1
00:00:05.340 --> 00:00:08.730
OK, we think we got the

2
00:00:08.730 --> 00:00:11.620
technical parts worked out. Uhm?

3
00:00:15.400 --> 00:00:17.024
OK, if everyone's ready,

4
00:00:17.024 --> 00:00:19.885
we'll go ahead and start and I'll

5
00:00:19.885 --> 00:00:21.552
do some brief introductions.

6
00:00:21.552 --> 00:00:25.344
We have. So first of all,

7
00:00:25.350 --> 00:00:26.966
I am Suzanne case.

8
00:00:26.966 --> 00:00:28.986
I am the hearing officer.

9
00:00:28.990 --> 00:00:31.000
In this context, the case hearing.

10
00:00:34.050 --> 00:00:36.227
Which is in the matter of a

11
00:00:36.227 --> 00:00:37.992
contested case, regarding the

12
00:00:37.992 --> 00:00:40.276
continuation of revocable permits.

13
00:00:40.280 --> 00:00:41.960
RPS for tax map key numbers.

14
00:00:45.510 --> 00:00:47.559

211001044 and 050.

15
00:00:55.550 --> 00:00:57.278
29014001005011012 and 017.

16
00:01:00.930 --> 00:01:02.170
11 these are all in

17
00:01:06.400 --> 00:01:08.508
TMC 211002002 portion and

18
00:01:11.300 --> 00:01:13.375
12004005 and 007 for water

19
00:01:13.375 --> 00:01:15.990
use on the island of Maui.

20
00:01:15.990 --> 00:01:17.690
To Alexander and Baldwin, Inc.

21
00:01:17.690 --> 00:01:20.938
And B&E Maui Irrigation Company, LLC.

22
00:01:20.938 --> 00:01:26.266
EMI for the remainder of the 2021 RPS,

23
00:01:26.266 --> 00:01:27.462
if applicable.

24
00:01:27.462 --> 00:01:29.854
And for their continuation.

25
00:01:29.860 --> 00:01:35.410
Through the end of 2022 it's December 8,

26
00:01:35.410 --> 00:01:38.810
2021. It's 9:10 AM.

27
00:01:38.810 --> 00:01:42.800
We're holding this proceeding on zoom.

28
00:01:42.800 --> 00:01:48.672
Uhm, so please be very sure to introduce

29
00:01:48.672 --> 00:01:51.320
yourselves every time we start anew.

30
00:01:51.320 --> 00:01:53.415
Dialogue we're doing an audio

31
00:01:53.415 --> 00:01:56.615
recording which we will post as soon as

32
00:01:56.615 --> 00:02:00.470
possible each day after the hearing.

33
00:02:00.470 --> 00:02:02.182
The documents in this

34
00:02:02.182 --> 00:02:04.474
case are posted publicly.

35
00:02:04.474 --> 00:02:08.776
Now Dylan Art Hawaii Gov Slash

36
00:02:08.776 --> 00:02:13.589
L D Slash contested hyphen,

37
00:02:13.590 --> 00:02:16.674
case hyphen materials hyphen

38
00:02:16.674 --> 00:02:21.300
4 hyphen Dylan R hyphen file

39
00:02:21.438 --> 00:02:28.550
hyphen NO hyphen CCH hyphen LD.

40
00:02:28.550 --> 00:02:33.962
Hyphen 01 hyphen exhibits slash.

41
00:02:33.962 --> 00:02:36.218

I believe it is.

42
00:02:36.220 --> 00:02:37.579
Or else maybe.

43
00:02:40.630 --> 00:02:42.946
Maybe that that's the that's that's

44
00:02:42.946 --> 00:02:45.950
for all of the exhibits. Uhm?

45
00:02:48.590 --> 00:02:52.428
Alright. Let me first.

46
00:02:52.428 --> 00:02:54.692
Ask everyone to introduce

47
00:02:54.692 --> 00:02:57.494
themselves for the record who

48
00:02:57.494 --> 00:03:00.494
you are and who you represent.

49
00:03:00.500 --> 00:03:02.660
Can we first get people from the zoom?

50
00:03:02.660 --> 00:03:04.438
Yeah, let me let me do that.

51
00:03:04.440 --> 00:03:07.690
As soon as I have.

52
00:03:07.690 --> 00:03:09.122
The parties introduce themselves

53
00:03:09.122 --> 00:03:12.310
and then I will ask you who your

54
00:03:12.310 --> 00:03:13.768
designated representative is.

55
00:03:13.770 --> 00:03:14.268
Representatives are,

56
00:03:14.268 --> 00:03:16.799
and I will let him in from the zoom room.

57
00:03:23.050 --> 00:03:23.590
OK ANB.

58
00:03:25.670 --> 00:03:27.650
This is Trisha Kogi,

59
00:03:27.650 --> 00:03:29.630
representing A&B in EMI.

60
00:03:29.630 --> 00:03:32.230
David Schulmeister is also on

61
00:03:32.230 --> 00:03:36.350
with me and go ahead just I.

62
00:03:36.350 --> 00:03:37.610
I know we're just doing

63
00:03:37.610 --> 00:03:38.366
the introductions first,

64
00:03:38.370 --> 00:03:41.418
but I I would also like to remind

65
00:03:41.420 --> 00:03:42.945
the hearings officer that there

66
00:03:42.945 --> 00:03:44.787
is the court reporter is also

67
00:03:44.787 --> 00:03:46.329
in the waiting room as well.

68
00:03:46.330 --> 00:03:49.220

OK wait. Who is that?

69
00:03:52.510 --> 00:03:54.575
Can you give me that name please?

70
00:03:54.580 --> 00:03:58.035
Uhm, I'm sorry I don't

71
00:03:58.035 --> 00:04:01.830
actually have her name. Macy.

72
00:04:11.610 --> 00:04:13.002
Hey there, I have and let

73
00:04:13.002 --> 00:04:14.520
me live in. Sorry go ahead.

74
00:04:14.520 --> 00:04:17.040
I'm in nicely or Kirsten Kagimoto.

75
00:04:19.990 --> 00:04:21.544
Uhm, let me let me just check.

76
00:04:21.550 --> 00:04:23.810
Let me call Andy Rosenberg.

77
00:04:23.810 --> 00:04:26.937
You call your money. Uh, no.

78
00:04:26.937 --> 00:04:31.710
Just a second. Alright. So.

79
00:04:34.800 --> 00:04:36.210
I'll do the intros over.

80
00:04:43.260 --> 00:04:44.828
If you want to go ahead and tell

81
00:04:44.828 --> 00:04:45.991
me your designated representatives

82
00:04:45.991 --> 00:04:48.157
and then you can introduce them.

83
00:04:48.160 --> 00:04:51.004
We can do that. Alright so County of Maui,

84
00:04:51.004 --> 00:04:52.156
do you have designated

85
00:04:52.156 --> 00:04:53.689
representatives in the waiting room?

86
00:04:53.690 --> 00:04:57.505
No, we do not OK Sierra Club.

87
00:04:57.510 --> 00:05:01.647
Yes, so Wayne Tanaka loose and in

88
00:05:01.647 --> 00:05:04.500
a Christian Christian kajimoto.

89
00:05:04.500 --> 00:05:05.502
My understanding though,

90
00:05:05.502 --> 00:05:07.172
was also that all witnesses

91
00:05:07.172 --> 00:05:08.798
were going to be allowed in.

92
00:05:08.800 --> 00:05:09.456
They will.

93
00:05:09.456 --> 00:05:12.080
They will be the witnesses for the day.

94
00:05:12.080 --> 00:05:13.100
Will be, well,

95
00:05:13.100 --> 00:05:15.920

that was not that was not always said.

96
00:05:15.920 --> 00:05:17.936
It was witnesses were going to be allowed in.

97
00:05:17.940 --> 00:05:18.825
So for example,

98
00:05:18.825 --> 00:05:21.328
my key to should be in the zoom

99
00:05:21.328 --> 00:05:23.518
room and we were told that

100
00:05:23.518 --> 00:05:25.180
witnesses would have access.

101
00:05:25.180 --> 00:05:26.248
Alright, that's fine.

102
00:05:29.340 --> 00:05:31.588
My keto is not in OK so tell

103
00:05:31.588 --> 00:05:34.198
me the day you have one that

104
00:05:34.198 --> 00:05:36.163
says Sierra Club of Hawaii.

105
00:05:36.170 --> 00:05:38.186
That's probably Wayne. I don't know.

106
00:05:38.190 --> 00:05:39.810
There's another one that says Wayne.

107
00:05:39.810 --> 00:05:41.715
There was one that yeah, we in turn.

108
00:05:41.715 --> 00:05:42.735
OK, here's Wayne Tanaka.

109
00:05:46.390 --> 00:05:49.520
Who else? Kristen kagimoto Yep.

110
00:05:52.420 --> 00:05:55.006
Right, there's one that says Sierra

111
00:05:55.006 --> 00:05:57.350
Club of Hawaii. I don't know.

112
00:05:57.350 --> 00:05:59.706
I mean, I don't know who's using that,

113
00:05:59.710 --> 00:06:01.565
but you should probably let them in.

114
00:06:01.570 --> 00:06:04.202
Well, I I wanna know who the

115
00:06:04.202 --> 00:06:05.330
designated representative is.

116
00:06:05.330 --> 00:06:09.040
It will come back to that, OK?

117
00:06:09.040 --> 00:06:10.564
Lucy and she should be in

118
00:06:10.564 --> 00:06:11.870
in the weight room too.

119
00:06:11.870 --> 00:06:13.650
She is there alright.

120
00:06:16.410 --> 00:06:20.090
OK, I will let in the witnesses. OK, uhm.

121
00:06:22.600 --> 00:06:23.980
Sorry to interrupt, I have the

122
00:06:23.980 --> 00:06:25.380

name of the court reporter.

123
00:06:25.380 --> 00:06:27.932
This is Trisha Caughey.

124
00:06:27.932 --> 00:06:31.246
OK, it is line in nicely OK.

125
00:06:34.880 --> 00:06:38.527
Yeah, and they they actually have fairly

126
00:06:38.527 --> 00:06:40.940
decent. Tim and seal. You need to mute.

127
00:06:44.660 --> 00:06:46.452
Alright, any other designated

128
00:06:46.452 --> 00:06:47.348
representatives here?

129
00:06:49.420 --> 00:06:51.668
I have a nicolia money in the waiting

130
00:06:51.668 --> 00:06:54.117
room and assire clinical is from I'm

131
00:06:54.117 --> 00:06:57.036
sorry Nicolia money is from our office

132
00:06:57.036 --> 00:07:01.364
and I don't see oh Meredith is in yes.

133
00:07:04.250 --> 00:07:05.012
Alright, I'll I'll.

134
00:07:05.012 --> 00:07:06.536
I'll let the Sierra Club went

135
00:07:06.536 --> 00:07:08.854
in and you can tell me if it's

136
00:07:08.854 --> 00:07:09.718
your designated representative.

137
00:07:13.140 --> 00:07:14.386
That's all that's in the waiting room.

138
00:07:27.110 --> 00:07:28.853
OK, can I ask everyone to please

139
00:07:28.853 --> 00:07:30.309
when we start the meeting,

140
00:07:30.310 --> 00:07:31.420
I'm going to start the meeting.

141
00:07:31.420 --> 00:07:34.516
Uh, officially in a second here.

