 96813
(Wailuku Country Estates Irrigation Company/
WCEIC)

bkang@wik.com
ekaimuloa@wik.com

Paul R. Mancini, Esq.
James W. Geiger, Esq.
Mancini Welch & Geiger LLP
RSK Building
305 Wakea Avenue, Suite 200
Kahului, HI 96732
cc: Avery Chumbley
(Wailuku Water Company)

pmancini@mrwlaw.com
jgeiger@mrwlaw.com

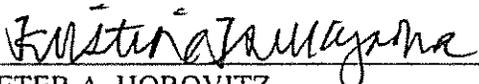
Lawrence H. Miike
Hearings Officer
1151 Punchbowl Street, Room 227
Honolulu, HI 96813

lhmiike@hawaii.rr.com

Linda L.W. Chow, Esq.
Deputy Attorney General
465 S. King Street, Room 300
Honolulu, HI 96813

linda.l.chow@hawaii.gov

DATED: Wailuku, Hawaii, Feb-5, 2016.



PETER A. HOROVITZ
KRISTINE TSUKIYAMA
MERCHANT HOROVITZ LLLC
Attorneys for
WAIKAPU PROPERTIES, LLC