142
00:07:34.520 --> 00:07:39.100
Uhm? Please turn on your UM.

143
00:07:39.100 --> 00:07:41.470
Your video for the introductions.

144
00:07:44.270 --> 00:07:45.740
Could I ask could I speak?

145
00:07:45.740 --> 00:07:47.980
I'm the court reporter, yes?

146
00:07:47.980 --> 00:07:49.590
Hi, I just wanted to get because

147
00:07:49.590 --> 00:07:51.274
I just got admitted and I wanted

148
00:07:51.274 --> 00:07:53.044
to make sure I get all the

149
00:07:53.044 --> 00:07:54.559

speakers down before we start.

150
00:07:54.560 --> 00:07:57.260
So I see Mr Schulmeister.

151
00:07:57.260 --> 00:07:58.838
I hope I'm pronouncing it right

152
00:07:58.838 --> 00:08:01.043
and Caleb Bro I better put you in

153
00:08:01.043 --> 00:08:02.687
or you're going to be speaking.

154
00:08:05.650 --> 00:08:06.940
Yes, I'm the attorney for

155
00:08:06.940 --> 00:08:08.431
the county of Maui, OK,

156
00:08:08.431 --> 00:08:11.137
and who else will be speaking?

157
00:08:11.140 --> 00:08:13.948
I just want to get everybody's name and

158
00:08:13.948 --> 00:08:16.350
that's going to be actually probably.

159
00:08:16.350 --> 00:08:17.403
Trisha Koch OK.

160
00:08:17.403 --> 00:08:20.410
Like if you don't let me just sorry,

161
00:08:20.410 --> 00:08:21.880
I just usually get this chance

162
00:08:21.880 --> 00:08:24.360
to do it first, but OK.

163
00:08:28.050 --> 00:08:29.680
You all can talk well, I well,

164
00:08:29.680 --> 00:08:31.300
I do that sorry I didn't.

165
00:08:31.300 --> 00:08:32.676
Can I ask again?

166
00:08:32.676 --> 00:08:34.396
Everyone who's in the meeting?

167
00:08:34.400 --> 00:08:35.840
Please turn on your video

168
00:08:35.840 --> 00:08:36.704
for the introductions.

169
00:08:43.310 --> 00:08:45.599
And let's see then I see somebody

170
00:08:45.599 --> 00:08:47.920
that looks like David Cimo Frankel.

171
00:08:47.920 --> 00:08:50.882
Will you be speaking luck? OK,

172
00:08:50.882 --> 00:08:53.330
let me get that one time hold on, sorry.

173
00:09:00.790 --> 00:09:02.350
If Mr Frank OK.

174
00:09:05.410 --> 00:09:10.570
And anybody who else? I see Mark bought

175
00:09:10.570 --> 00:09:13.520
from EMI OK everyone hear me. Yes.

176
00:09:17.240 --> 00:09:19.238

Today, the witnesses in the morning

177
00:09:19.238 --> 00:09:21.588
or Mark bought Grant Nakoma and seal.

178
00:09:21.590 --> 00:09:23.650
How and in the afternoon

179
00:09:23.650 --> 00:09:25.710
it's Ian Hiroko and seal.

180
00:09:25.710 --> 00:09:28.370
How OK? So the speakers.

181
00:09:28.370 --> 00:09:31.289
I mean, what I wanted was the

182
00:09:31.289 --> 00:09:35.169
attorneys names and OK so.

183
00:09:35.170 --> 00:09:37.690
Trisha Kogi and David schulmeister.

184
00:09:37.690 --> 00:09:40.606
For A and BMI KRB for county of Maui,

185
00:09:40.610 --> 00:09:43.250
and David Frankel for Sierra Club.

186
00:09:43.250 --> 00:09:45.170
Perfect, OK. Thank you so much.

187
00:09:45.170 --> 00:09:47.540
I'm ready whenever you wanna start.

188
00:09:47.540 --> 00:09:50.320
OK is again Sarah Club Hoy I think is the

189
00:09:50.391 --> 00:09:53.303
only one who's not connected here by audio.

190
00:09:53.310 --> 00:09:55.308
Looks like it says it's connecting.

191
00:09:55.310 --> 00:09:56.702
But anyway, go sorry alright we're

192
00:09:56.702 --> 00:09:58.020
gonna wait till they connect.

193
00:10:14.490 --> 00:10:16.788
Mr. Tanaka, can you tell me

194
00:10:16.788 --> 00:10:19.317
who is Sierra Club of Hawaii

195
00:10:19.317 --> 00:10:21.145
trying to connect here?

196
00:10:21.150 --> 00:10:23.596
Uh, I I think that's, uh,

197
00:10:23.596 --> 00:10:26.158
it might be my my other computer.

198
00:10:26.160 --> 00:10:27.055
It's kind of like glitching

199
00:10:27.055 --> 00:10:28.220
out so I switched my phone.

200
00:10:31.140 --> 00:10:31.550
K.

201
00:10:33.900 --> 00:10:35.478
So you have two computers on.

202
00:10:38.430 --> 00:10:40.348
Yeah yeah yeah, just put that one.

203
00:10:40.350 --> 00:10:41.682

You can put that one and

204
00:10:41.682 --> 00:10:42.950
I'll just use my phone.

205
00:10:42.950 --> 00:10:45.260
Alright, let me know if you need

206
00:10:45.260 --> 00:10:47.020
me to change that. Thank you.

207
00:10:49.570 --> 00:10:50.190
OK.

208
00:10:53.670 --> 00:10:56.790
Alright everybody ready will go

209
00:10:56.790 --> 00:10:59.310
ahead and. I'll do the intro again.

210
00:11:02.290 --> 00:11:07.160
Alright, uh. OK, this is, uh,

211
00:11:07.160 --> 00:11:09.920
December 8th 2021 it's 9:20 AM.

212
00:11:09.920 --> 00:11:11.084
I'm Suzanne case.

213
00:11:11.084 --> 00:11:12.636
I'm the hearing officer.

214
00:11:12.640 --> 00:11:13.884
In this contested case,

215
00:11:13.884 --> 00:11:15.750
it's in the matter of a

216
00:11:15.817 --> 00:11:17.865
contested case regarding the

217
00:11:17.865 --> 00:11:19.913
continuation of revocable permits

218
00:11:19.920 --> 00:11:21.546
RP's for tax map key numbers

219
00:11:24.660 --> 00:11:25.110
211001044 and

220
00:11:32.740 --> 00:11:33.410
050229014001005011012 and

221
00:11:37.720 --> 00:11:39.830
01721002002 portion and two one.

222
00:11:42.710 --> 00:11:45.752
2004005 and 007 for water use on the island

223
00:11:45.752 --> 00:11:48.896
of Maui to Alexander and Baldwin, Inc.

224
00:11:48.896 --> 00:11:52.578
And be. And East Maui Irrigation Company,

225
00:11:52.580 --> 00:11:57.650
LLC MI for the remainder of the 2021 RPS,

226
00:11:57.650 --> 00:12:00.125
if applicable, and for their

227
00:12:00.125 --> 00:12:02.680
continuation through the end of 2022.

228
00:12:02.680 --> 00:12:05.280
Thank you for joining us.

229
00:12:05.280 --> 00:12:07.305
We're holding this contested case

230
00:12:07.305 --> 00:12:10.258

hearing on zoom we have in the room.

231
00:12:10.260 --> 00:12:13.443
The parties attorneys

232
00:12:13.443 --> 00:12:16.626
designated representatives and.

233
00:12:16.630 --> 00:12:18.650
Uh witnesses for the day.

234
00:12:18.650 --> 00:12:22.148
Actually some witnesses from other days.

235
00:12:22.150 --> 00:12:26.360
Uhm? And so if I could ask the

236
00:12:26.360 --> 00:12:27.910
attorneys to introduce yourselves

237
00:12:27.910 --> 00:12:30.258
and your designated representatives,

238
00:12:30.260 --> 00:12:33.068
and then I will ask the

239
00:12:33.068 --> 00:12:34.004
designated representatives.

240
00:12:34.010 --> 00:12:38.426
And the witnesses to turn off your video.

241
00:12:38.430 --> 00:12:42.840
So first, uh, in BMI?

242
00:12:42.840 --> 00:12:44.632
Good morning Miss case.

243
00:12:44.632 --> 00:12:46.872
Trisha Caughey and David Schulmeister,

244
00:12:46.880 --> 00:12:48.495
appearing on behalf of A

245
00:12:48.495 --> 00:12:50.680
and B&MI with us today,

246
00:12:50.680 --> 00:12:52.540
is our designated Representative

247
00:12:52.540 --> 00:12:54.635
Meredith Ching and also from

248
00:12:54.635 --> 00:12:56.455
our office is Nicole Yamane,

249
00:12:56.460 --> 00:12:58.375
who's going to be assisting

250
00:12:58.375 --> 00:12:59.524
with the exhibits.

251
00:12:59.530 --> 00:13:03.208
Thank you OK County of Maui.

252
00:13:03.210 --> 00:13:04.254
Good Morning Deputy

253
00:13:04.254 --> 00:13:05.646
corporation counsel Caleb Rowe,

254
00:13:05.650 --> 00:13:07.141
on behalf of the County of Maui

255
00:13:07.141 --> 00:13:08.120
Department of Water Supply.

256
00:13:08.120 --> 00:13:10.280
We do not have a designated

257
00:13:10.280 --> 00:13:11.360

representative for today.

258
00:13:11.360 --> 00:13:13.850
Thank you and Sierra Club.

259
00:13:13.850 --> 00:13:14.778
Good morning, David Franklin.

260
00:13:14.778 --> 00:13:17.540
On behalf of the Sierra Club, Wayne Tanaka,

261
00:13:17.540 --> 00:13:20.965
Louisiana and Kristen could remote.

262
00:13:20.970 --> 00:13:22.545
Oh, but I don't see Christian anymore.

263
00:13:22.550 --> 00:13:24.782
I think she was in the zoom waiting room.

264
00:13:24.790 --> 00:13:28.164
Come with the Sierra Club she was.

265
00:13:28.170 --> 00:13:30.186
I'll keep an eye out for her.

266
00:13:30.190 --> 00:13:33.330
I did. Bring her in but.

267
00:13:33.330 --> 00:13:35.155
I'll keep an eye out.

268
00:13:35.160 --> 00:13:35.960
OK, uhm?

269
00:13:35.960 --> 00:13:39.160
So we do have a a public viewing

270
00:13:39.263 --> 00:13:41.898
room in the boardroom here.

271
00:13:41.900 --> 00:13:43.820
Uhm?

272
00:13:43.820 --> 00:13:45.376
No recording of this.

273
00:13:45.376 --> 00:13:48.223
A video or audio is allowed of

274
00:13:48.223 --> 00:13:49.939
this proceeding we have.

275
00:13:49.940 --> 00:13:51.842
We will have an audio recording

276
00:13:51.842 --> 00:13:53.691
that we will post every day

277
00:13:53.691 --> 00:13:55.874
at the end of the meeting,

278
00:13:55.874 --> 00:13:58.370
so neither in this zoom nor.

279
00:13:58.370 --> 00:14:01.425
In the public viewing room

280
00:14:01.425 --> 00:14:03.869
or is recording allowed?

281
00:14:03.870 --> 00:14:06.165
The the documents in this

282
00:14:06.165 --> 00:14:08.460
matter are all posted online.

283
00:14:13.550 --> 00:14:14.207
Dylanr.hawaii.gov/LD/contested

284
00:14:14.207 --> 00:14:17.492

hyphen case hyphen materials hyphen

285
00:14:17.492 --> 00:14:21.532
4 hyphen Dylan R hyphen file hyphen

286
00:14:21.532 --> 00:14:25.888
NO hyphen CCH hyphen LD hyphen

287
00:14:25.888 --> 00:14:30.150
01 hyphen exhibits slash. Uhm?

288
00:14:35.420 --> 00:14:38.342
Please don't use the chat if you

289
00:14:38.342 --> 00:14:40.508
if you have some procedural issue.

290
00:14:40.510 --> 00:14:43.250
You can just speak up.

291
00:14:43.250 --> 00:14:45.065
Uhm, the proceedings are generally

292
00:14:45.065 --> 00:14:47.688
going to be 9:00 AM to 4:00 PM.

293
00:14:47.690 --> 00:14:50.768
Will try to take a lunch break about 12

294
00:14:50.768 --> 00:14:54.267
to one so will try not to interrupt. Uh,

295
00:14:54.267 --> 00:14:57.283
we'll try to finish up sometime around 12.

296
00:14:57.290 --> 00:14:59.214
Whoever is speaking and

297
00:14:59.214 --> 00:15:01.619
then we'll reconvene at 1.

298
00:15:01.620 --> 00:15:04.959
We have a 91 dash 9 notice many minute

299
00:15:04.959 --> 00:15:07.959
order that's being issued right now.

300
00:15:07.960 --> 00:15:09.664
So if you have any questions

301
00:15:09.664 --> 00:15:11.170
about that let me know.

302
00:15:11.170 --> 00:15:15.268
Uh, we're gonna have. What do you mean?

303
00:15:15.268 --> 00:15:17.270
I have no idea what you mean.

304
00:15:17.270 --> 00:15:19.016
Issuing a minute order right now,

305
00:15:19.020 --> 00:15:21.576
I'd like to know what it is to 91

306
00:15:21.576 --> 00:15:24.624
dash 9 standard, 91 dash, 9 notice.

307
00:15:24.624 --> 00:15:29.240
We can take a pause. Uhm?

308
00:15:29.240 --> 00:15:31.410
If you need to know about it.

309
00:15:31.410 --> 00:15:32.838
Before we proceed.

310
00:15:35.670 --> 00:15:36.399
Just a minute.

311
00:15:42.670 --> 00:15:44.818

I'm just reading 91 Dash tonight,

312
00:15:44.820 --> 00:15:47.109
91 last 9.5 or 91 dash 9.

313
00:15:53.750 --> 00:15:54.714
This is deputy Attorney

314
00:15:54.714 --> 00:15:55.678
general and the child.

315
00:15:55.680 --> 00:15:58.578
It's a 91 dash 9 notice,

316
00:15:58.580 --> 00:16:01.420
so it's the notice about

317
00:16:01.420 --> 00:16:03.410
this issue in the scope.

318
00:16:03.410 --> 00:16:07.260
The ability to retain counsel.

319
00:16:07.260 --> 00:16:10.390
As as required by section 91, Dash 9.

320
00:16:13.540 --> 00:16:16.816
It seems a bit late to be issuing, not

321
00:16:16.816 --> 00:16:19.800
notice. I hope there's no surprises in it.

322
00:16:23.970 --> 00:16:26.777
So if there's an issue with it,

323
00:16:26.780 --> 00:16:29.390
when you when you see it, you can raise it.

324
00:16:29.390 --> 00:16:31.268
It will address it as part of the hearing.

325
00:16:36.380 --> 00:16:39.260
OK we will uhm try to take a break

326
00:16:39.260 --> 00:16:41.685
every hour and a half if you

327
00:16:41.685 --> 00:16:44.080
need a break please let me know.

328
00:16:44.080 --> 00:16:46.590
Uhm, the opening statements we

329
00:16:46.590 --> 00:16:49.610
have agreed are five minutes each.

330
00:16:49.610 --> 00:16:51.618
And the order we will take is Andy,

331
00:16:51.620 --> 00:16:55.554
then County of Maui, then Sierra Club.

332
00:16:55.560 --> 00:16:58.080
Then we'll go to direct a.

333
00:16:58.080 --> 00:16:59.306
Testimony again,

334
00:16:59.306 --> 00:17:01.758
please summarize your testimony.

335
00:17:01.760 --> 00:17:04.714
If it's testimony that is already in

336
00:17:04.714 --> 00:17:06.496
declarations will have opportunity

337
00:17:06.496 --> 00:17:09.597
for questions and cross and then will

338
00:17:09.597 --> 00:17:12.349

have operate opportunity for redirect.

339
00:17:12.350 --> 00:17:13.638
I do see OK,

340
00:17:13.638 --> 00:17:16.030
so the witnesses this morning are Mark

341
00:17:16.030 --> 00:17:19.890
bought renting the comma and seal, how?

342
00:17:19.890 --> 00:17:21.545
And in the afternoon it's

343
00:17:21.545 --> 00:17:23.280
Ian Hirakawa and seal, how?

344
00:17:26.440 --> 00:17:27.430
Uhm?

345
00:17:31.330 --> 00:17:34.270
Right, any questions?

346
00:17:34.270 --> 00:17:37.770
Aurum up, Lauren and Melissa,

347
00:17:37.770 --> 00:17:39.998
not participating or watching.

348
00:17:42.110 --> 00:17:44.980
Lauren is in the public viewing room.

349
00:17:47.220 --> 00:17:50.160
But she is not monitoring it right

350
00:17:50.160 --> 00:17:52.851
now because she has other training

351
00:17:52.851 --> 00:17:56.310
that she has a prior obligation to do.

352
00:17:56.310 --> 00:17:57.758
Same thing with Melissa.

353
00:17:59.980 --> 00:18:00.430
Thank you.

354
00:18:06.380 --> 00:18:08.126
Alright, if there are no further

355
00:18:08.126 --> 00:18:10.732
questions, let's go onto opening

356
00:18:10.732 --> 00:18:13.450
statements. First up is in B&MI.

357
00:18:17.330 --> 00:18:18.536
Good morning, uhm.

358
00:18:18.536 --> 00:18:21.146
This is Trisha Kogi, on behalf of

359
00:18:21.146 --> 00:18:23.310
A and B&EMI we just submitted.

360
00:18:23.310 --> 00:18:25.560
You know a good amount of

361
00:18:25.635 --> 00:18:27.885
briefing so we will stand on our

362
00:18:27.885 --> 00:18:29.260
briefing as our opening statement.

363
00:18:31.390 --> 00:18:34.160
Thank you Connie of Maui.

364
00:18:34.160 --> 00:18:35.918
Uh, thank you the the county

365
00:18:35.918 --> 00:18:37.560

is also willing to stand

366
00:18:37.560 --> 00:18:39.585
on its briefing instead of

367
00:18:39.585 --> 00:18:41.205
delivering an opening statement.

368
00:18:41.210 --> 00:18:42.650
Thank you Sierra Club.

369
00:18:44.700 --> 00:18:47.980
Uhm, before I start I wanted just for

370
00:18:47.980 --> 00:18:50.714
the record point out that we object to

371
00:18:50.714 --> 00:18:52.700
the effective exclusion of the public,

372
00:18:52.700 --> 00:18:54.998
forcing them to risk COVID to

373
00:18:54.998 --> 00:18:57.067
watch this proceeding when there

374
00:18:57.067 --> 00:18:58.927
are clear options available.

375
00:18:58.930 --> 00:19:03.538
We also object to Alexander Baldwin,

376
00:19:03.540 --> 00:19:05.790
Baldwin's late submission of studies,

377
00:19:05.790 --> 00:19:09.522
and I use air quotes there

378
00:19:09.522 --> 00:19:11.140
regarding irrigation needs.

379
00:19:11.140 --> 00:19:13.730
I also want to make sure folks

380
00:19:13.730 --> 00:19:15.740
know that we sent out a corrected.

381
00:19:15.740 --> 00:19:18.640
Version of Exhibit Y-1 yesterday

382
00:19:18.640 --> 00:19:22.429
and make sure everyone got that OK.

383
00:19:22.430 --> 00:19:24.414
Let's acknowledge the obvious.

384
00:19:24.414 --> 00:19:26.954
Sure case, you never wanted this

385
00:19:26.954 --> 00:19:28.884
contested case to take place.

386
00:19:28.890 --> 00:19:30.228
You and your attorneys have a

387
00:19:30.228 --> 00:19:31.579
very different view of the law

388
00:19:31.579 --> 00:19:32.407
than the Sierra Club,

389
00:19:32.410 --> 00:19:34.246
and those differences will have to

390
00:19:34.246 --> 00:19:36.460
be addressed by an appellate court.

391
00:19:36.460 --> 00:19:39.478
But here's something we agree on.

392
00:19:39.480 --> 00:19:42.720

You said appealing ours October 11th,

393
00:19:42.720 --> 00:19:43.840
2019 meeting.

394
00:19:43.840 --> 00:19:48.028
And you know, I mean the other

395
00:19:48.028 --> 00:19:50.536
consideration obviously is waste.

396
00:19:50.540 --> 00:19:52.874
You don't want to be running

397
00:19:52.874 --> 00:19:54.430
water through the system.

398
00:19:54.430 --> 00:19:57.138
That's not being used.

399
00:19:57.140 --> 00:19:58.608
The Sierra Club agrees.

400
00:19:58.608 --> 00:20:01.440
You don't want to be draining streams.

401
00:20:01.440 --> 00:20:03.304
Tried running that water

402
00:20:03.304 --> 00:20:05.168
through the EMI system.

403
00:20:05.170 --> 00:20:06.496
And then not using that water.

404
00:20:08.680 --> 00:20:10.234
You've written quote,

405
00:20:10.234 --> 00:20:12.306
there's universal agreement that

406
00:20:12.306 --> 00:20:14.795
more water and better connectivity

407
00:20:14.795 --> 00:20:17.791
in streams is a good thing for

408
00:20:17.791 --> 00:20:19.799
native habitat restoration.

409
00:20:19.800 --> 00:20:21.328
The Sierra Club agrees.

410
00:20:21.328 --> 00:20:24.344
The less water that's taken out of the

411
00:20:24.344 --> 00:20:28.065
stream, the better it is for that stream.

412
00:20:28.070 --> 00:20:29.750
You've also acknowledged that

413
00:20:29.750 --> 00:20:31.850
invasive species are a problem

414
00:20:31.850 --> 00:20:34.146
in certain areas of East Maui.

415
00:20:34.150 --> 00:20:36.058
The Sierra Club agrees.

416
00:20:36.058 --> 00:20:38.443
Myconian mosquito and other invasive

417
00:20:38.443 --> 00:20:41.309
species threaten the East Maui watershed.

418
00:20:43.580 --> 00:20:47.366
Turkey's this contested case is not

419
00:20:47.366 --> 00:20:49.890

about agriculture versus streams.

420
00:20:49.890 --> 00:20:53.110
It's not about jobs versus native fish.

421
00:20:53.110 --> 00:20:55.984
It's not about domestic water versus

422
00:20:55.984 --> 00:20:57.900
protection of natural resources.

423
00:20:57.900 --> 00:21:00.745
This case is about NBC's

424
00:21:00.745 --> 00:21:03.590
failure to meet its burden.

425
00:21:03.590 --> 00:21:05.515
It is about water diverted

426
00:21:05.515 --> 00:21:07.900
from streams that is not used.

427
00:21:10.300 --> 00:21:12.910
It's about equipment in structures.

428
00:21:12.910 --> 00:21:15.922
Littering public land. It's about the

429
00:21:15.922 --> 00:21:17.930
degradation of natural resources.

430
00:21:17.930 --> 00:21:21.470
It's about sensible mitigation measures,

431
00:21:21.470 --> 00:21:23.760
alternatives and conditions. Thank you.

432
00:21:26.150 --> 00:21:28.982
OK, that brings us to the end of

433
00:21:28.982 --> 00:21:31.389
our opening statements and soum.

434
00:21:31.390 --> 00:21:35.182
First, first up we have the witness list.

435
00:21:35.182 --> 00:21:40.920
We have Mark Vaught. Uhm?

436
00:21:40.920 --> 00:21:43.482
As a witness, called by envy

437
00:21:43.482 --> 00:21:45.750
and by the Sierra Club.

438
00:21:45.750 --> 00:21:47.998
So Andy please proceed.

439
00:21:53.980 --> 00:21:56.596
Thank you come just a witness.

440
00:21:56.600 --> 00:21:58.028
Need to be sworn in or no.

441
00:22:02.120 --> 00:22:03.408
Sorry this is Trisha

442
00:22:03.408 --> 00:22:04.890
Caughey with A&B and DMI.

443
00:22:07.450 --> 00:22:10.570
Uhm, I don't think so.

444
00:22:10.570 --> 00:22:12.676
Anybody object? I mean we can.

445
00:22:12.680 --> 00:22:14.528
Yeah, I've checked that's somebody and

446
00:22:14.528 --> 00:22:16.675

I know you're not prepared for this

447
00:22:16.675 --> 00:22:18.677
'cause you don't have a real court

448
00:22:18.734 --> 00:22:20.768
reporter working for dealing on this.

449
00:22:20.770 --> 00:22:23.500
But Linda Chow or someone's gonna have

450
00:22:23.500 --> 00:22:26.332
to swear in the witness. Alright Linda,

451
00:22:26.332 --> 00:22:28.900
can I ask you to do that please?

452
00:22:28.900 --> 00:22:29.796
I'm a court reporter.

453
00:22:29.796 --> 00:22:31.479
I could swear in if you would

454
00:22:31.479 --> 00:22:34.560
maybe take three, please go ahead.

455
00:22:34.560 --> 00:22:35.910
Not the official court report

456
00:22:35.910 --> 00:22:36.720
in this proceeding.

457
00:22:36.720 --> 00:22:38.284
She shouldn't be interrupting.

458
00:22:38.284 --> 00:22:40.560
She can record, but she has no

459
00:22:40.560 --> 00:22:41.935
official role in this proceeding.

460
00:22:41.940 --> 00:22:43.473
It's Linda Chow or someone at Dylan

461
00:22:43.473 --> 00:22:45.160
is going to swear in the witness.

462
00:22:45.160 --> 00:22:45.710
I'm sorry.

463
00:22:50.210 --> 00:22:52.559
Hey Linda, are you able to help with this?

464
00:23:06.260 --> 00:23:07.415
Alright, I'm going to go ahead and

465
00:23:07.415 --> 00:23:08.569
ask the court reporter to do it.

466
00:23:11.120 --> 00:23:14.640
Mr. Fogg would you. Jacques understood.

467
00:23:17.990 --> 00:23:19.972
Could you raise your rate Mr Nakama.

468
00:23:19.972 --> 00:23:21.682
I mean Mr. Right, go ahead,

469
00:23:21.682 --> 00:23:23.102
do solemnly swear the testimony

470
00:23:23.102 --> 00:23:24.523
you're about to give will be

471
00:23:24.523 --> 00:23:25.758
the truth, the whole truth,

472
00:23:25.758 --> 00:23:27.138
and nothing but the truth.

473
00:23:27.140 --> 00:23:30.930

I do thank you. Thank you.

474
00:23:33.000 --> 00:23:34.974
Good morning, Mr. Fog, could you state

475
00:23:34.974 --> 00:23:37.050
your full name for the record please?

476
00:23:37.050 --> 00:23:39.258
Yes, good morning Cherokees and everyone

477
00:23:39.258 --> 00:23:42.615
else on my name is Mark Vaught I'm the

478
00:23:42.615 --> 00:23:44.934
water resources director of East Molly

479
00:23:44.934 --> 00:23:47.129
Irrigation Company at my opponent.

480
00:23:47.130 --> 00:23:49.825
Thank you Mr. Thought you had submitted

481
00:23:49.825 --> 00:23:52.050
2 declarations in connection with

482
00:23:52.050 --> 00:23:54.555
this contested case hearing correct?

483
00:23:54.560 --> 00:23:58.900
Yes, that's correct. And.

484
00:23:58.900 --> 00:24:00.650
The declarations that you submitted

485
00:24:00.650 --> 00:24:03.020
you don't have any changes to what

486
00:24:03.020 --> 00:24:04.955
you've stated in them, correct?

487
00:24:04.955 --> 00:24:07.370
No changes, OK.

488
00:24:09.750 --> 00:24:11.178
At this point I will turn the

489
00:24:11.178 --> 00:24:12.490
witness over to Mr. Frankel.

490
00:24:16.600 --> 00:24:20.170
Thank you, so before begin here.

491
00:24:20.170 --> 00:24:21.674
Let me just check the county in Maui.

492
00:24:21.680 --> 00:24:23.560
Do you have any questions?

493
00:24:26.740 --> 00:24:28.860
I can't wait for any questions on redirect.

494
00:24:28.860 --> 00:24:30.480
I don't have any direct examination

495
00:24:30.480 --> 00:24:32.398
questions. Thank you right Mr.

496
00:24:32.398 --> 00:24:35.151
Frank will go ahead. Before I begin,

497
00:24:35.151 --> 00:24:38.151
I would like to know what the audio

498
00:24:38.151 --> 00:24:40.767
time is so we can figure out where

499
00:24:40.767 --> 00:24:42.450
we are in the audio when we do our

500
00:24:42.497 --> 00:24:44.177

findings of fact conclusions of law,

501
00:24:44.180 --> 00:24:48.132
I see no numbers on my screen,

502
00:24:48.132 --> 00:24:51.901
so I'd like to have a I'd like to

503
00:24:51.901 --> 00:24:54.757
know where we are on the audio.

504
00:24:54.760 --> 00:24:59.544
OK, uhm it's 9:33 PM miss.

505
00:24:59.544 --> 00:25:01.810
Nicely, can I ask you to turn your video off?

506
00:25:04.980 --> 00:25:07.468
But my understanding is

507
00:25:07.468 --> 00:25:10.578
the zoom doesn't do time.

508
00:25:10.580 --> 00:25:13.947
With our time it starts at 0.

509
00:25:16.500 --> 00:25:18.390
When we're going to be able mean

510
00:25:18.390 --> 00:25:20.838
this is as I attempted to point out,

511
00:25:20.840 --> 00:25:22.658
this is going to be very

512
00:25:22.658 --> 00:25:23.567
problematic for everyone,

513
00:25:23.570 --> 00:25:26.477
so we need to know where we are in

514
00:25:26.477 --> 00:25:29.104
the audio so that we can put this

515
00:25:29.104 --> 00:25:30.646
information in the findings of fact.

516
00:25:30.650 --> 00:25:31.842
Conclusions of law. Alright,

517
00:25:31.842 --> 00:25:33.890
we will figure that out right now.

518
00:25:33.890 --> 00:25:35.918
It's 9:34 AM.

519
00:25:39.070 --> 00:25:39.480
OK.

520
00:25:41.790 --> 00:25:47.080
Mr. Vagt has there been any single day?

521
00:25:47.080 --> 00:25:49.540
Within the last two years.

522
00:25:49.540 --> 00:25:51.526
When the county has used more

523
00:25:51.526 --> 00:25:53.516
than 5,000,000 gallons of day

524
00:25:53.516 --> 00:25:55.586
of water for upcountry domestic

525
00:25:55.586 --> 00:25:57.370
use at the KAMOLI, where.

526
00:25:59.770 --> 00:26:02.146
I'm not sure if there was one single day.

527
00:26:02.150 --> 00:26:05.410

I don't believe so, but I'm not 100% sure.

528
00:26:05.410 --> 00:26:08.140
How about within the last five years?

529
00:26:08.140 --> 00:26:11.728
I'm not sure. OK.

530
00:26:11.730 --> 00:26:15.279
Where does the extra water go that

531
00:26:15.279 --> 00:26:18.298
the kamoli weird does not need?

532
00:26:18.300 --> 00:26:20.218
If we can use it for irrigation,

533
00:26:20.220 --> 00:26:21.618
we'll use it. If we can't,

534
00:26:21.620 --> 00:26:24.032
then it would end up going to a reservoir

535
00:26:24.040 --> 00:26:27.043
and I want to know specifically which

536
00:26:27.043 --> 00:26:29.707
reservoir does the water go that is,

537
00:26:29.710 --> 00:26:31.055
that would go to camogli

538
00:26:31.055 --> 00:26:32.400
where that is not needed.

539
00:26:32.400 --> 00:26:34.416
Which reservoir does that go to?

540
00:26:34.420 --> 00:26:40.000
Either reservoir 33 or reservoir 40.

541
00:26:40.000 --> 00:26:40.590
Thank you.

542
00:26:46.370 --> 00:26:49.058
The county averages.

543
00:26:49.060 --> 00:26:52.104
For both upcountry Maui

544
00:26:52.104 --> 00:26:55.521
domestic use and the Kulak part,

545
00:26:55.521 --> 00:26:57.783
about 2.65 million gallons per day,

546
00:26:57.790 --> 00:26:59.956
right approximately approximately.

547
00:26:59.956 --> 00:27:05.594
Uhm? And so that means this year an

548
00:27:05.594 --> 00:27:08.710
average of 4.78 million gallons per day.

549
00:27:08.710 --> 00:27:10.350
So the county wanted.

550
00:27:10.350 --> 00:27:11.990
We're not actually used.

551
00:27:11.990 --> 00:27:14.370
Does that sound right?

552
00:27:14.370 --> 00:27:15.850
If the math is correct, yes.

553
00:27:15.850 --> 00:27:18.130
Is it technically possible for you

554
00:27:18.130 --> 00:27:20.832

folks to reduce the amount of water

555
00:27:20.832 --> 00:27:23.070
diverted from East Maui streams by

556
00:27:23.142 --> 00:27:25.312
approximately 4.7 million gallons?

557
00:27:25.312 --> 00:27:27.008
I'm just asking whether

558
00:27:27.008 --> 00:27:28.280
it's technically possible.

559
00:27:28.280 --> 00:27:30.079
We need to make that water available

560
00:27:30.079 --> 00:27:31.811
for the county because they changed

561
00:27:31.811 --> 00:27:33.623
their demand at any given moment.

562
00:27:33.630 --> 00:27:34.330
Give it my quick,

563
00:27:34.330 --> 00:27:35.030
that's not my question.

564
00:27:35.030 --> 00:27:35.882
My question is,

565
00:27:35.882 --> 00:27:37.302
can you technically can you

566
00:27:37.302 --> 00:27:39.030
reduce the amount of water by a?

567
00:27:39.030 --> 00:27:40.522
Could you buy approximately

568
00:27:40.522 --> 00:27:42.760
4.7 million gallons a day if

569
00:27:42.830 --> 00:27:44.630
you wanted to or needed to,

570
00:27:44.630 --> 00:27:45.120
could you?

571
00:27:48.340 --> 00:27:51.282
If we needed to like we could,

572
00:27:51.282 --> 00:27:53.087
but the county again if

573
00:27:53.087 --> 00:27:54.730
they changed their demand.

574
00:27:54.730 --> 00:27:55.922
At any given moment,

575
00:27:55.922 --> 00:27:58.170
it's they don't give us advance notice.

576
00:27:58.170 --> 00:28:00.168
They did start up their plan,

577
00:28:00.170 --> 00:28:02.260
understood, and so this this

578
00:28:02.260 --> 00:28:03.932
difference between what the

579
00:28:03.932 --> 00:28:06.415
county needs and what you are

580
00:28:06.415 --> 00:28:08.007
contractually obligated to deliver

581
00:28:08.007 --> 00:28:09.960

is sort of a buffer, right?

582
00:28:12.640 --> 00:28:14.386
I guess that's what you can call it like

583
00:28:14.386 --> 00:28:16.337
I think it's water that if they needed,

584
00:28:16.340 --> 00:28:18.771
it needs to be available for them, OK?

585
00:28:18.771 --> 00:28:22.068
Does the county give me any kind

586
00:28:22.068 --> 00:28:24.462
of heads up that it will need

587
00:28:24.462 --> 00:28:26.160
more water in any particular day,

588
00:28:26.160 --> 00:28:29.090
month or period of time? No they do not.

589
00:28:32.090 --> 00:28:34.889
So you have no idea when the county might

590
00:28:34.889 --> 00:28:37.688
need more water. That's correct. OK.

591
00:28:40.820 --> 00:28:42.812
Now, if Dylan are required that

592
00:28:42.812 --> 00:28:45.228
EMI deliver the war as a condition

593
00:28:45.228 --> 00:28:47.268
of this permit or these permits.

594
00:28:47.270 --> 00:28:49.745
Required ambient MI to deliver

595
00:28:49.745 --> 00:28:52.760
the water that the county uses.

596
00:28:52.760 --> 00:28:55.620
For free would he might

597
00:28:55.620 --> 00:28:57.000
do what he might do so.

598
00:29:00.220 --> 00:29:01.648
Would you provide the water for

599
00:29:01.648 --> 00:29:03.392
free to the county if being required

600
00:29:03.392 --> 00:29:05.121
that as a condition of the permit?

601
00:29:07.670 --> 00:29:11.459
They required it as a condition of a permit.

602
00:29:11.460 --> 00:29:15.355
After alright. By the way,

603
00:29:15.355 --> 00:29:17.980
do you have any idea when the improvements

604
00:29:17.980 --> 00:29:20.843
for the cooler AG Park are scheduled

605
00:29:20.843 --> 00:29:24.118
to be completed? No, I did not.

606
00:29:24.118 --> 00:29:26.980
But do you have any kind of?

607
00:29:26.980 --> 00:29:28.666
Any idea what kind of improvements

608
00:29:28.666 --> 00:29:30.130

are going to be made?

609
00:29:30.130 --> 00:29:33.480
No, I do not. OK, so.

610
00:29:35.930 --> 00:29:38.288
NBES says that.

611
00:29:41.550 --> 00:29:46.460
3.5 million gallons a day. Is delivered.

612
00:29:46.460 --> 00:29:50.012
2 reservoir 40 in order to enable the

613
00:29:50.012 --> 00:29:54.050
consumption of 1.5 million gallons a day.

614
00:29:54.050 --> 00:29:56.154
But in reality, only the county is using

615
00:29:56.154 --> 00:29:58.126
on average half a million gallons day.

616
00:29:58.130 --> 00:30:00.623
Can you explain why they have to do that?

617
00:30:00.630 --> 00:30:03.130
Why you folks have to deliver 3.5 million

618
00:30:03.130 --> 00:30:06.340
gallons a day for the cool egg part.

619
00:30:06.340 --> 00:30:08.650
I think that has to do with the ditch level,

620
00:30:08.650 --> 00:30:10.015
the way that their county

621
00:30:10.015 --> 00:30:11.107
has their pump setup.

622
00:30:15.440 --> 00:30:16.898
So, are you folks really delivering

623
00:30:16.898 --> 00:30:18.390
three and a half million gallons

624
00:30:18.390 --> 00:30:20.028
a day for the cooler AG park?

625
00:30:22.050 --> 00:30:25.190
Uh, I believe we're delivering.

626
00:30:25.190 --> 00:30:26.940
Somewhere between one and a half and

627
00:30:26.940 --> 00:30:29.257
three and a half million gallons per day.

628
00:30:29.260 --> 00:30:31.388
So even though the county only uses on

629
00:30:31.388 --> 00:30:33.476
average a half million gallons a day,

630
00:30:33.480 --> 00:30:35.174
you guys are providing up to three

631
00:30:35.174 --> 00:30:37.140
and a half million gallons a day.

632
00:30:37.140 --> 00:30:38.796
Again, if they want to charge

633
00:30:38.796 --> 00:30:40.294
up their planet and increase

634
00:30:40.294 --> 00:30:42.274
their usage at any given moment,

635
00:30:42.280 --> 00:30:43.924

that's their prerogative.

636
00:30:43.924 --> 00:30:47.760
But then you're only obligated to deliver.

637
00:30:47.760 --> 00:30:49.308
1.5 million gallons a day for

638
00:30:49.308 --> 00:30:51.170
the AG Park right contractually.

639
00:30:53.580 --> 00:30:55.035
Yes, but you're providing 3

640
00:30:55.035 --> 00:30:56.490
1/2 million gallons a day.

641
00:30:59.080 --> 00:31:00.340
It's a range between one and

642
00:31:00.340 --> 00:31:01.926
a half and three and a half

643
00:31:01.926 --> 00:31:02.858
million gallons per day.

644
00:31:02.860 --> 00:31:04.936
And then what happens to that

645
00:31:04.936 --> 00:31:07.210
water that the county doesn't use?

646
00:31:07.210 --> 00:31:09.840
Augusta Reservoir 40 OK.

647
00:31:13.990 --> 00:31:16.282
So in your declaration,

648
00:31:16.282 --> 00:31:18.574
you supplemental declaration you

649
00:31:18.574 --> 00:31:21.939
point out that EMI is contractually

650
00:31:21.939 --> 00:31:24.250
obligated to make 7.175 million

651
00:31:24.250 --> 00:31:26.735
gallons a day available at the kamoli.

652
00:31:26.740 --> 00:31:30.740
We're right. That's correct.

653
00:31:30.740 --> 00:31:31.976
But you've not been doing so.

654
00:31:31.980 --> 00:31:33.552
You've only been providing making 6

655
00:31:33.552 --> 00:31:37.140
million gallons a day available, right?

656
00:31:37.140 --> 00:31:41.773
No, the the amount is challenges.

657
00:31:41.773 --> 00:31:44.838
I believe it's capacity issue.

658
00:31:44.840 --> 00:31:46.368
At the Kamali wear,

659
00:31:46.368 --> 00:31:49.110
but we provide enough water for them.

660
00:31:49.110 --> 00:31:50.138
That's not my question.

661
00:31:50.138 --> 00:31:51.423
How much water have you

662
00:31:51.423 --> 00:31:52.629

been providing to them?

663
00:31:52.630 --> 00:31:53.810
Have you been at Kamali?

664
00:31:53.810 --> 00:31:57.110
We're 7.175 million gallons a day,

665
00:31:57.110 --> 00:31:59.948
or 6 million gallons a day.

666
00:31:59.950 --> 00:32:01.480
7.175 million gallons per day,

667
00:32:01.480 --> 00:32:04.288
even though they can't use that extra water,

668
00:32:04.290 --> 00:32:05.070
you know that.

669
00:32:07.850 --> 00:32:09.530
You please restate your question.

670
00:32:09.530 --> 00:32:12.056
Sure, even though the county cannot

671
00:32:12.056 --> 00:32:15.640
use more than 6 million gallons a day,

672
00:32:15.640 --> 00:32:18.316
you've been providing 7.175

673
00:32:18.316 --> 00:32:19.780
million gallons a day.

674
00:32:19.780 --> 00:32:21.840
They can actually use 6.5

675
00:32:21.840 --> 00:32:23.488
million gallons per day.

676
00:32:23.490 --> 00:32:24.602
Say in your declaration,

677
00:32:24.602 --> 00:32:25.992
you say their capacity 6

678
00:32:25.992 --> 00:32:27.010
million gallons a day.

679
00:32:27.010 --> 00:32:29.369
I just found out yesterday that their

680
00:32:29.369 --> 00:32:31.560
capacity is actually 6.5 if they need it.

681
00:32:31.560 --> 00:32:33.200
So you're altering the

682
00:32:33.200 --> 00:32:34.840
declaration even though Mr.

683
00:32:34.840 --> 00:32:37.655
Caughey asked you about your

684
00:32:37.655 --> 00:32:39.907
declaration being sworn Underoath,

685
00:32:39.910 --> 00:32:42.430
you want to make a change now in

686
00:32:42.430 --> 00:32:44.529
the middle of the questioning.

687
00:32:44.530 --> 00:32:46.476
That was the best of my knowledge

688
00:32:46.476 --> 00:32:48.770
at that time and I was able to

689
00:32:48.770 --> 00:32:50.854

clear that information up so that

690
00:32:50.854 --> 00:32:52.516
information your supplemental

691
00:32:52.516 --> 00:32:54.178
declaration is inaccurate.

692
00:32:57.000 --> 00:32:58.624
The information that I gave you was,

693
00:32:58.630 --> 00:32:59.890
to the best of my knowledge,

694
00:32:59.890 --> 00:33:01.978
I was able to clear that up between the

695
00:33:01.978 --> 00:33:04.168
time I submitted that declaration enough.

696
00:33:04.170 --> 00:33:06.866
OK, so let's so have you been providing

697
00:33:06.866 --> 00:33:09.547
six and a half million gallons a day

698
00:33:09.547 --> 00:33:12.112
to the county or set at come only

699
00:33:12.112 --> 00:33:15.370
we're or 7.175 million gallons a day,

700
00:33:15.370 --> 00:33:18.750
7.175 even though they cannot

701
00:33:18.750 --> 00:33:21.190
use 7.175 million gallons a day,

702
00:33:21.190 --> 00:33:22.710
that's what I'm contractually

703
00:33:22.710 --> 00:33:23.850
obligated to provide.

704
00:33:23.850 --> 00:33:25.430
So you provide it,

705
00:33:25.430 --> 00:33:27.800
even though they don't need it.

706
00:33:27.800 --> 00:33:30.710
I provide 7.175 million gallons per day.

707
00:33:54.490 --> 00:33:57.602
So I want to look at your

708
00:33:57.602 --> 00:34:00.050
supplemental declaration and I

709
00:34:00.050 --> 00:34:04.360
hope I can do this correctly.

710
00:34:04.360 --> 00:34:05.892
I assume chair case.

711
00:34:05.892 --> 00:34:07.807
You've granted us the opportunity

712
00:34:07.807 --> 00:34:09.870
to share our screen so we

713
00:34:09.870 --> 00:34:11.154
can put up exhibits.

714
00:34:11.160 --> 00:34:12.385
Are you going to do that now?

715
00:34:14.770 --> 00:34:18.092
Go ahead. Now I gotta figure

716
00:34:18.092 --> 00:34:19.690

out how to do this, let's see.

717
00:34:40.320 --> 00:34:42.078
OK, this is your is it.

718
00:34:42.080 --> 00:34:44.528
Can you see your supplemental declaration?

719
00:34:44.530 --> 00:34:46.462
Make sure that everybody can see that

720
00:34:46.462 --> 00:34:48.709
and make sure I put the right thing up.

721
00:34:48.710 --> 00:34:51.698
It is let's go to go to the top.

722
00:34:51.700 --> 00:34:54.177
This is your supplemental declaration, right?

723
00:34:54.177 --> 00:34:56.448
Yes, that's correct.

724
00:34:56.450 --> 00:34:58.914
I don't see you on my screen here.

725
00:34:58.920 --> 00:35:01.384
There you are. So if I go to

726
00:35:01.384 --> 00:35:04.299
Page 3 here of your declaration.

727
00:35:04.300 --> 00:35:05.266
Uhm, paragraph five.

728
00:35:05.266 --> 00:35:08.135
You say it has been the product it has

729
00:35:08.135 --> 00:35:10.319
been in my practice to make 6 million

730
00:35:10.382 --> 00:35:12.734
gallons a day available to the county.

731
00:35:12.740 --> 00:35:13.936
Camogli we're.

732
00:35:13.936 --> 00:35:16.886
Is your testimony today at Kamoli?

733
00:35:16.886 --> 00:35:18.276
Where have you been making?

734
00:35:20.570 --> 00:35:22.565
6.5 million gallons a day or 6

735
00:35:22.565 --> 00:35:24.309
million gallons a day available.

736
00:35:29.420 --> 00:35:30.827
We make available.

737
00:35:30.827 --> 00:35:34.550
Over and above the amount that they use.

738
00:35:34.550 --> 00:35:36.980
So we make we account for.

739
00:35:36.980 --> 00:35:38.685
We were previously accounting for

740
00:35:38.685 --> 00:35:40.738
6 million gallons per day because

741
00:35:40.738 --> 00:35:42.826
that was what their capacity was.

742
00:35:42.830 --> 00:35:46.282
I told you that I found out very

743
00:35:46.282 --> 00:35:49.242

recently that their capacity is

744
00:35:49.242 --> 00:35:52.410
actually 6.5 million gallons per day.

745
00:35:52.410 --> 00:35:54.336
OK, but now answer my question,

746
00:35:54.340 --> 00:35:56.668
has it been in my practice to make

747
00:35:56.668 --> 00:35:58.628
6 million gallons a day available?

748
00:35:58.628 --> 00:36:01.764
As you said in your sworn Underoath

749
00:36:01.770 --> 00:36:04.612
declaration or has it been in my

750
00:36:04.612 --> 00:36:06.943
practice to make 6.5 million gallons

751
00:36:06.943 --> 00:36:09.169
a day available to the county?

752
00:36:09.170 --> 00:36:10.616
6 million gallons per day is

753
00:36:10.616 --> 00:36:12.020
what was our practice is what?

754
00:36:12.020 --> 00:36:14.474
OK, so you have been providing

755
00:36:14.474 --> 00:36:16.707
or making available less than

756
00:36:16.707 --> 00:36:20.120
the contractual amount, correct?

757
00:36:20.120 --> 00:36:20.870
Yes or no?

758
00:36:24.420 --> 00:36:30.790
No. He they have the ability to take

759
00:36:30.790 --> 00:36:33.240
that water to ramp up their system

760
00:36:33.240 --> 00:36:35.370
to whatever they need to take.

761
00:36:35.370 --> 00:36:36.478
There's always additional water

762
00:36:36.478 --> 00:36:38.340
there if they need to take it.

763
00:36:38.340 --> 00:36:39.680
The additional water is whatever

764
00:36:39.680 --> 00:36:41.020
they take because they take

765
00:36:41.066 --> 00:36:42.536
water at the front of the system.

766
00:36:42.540 --> 00:36:45.708
Whatever is left is what we're able to use.

767
00:36:45.710 --> 00:36:47.478
All I wanna know is is one sentence.

768
00:36:47.480 --> 00:36:49.272
I want to know if this sentence

769
00:36:49.272 --> 00:36:50.320
is accurate or not,

770
00:36:50.320 --> 00:36:51.790

or if you'd like to change it.

771
00:36:51.790 --> 00:36:52.262
You right?

772
00:36:52.262 --> 00:36:53.914
I don't do I need to increase

773
00:36:53.914 --> 00:36:55.597
the font so you can read this.

774
00:36:55.600 --> 00:36:58.828
Your second sentence of your supplemental.

775
00:36:58.830 --> 00:37:01.200
Declaration reads it has been me

776
00:37:01.200 --> 00:37:04.562
practice to make 6 million gallons a day

777
00:37:04.562 --> 00:37:07.660
available to the county at Komoly we're.

778
00:37:07.660 --> 00:37:09.090
Because it's my understanding that

779
00:37:09.090 --> 00:37:11.025
the capacity well before we get to

780
00:37:11.025 --> 00:37:12.375
the second part of the sentence,

781
00:37:12.380 --> 00:37:14.796
has it been in my practice to make

782
00:37:14.796 --> 00:37:16.922
6 million gallons a day available

783
00:37:16.922 --> 00:37:18.366
or more than that?

784
00:37:18.370 --> 00:37:20.602
Our practice is to make a minimum of

785
00:37:20.602 --> 00:37:22.690
6 million gallons a day available.

786
00:37:22.690 --> 00:37:24.190
All of our water comes through

787
00:37:24.190 --> 00:37:26.041
the komoly where all of the water

788
00:37:26.041 --> 00:37:27.631
that comes through the farm comes

789
00:37:27.631 --> 00:37:28.489
through the kamoli.

790
00:37:28.490 --> 00:37:30.751
We're so 6 million gallons is what

791
00:37:30.751 --> 00:37:32.835
is made available to them and it's

792
00:37:32.835 --> 00:37:35.029
up to them how much water they use,

793
00:37:35.030 --> 00:37:35.323
right?

794
00:37:35.323 --> 00:37:37.081
So you have been making less

795
00:37:37.081 --> 00:37:39.392
available to them to use then you

796
00:37:39.392 --> 00:37:40.764
were contractually obligated to

797
00:37:40.764 --> 00:37:42.504

make available because of your

798
00:37:42.504 --> 00:37:44.164
understanding of the capacity and

799
00:37:44.164 --> 00:37:46.074
because of your understanding of how

800
00:37:46.074 --> 00:37:48.310
much water they have actually been using,

801
00:37:48.310 --> 00:37:48.680
right?

802
00:37:52.150 --> 00:37:53.290
Could you restate your question,

803
00:37:53.290 --> 00:37:55.794
please, sure. You haven't.

804
00:37:55.794 --> 00:38:00.484
You have not been making 6.5 million gallons

805
00:38:00.484 --> 00:38:03.712
a day available to the county kamoli.

806
00:38:03.712 --> 00:38:05.384
We're because you know,

807
00:38:05.390 --> 00:38:07.886
or because you thought their capacity

808
00:38:07.886 --> 00:38:10.750
was not sufficient to take more water,

809
00:38:10.750 --> 00:38:12.550
and because you also know they

810
00:38:12.550 --> 00:38:14.429
haven't been using all that water,

811
00:38:14.430 --> 00:38:17.660
so it hasn't been a problem, right?

812
00:38:17.660 --> 00:38:18.820
No, that's not correct.

813
00:38:22.260 --> 00:38:25.804
So why so? You haven't you have not.

814
00:38:25.810 --> 00:38:27.206
We've already established it's

815
00:38:27.206 --> 00:38:29.675
been your practice to only make 6

816
00:38:29.675 --> 00:38:31.270
million gallons a day available.

817
00:38:31.270 --> 00:38:33.965
Not what you said in your written

818
00:38:33.965 --> 00:38:37.075
declaration, and just now on the road, right?

819
00:38:37.075 --> 00:38:40.348
Yes. So that's less than you are

820
00:38:40.348 --> 00:38:41.720
contractually obligated to provide,

821
00:38:41.720 --> 00:38:43.070
and that hasn't been a problem.

822
00:38:46.790 --> 00:38:48.790
Correct? Thank you.

823
00:38:54.170 --> 00:38:58.188
I wanna talk to stop screen sharing.

824
00:38:58.190 --> 00:39:01.566

OK, I want to talk about ground lock.

825
00:39:01.570 --> 00:39:03.946
In October you pump 5.8 million

826
00:39:03.946 --> 00:39:06.570
gallons per day of groundwater,

827
00:39:06.570 --> 00:39:11.099
didn't you? I believe so.

828
00:39:11.100 --> 00:39:14.215
How much did you pump in November?

829
00:39:14.220 --> 00:39:16.059
I don't recall.

830
00:39:16.060 --> 00:39:18.310
More or less I don't recall.

831
00:39:20.320 --> 00:39:22.296
How do the crops respond to the groundwater?

832
00:39:24.310 --> 00:39:26.334
Uhm, it's not favorable,

833
00:39:26.334 --> 00:39:29.370
but it's better than no water.

834
00:39:29.370 --> 00:39:30.875
That's not, I'm not asking

835
00:39:30.875 --> 00:39:33.640
you in general, I asked you.

836
00:39:33.640 --> 00:39:36.120
How did they respond?

837
00:39:36.120 --> 00:39:38.171
To the pump it to the use

838
00:39:38.171 --> 00:39:39.670
of groundwater in October.

839
00:39:39.670 --> 00:39:42.190
What have you observed in October,

840
00:39:42.190 --> 00:39:43.945
November, December in terms of

841
00:39:43.945 --> 00:39:45.700
their response to the groundwater.

842
00:39:47.840 --> 00:39:51.980
Have you observed any negative consequence?

843
00:39:51.980 --> 00:39:53.540
Could you be more specific when

844
00:39:53.540 --> 00:39:54.580
you say negative consequences?

845
00:39:57.230 --> 00:39:59.365
You know, I can't. It's for you.

846
00:39:59.370 --> 00:40:00.972
You guys actually have the burden

847
00:40:00.972 --> 00:40:03.670
of proof, so I try to help you

848
00:40:03.670 --> 00:40:05.680
establish your burden of proof.

849
00:40:05.680 --> 00:40:08.314
Did you have you observed any

850
00:40:08.314 --> 00:40:10.070
negative consequences to the

851
00:40:10.148 --> 00:40:12.418

use of groundwater in October,

852
00:40:12.420 --> 00:40:13.530
November or December?

853
00:40:18.860 --> 00:40:23.381
I haven't. Recognize any negative

854
00:40:23.381 --> 00:40:27.083
consequences to the use of groundwater.

855
00:40:27.090 --> 00:40:29.190
Practice, thank you.

856
00:40:29.190 --> 00:40:30.910
Thank you at this time.

857
00:40:30.910 --> 00:40:32.584
OK, that's fine.

858
00:40:32.584 --> 00:40:36.490
No where does the pump groundwater go?

859
00:40:36.490 --> 00:40:39.143
And they go, but you pump it

860
00:40:39.143 --> 00:40:41.250
directly into your reservoirs.

861
00:40:41.250 --> 00:40:42.554
No, we do not.

862
00:40:42.554 --> 00:40:44.510
We pump it into the ditch.

863
00:40:44.510 --> 00:40:46.316
And then from the ditch doesn't

864
00:40:46.316 --> 00:40:48.205
go directly to the fields or

865
00:40:48.205 --> 00:40:50.059
the first go to the reservoirs.

866
00:40:50.060 --> 00:40:50.868
For the most part,

867
00:40:50.868 --> 00:40:52.080
it goes directly to the fields.

868
00:40:54.850 --> 00:40:56.124
When you say for the most part,

869
00:40:56.130 --> 00:40:57.810
what do you mean by that?

870
00:40:57.810 --> 00:41:00.011
As much as we can use, we'll go right

871
00:41:00.011 --> 00:41:01.973
to directly to the irrigation systems.

872
00:41:01.980 --> 00:41:04.392
All of the water that comes into our ditch

873
00:41:04.392 --> 00:41:06.745
goes right to the irrigation systems so.

874
00:41:06.745 --> 00:41:08.785
I want you to see if you can

875
00:41:08.785 --> 00:41:10.698
estimate what percentage of the

876
00:41:10.698 --> 00:41:13.415
groundwater you pumped up was used

877
00:41:13.415 --> 00:41:15.940
by crops and what percentage.

878
00:41:15.940 --> 00:41:18.120

Wound up in a reservoir.

879
00:41:18.120 --> 00:41:19.775
I cannot estimate that off

880
00:41:19.775 --> 00:41:21.740
the top of my head. K.

881
00:41:27.380 --> 00:41:30.050
Can you tell me which reservoirs

882
00:41:30.050 --> 00:41:32.372
the groundwater this year that

883
00:41:32.372 --> 00:41:36.051
has been pumped has gone into that

884
00:41:36.051 --> 00:41:38.156
wasn't actually used by crops.

885
00:41:43.980 --> 00:41:46.416
At the time it was being pumped

886
00:41:46.416 --> 00:41:48.745
if water went into any reservoirs

887
00:41:48.745 --> 00:41:53.090
it was whereas serve or 25.

888
00:41:53.090 --> 00:41:57.660
Reservoir 61 reservoir.

889
00:42:01.410 --> 00:42:05.750
81 and reservoir 90. Thank you.

890
00:42:09.320 --> 00:42:11.695
Can all the fields currently

891
00:42:11.695 --> 00:42:14.070
planted be served by groundwater?

892
00:42:14.070 --> 00:42:17.850
No. Which fields are too high?

893
00:42:22.660 --> 00:42:25.430
300 301

894
00:42:31.400 --> 00:42:31.850
303

895
00:42:43.960 --> 00:42:44.460
407-4849

896
00:42:49.490 --> 00:42:52.370
cannot be serviced by. Don't wanna.

897
00:42:56.130 --> 00:42:59.250
OK, let's see if this will work here.

898
00:43:04.630 --> 00:43:05.130
Oops.

899
00:43:10.180 --> 00:43:10.710
Try again.

900
00:43:21.180 --> 00:43:25.370
You come. See this.

901
00:43:25.370 --> 00:43:28.616
Map, which is way too small.

902
00:43:28.620 --> 00:43:30.398
Is that? Can people see that map?

903
00:43:33.900 --> 00:43:36.789
Yes. Uh, let's see if I can get bigger.

904
00:43:45.620 --> 00:43:49.183
So you just rounded off a bunch

905
00:43:49.183 --> 00:43:51.866

of field numbers and I don't know

906
00:43:51.866 --> 00:43:53.600
if everyone can see this screen,

907
00:43:53.600 --> 00:43:57.104
but I have my cursor by three hundred,

908
00:43:57.110 --> 00:43:58.712
301 and 303, and then you

909
00:43:58.712 --> 00:44:00.439
rattled off a bunch of others.

910
00:44:03.470 --> 00:44:06.417
407408409. Where are those on the screen?

911
00:44:09.440 --> 00:44:12.544
There more towards the bottom of the screen.

912
00:44:12.550 --> 00:44:14.630
So this indicates that they're

913
00:44:14.630 --> 00:44:16.710
not currently planted and not

914
00:44:16.783 --> 00:44:18.754
planned to be planted 407-4849.

915
00:44:18.754 --> 00:44:21.324
Is this document that that

916
00:44:21.324 --> 00:44:23.380
Mahi Pono provided inaccurate,

917
00:44:23.380 --> 00:44:25.552
or did you when you talked

918
00:44:25.552 --> 00:44:27.183
about 40748 and 409?

919
00:44:27.183 --> 00:44:29.288
Was that information not accurate?

920
00:44:29.290 --> 00:44:31.876
That's diversified agriculture.

921
00:44:31.876 --> 00:44:35.720
Two Alessi the stuff that my hip

922
00:44:35.720 --> 00:44:37.840
autopano planted is off color

923
00:44:37.925 --> 00:44:40.417
that you have on your spicy so

924
00:44:40.420 --> 00:44:42.490
407-4849 are at least to whom?

925
00:44:45.920 --> 00:44:48.680
Uhm, I don't recall their name.

926
00:44:48.680 --> 00:44:52.368
Their diversified agriculture operation.

927
00:44:52.370 --> 00:44:54.410
OK, and they're currently getting,

928
00:44:54.410 --> 00:44:58.340
UM, water from the UM,

929
00:44:58.340 --> 00:45:00.384
ditch from from the in my system,

930
00:45:00.390 --> 00:45:03.438
right? That's correct.

931
00:45:03.440 --> 00:45:05.570
Then which ditch gives them water?

932
00:45:08.340 --> 00:45:09.882

Their water comes through the Coca

933
00:45:09.882 --> 00:45:11.624
Cola Ditch, which is ultimately

934
00:45:11.624 --> 00:45:13.664
served by the Hamakua Ditch.

935
00:45:18.440 --> 00:45:21.664
And how much water did those farmers use?

936
00:45:21.670 --> 00:45:23.995
Uhm, it's included in our

937
00:45:23.995 --> 00:45:25.390
diversified AG report.

938
00:45:25.390 --> 00:45:27.535
Depending on how much they

939
00:45:27.535 --> 00:45:29.680
request on a daily basis.

940
00:45:29.680 --> 00:45:32.430
OK alright. Uhm?

941
00:45:37.630 --> 00:45:39.838
Mr. Frank, could you please identify

942
00:45:39.838 --> 00:45:42.149
the exhibit number you're referring to?

943
00:45:42.150 --> 00:45:46.700
Oh thank you. I'm sorry it's exhibit X12.

944
00:45:46.700 --> 00:45:48.164
And I'm going to take that down now,

945
00:45:48.170 --> 00:45:49.778
unless somebody wants to see it.

946
00:45:55.420 --> 00:45:56.960
Alright now.

947
00:45:59.830 --> 00:46:02.980
In paragraph ten of your supplemental

948
00:46:02.980 --> 00:46:06.254
declaration, you say that if EMI does not

949
00:46:06.254 --> 00:46:09.124
take into account the entire 7.5 million

950
00:46:09.124 --> 00:46:11.763
gallons a day that the county wants.

951
00:46:11.770 --> 00:46:14.059
Although now it sounds like it's 8,000,000

952
00:46:14.059 --> 00:46:16.083
gallons a day because you've decided

953
00:46:16.083 --> 00:46:18.832
that the county needs a come only weird

954
00:46:18.832 --> 00:46:20.827
needs another half million gallons.

955
00:46:20.830 --> 00:46:22.576
There may be insufficient water to

956
00:46:22.576 --> 00:46:24.710
meet my ponies. Water needs. Remember,

957
00:46:24.710 --> 00:46:27.875
saying that your declaration, let's **** yes.

958
00:46:27.875 --> 00:46:30.845
But if there were a shortage.

959
00:46:30.850 --> 00:46:33.685

Of water because the county needed more.

960
00:46:33.690 --> 00:46:34.900
You folks could pump groundwater

961
00:46:34.900 --> 00:46:36.540
for a couple of days, couldn't you?

962
00:46:41.040 --> 00:46:42.570
We could pump some groundwater,

963
00:46:42.570 --> 00:46:44.285
but it wouldn't supplement the

964
00:46:44.285 --> 00:46:46.550
fields that we pointed out earlier,

965
00:46:46.550 --> 00:46:47.350
but it would take care

966
00:46:47.350 --> 00:46:48.320
of all the others, right?

967
00:46:50.590 --> 00:46:53.339
Some of the others, yes. OK, thank you.

968
00:46:56.770 --> 00:46:58.922
Now I have a lot of questions to

969
00:46:58.922 --> 00:47:01.790
ask you about the reservoirs, uhm?

970
00:47:04.060 --> 00:47:08.519
And maybe I will bring up exhibit

971
00:47:08.520 --> 00:47:12.704
Y-64 and we can you can tell me

972
00:47:12.704 --> 00:47:16.729
about these reservoirs. So let's see.

973
00:47:45.450 --> 00:47:49.186
Can you see exhibit Y 64 which is

974
00:47:49.186 --> 00:47:52.720
a uh diagram of the ECS system?

975
00:47:52.720 --> 00:47:54.106
Do you see that on your screen?

976
00:47:54.110 --> 00:47:57.107
Yes, I do OK, and as far as you

977
00:47:57.107 --> 00:48:00.574
know is this diagram an accurate

978
00:48:00.574 --> 00:48:04.564
depiction of the debt system?

979
00:48:04.570 --> 00:48:06.370
Yeah, it's pretty accurate.

980
00:48:06.370 --> 00:48:08.488
Yep alright, so I wanna I want

981
00:48:08.488 --> 00:48:10.536
you to tell me which reservoirs

982
00:48:10.536 --> 00:48:12.256
are currently in use.

983
00:48:18.920 --> 00:48:20.906
Should make it smaller or no.

984
00:48:23.390 --> 00:48:24.710
Currently use.

985
00:48:28.010 --> 00:48:37.090
2225 thirty 340 42. 61 90

986
00:48:40.970 --> 00:48:44.696

and 35. Had 181 as well.

987
00:48:56.130 --> 00:48:59.469
OK, uhm so I have a series of questions

988
00:48:59.469 --> 00:49:03.030
to ask about each of these reservoirs.

989
00:49:03.030 --> 00:49:08.134
OK, so this is. Can I just clarify

990
00:49:08.134 --> 00:49:10.510
for the record that last bit

991
00:49:10.594 --> 00:49:13.290
you said 90 and then 35 then 81?

992
00:49:13.290 --> 00:49:18.968
Yes. Thank you. Or use the 35.

993
00:49:18.970 --> 00:49:22.430
I didn't get that. Uhm so.

994
00:49:26.100 --> 00:49:28.152
This is that's a bit fewer than I expected.

995
00:49:28.160 --> 00:49:32.702
My understanding was you had 13

996
00:49:32.702 --> 00:49:34.973
reservoirs currently operating.

997
00:49:34.980 --> 00:49:36.400
It looks like there's five.

998
00:49:36.400 --> 00:49:37.430
You haven't mentioned it yet.

999
00:49:37.430 --> 00:49:40.595
You down to approximately 8

1000
00:49:40.595 --> 00:49:42.738
reservoirs these days. No,

1001
00:49:42.738 --> 00:49:45.280
these are the ones we use on a regular basis.

1002
00:49:45.280 --> 00:49:46.618
The ones that I mean these

1003
00:49:46.618 --> 00:49:47.780
are the ones we use.

1004
00:49:47.780 --> 00:49:49.100
You know, on a regular basis,

1005
00:49:49.100 --> 00:49:51.444
operator induced.

1006
00:49:51.444 --> 00:49:54.960
OK, so. Uhm?

1007
00:49:54.960 --> 00:49:57.420
Or are there plans to use

1008
00:49:57.420 --> 00:49:59.588
additional reservoirs in 2022?

1009
00:50:02.110 --> 00:50:03.746
Depending upon where we

1010
00:50:03.746 --> 00:50:06.200
plant and if we need them,

1011
00:50:06.200 --> 00:50:08.225
we would use additional reservoirs

1012
00:50:08.225 --> 00:50:10.500
and which reservoirs would that be?

1013
00:50:10.500 --> 00:50:12.278

Depends on where we plant. I don't know.

1014
00:50:12.278 --> 00:50:13.950
I don't have the planting plan in front.

1015
00:50:13.950 --> 00:50:15.855
Actually you do because I'll

1016
00:50:15.855 --> 00:50:18.505
bring up that exhibit we just saw

1017
00:50:18.505 --> 00:50:20.640
which is my ponerse farming plan

1018
00:50:20.640 --> 00:50:23.010
for this year and next year.

1019
00:50:23.010 --> 00:50:25.506
Should I bring that exhibit up?

1020
00:50:25.510 --> 00:50:32.038
Sure. OK, so let's close this.

1021
00:50:32.040 --> 00:50:33.540
Stop Cher.

1022
00:50:39.210 --> 00:50:43.100
And it's exhibit X12 again.

1023
00:50:49.260 --> 00:50:52.780
And we will try to increase the size.

1024
00:50:55.250 --> 00:50:59.960
Oops, I haven't shared screen yet. Screen.

1025
00:51:04.600 --> 00:51:08.996
So this is what my hippona submitted.

1026
00:51:09.000 --> 00:51:11.742
Are there plans this the field

1027
00:51:11.742 --> 00:51:14.433
scheduled to be planted 22 are

1028
00:51:14.433 --> 00:51:17.156
in red and I believe the fields

1029
00:51:17.156 --> 00:51:20.268
already planned in 2021 or in blue.

1030
00:51:20.268 --> 00:51:22.056
So given this plan,

1031
00:51:22.060 --> 00:51:23.880
what additional reservoirs do you

1032
00:51:23.880 --> 00:51:26.550
think are going to be used in 2022?

1033
00:51:31.700 --> 00:51:32.950
Somebody reservoir.

1034
00:51:36.570 --> 00:51:37.778
Could be reservoir 80.

1035
00:51:47.820 --> 00:51:49.844
I think additionally just

1036
00:51:49.844 --> 00:51:53.388
reservoir 80. OK, great thank you.

1037
00:52:12.250 --> 00:52:15.410
So for these. I think it's about 10,

1038
00:52:15.410 --> 00:52:16.784
but will will check my math

1039
00:52:16.784 --> 00:52:18.000
after we go through this.

1040
00:52:18.000 --> 00:52:19.592

I'm gonna ask you the same set of

1041
00:52:19.592 --> 00:52:20.650
questions about each reservoir.

1042
00:52:20.650 --> 00:52:24.465
So for Reservoir 22 is it lined?

1043
00:52:24.470 --> 00:52:28.054
No it is not. What's the capacity?

1044
00:52:28.060 --> 00:52:30.170
I don't know right offhand.

1045
00:52:30.170 --> 00:52:35.605
So is that number. On exhibit.

1046
00:52:35.605 --> 00:52:40.750
Why 64 does that reveal the capacity?

1047
00:52:40.750 --> 00:52:42.950
Or is that number inaccurate?

1048
00:52:42.950 --> 00:52:43.988
I don't know.

1049
00:52:43.988 --> 00:52:46.064
I cannot see the exhibit again.

1050
00:52:46.070 --> 00:52:48.560
OK, let's bring it up again, sure.

1051
00:53:09.340 --> 00:53:13.113
Hey can you see it? Yes.

1052
00:53:13.113 --> 00:53:17.019
Alright, so. A reservoir 22.

1053
00:53:17.019 --> 00:53:19.490
I have no idea where it is.

1054
00:53:19.490 --> 00:53:21.146
If you need me to move the crusher,

1055
00:53:21.150 --> 00:53:23.915
tell me where to move it up.

1056
00:53:23.920 --> 00:53:25.222
But can you tell me the

1057
00:53:25.222 --> 00:53:26.090
capacity of reservoir 22?

1058
00:53:29.290 --> 00:53:32.685
According to this, it's 43.8 million gallons.

1059
00:53:36.160 --> 00:53:39.480
OK, I see that. And what fields does

1060
00:53:39.480 --> 00:53:41.630
this reservoir number 222 irrigate?

1061
00:53:44.770 --> 00:53:47.730
There's word 22 would irrigate

1062
00:53:47.730 --> 00:53:49.900
fields along the Lori Ditch,

1063
00:53:49.900 --> 00:53:53.080
so there would be fields like 501.

1064
00:53:57.570 --> 00:53:58.210
510

1065
00:54:00.420 --> 00:54:02.190
511 five 12509.

1066
00:54:06.080 --> 00:54:09.000
After 512 you said 509.

1067
00:54:09.000 --> 00:54:11.527

I believe so, and is that pretty

1068
00:54:11.527 --> 00:54:14.124
much it for reservoir 22. Uhm,

1069
00:54:14.124 --> 00:54:17.036
those are the fields that are serving those.

1070
00:54:17.040 --> 00:54:18.468
I mean, those are the fields

1071
00:54:18.468 --> 00:54:19.738
that are served by reservoir

1072
00:54:19.738 --> 00:54:21.558
22 to the best of my knowledge.

1073
00:54:21.560 --> 00:54:22.850
And it is a pump.

1074
00:54:22.850 --> 00:54:25.286
Groundwater ever get into reservoir 22?

1075
00:54:25.290 --> 00:54:27.670
No it does not.

1076
00:54:27.670 --> 00:54:30.988
Thank you OK going to reservoir 25.

1077
00:54:30.990 --> 00:54:32.403
Is it line?

1078
00:54:32.403 --> 00:54:34.287
No it is not.

1079
00:54:34.290 --> 00:54:36.467
And what's the capacity of reservoir 25?

1080
00:54:39.330 --> 00:54:41.615
Passing over 25. According to

1081
00:54:41.615 --> 00:54:45.369
this map is 40.2 million gallons.

1082
00:54:45.370 --> 00:54:47.902
You say 40.2. Yes.

1083
00:54:47.902 --> 00:54:51.700
And what fields is it arrogate?

1084
00:54:51.700 --> 00:54:53.911
Uh, it irrigates.

1085
00:54:53.911 --> 00:55:00.420
It provides water for 6056 or 604605.

1086
00:55:00.420 --> 00:55:03.340
606 along the haiku ditch.

1087
00:55:03.340 --> 00:55:06.000
Just those three fields, yes.

1088
00:55:06.000 --> 00:55:09.712
Is bread and water for the cattle. OK.

1089
00:55:09.712 --> 00:55:13.804
And is groundwater pumped into it?

1090
00:55:13.810 --> 00:55:15.376
Groundwater can be pumped into it,

1091
00:55:15.380 --> 00:55:19.820
yes, was any this year. Yes.

1092
00:55:19.820 --> 00:55:21.974
Through the ditch it was pumping

1093
00:55:21.974 --> 00:55:25.720
to the beach and then. Thank you.

1094
00:55:25.720 --> 00:55:29.652

Reservoir 33 is it line. No it is not.

1095
00:55:29.652 --> 00:55:32.480
What is its capacity according to this map?

1096
00:55:32.480 --> 00:55:36.408
IS 46.5 million gallons.

1097
00:55:36.410 --> 00:55:39.080
And what fields is it irrigate?

1098
00:55:39.080 --> 00:55:42.818
Uh, the same ones as reservoir 22,

1099
00:55:42.820 --> 00:55:45.186
but this also helps provide water for

1100
00:55:47.600 --> 00:55:47.890
40748409

1101
00:55:51.490 --> 00:55:52.890
I don't know. I think it doesn't,

1102
00:55:52.890 --> 00:55:54.654
not for 744 right?

1103
00:55:54.654 --> 00:55:57.300
The same as the reservoir 22.

1104
00:55:57.300 --> 00:56:00.254
OK, but then just just the ones

1105
00:56:00.254 --> 00:56:03.508
as 22 yes OK and is groundwater

1106
00:56:03.508 --> 00:56:05.930
pumped into this one. No.

1107
00:56:08.410 --> 00:56:13.548
Hey. Next, Reservoir 35 is it lined.

1108
00:56:13.550 --> 00:56:16.856
No it is not. And what's the capacity?

1109
00:56:16.856 --> 00:56:19.220
I don't know. I can't see it on your screen.

1110
00:56:19.220 --> 00:56:21.785
OK, I assume it move over a little bit.

1111
00:56:27.100 --> 00:56:27.540
16.2

1112
00:56:29.880 --> 00:56:31.120
Right here is that right?

1113
00:56:31.120 --> 00:56:33.100
Yes, that's correct.

1114
00:56:33.100 --> 00:56:35.420
According to this map.

1115
00:56:35.420 --> 00:56:38.110
Would you believe is accurate?

1116
00:56:38.110 --> 00:56:39.500
I couldn't say I don't

1117
00:56:39.500 --> 00:56:41.150
know how old this map is.

1118
00:56:41.150 --> 00:56:42.854
I don't know when this map was created.

1119
00:56:44.870 --> 00:56:48.956
K. Uhm? What fields is it?

1120
00:56:48.960 --> 00:56:52.578
Irrigate reservoir 35.

1121
00:56:52.580 --> 00:56:54.836

The same fields it can help

1122
00:56:54.836 --> 00:56:57.154
provide water to the same fields

1123
00:56:57.154 --> 00:57:01.730
as reservoirs 22 and residents 33.

1124
00:57:01.730 --> 00:57:04.529
Wow, it's a we had to move the cursor.

1125
00:57:04.530 --> 00:57:05.390
I think quite a bit,

1126
00:57:05.390 --> 00:57:07.076
but it's still just the same

1127
00:57:07.076 --> 00:57:08.590
fields that only those fields

1128
00:57:08.590 --> 00:57:09.940
doesn't get any other fields.

1129
00:57:12.310 --> 00:57:15.671
Not as of yet. OK, and is

1130
00:57:15.671 --> 00:57:17.690
groundwater pumped into it no.

1131
00:57:20.490 --> 00:57:24.423
OK reservoir 40 that this is a big deal.

1132
00:57:24.430 --> 00:57:27.328
Is it lying? No, it is not.

1133
00:57:27.330 --> 00:57:28.822
What is this capacity?

1134
00:57:28.822 --> 00:57:30.314
According to this map,

1135
00:57:30.320 --> 00:57:33.088
is 62.8 million gallons.

1136
00:57:33.090 --> 00:57:34.776
K What fields is it irrigate?

1137
00:57:37.900 --> 00:57:41.547
407408409 and any of the fields that.

1138
00:57:45.040 --> 00:57:46.570
Any other fields below it?

1139
00:57:46.570 --> 00:57:49.198
We have the ability to use water from there.

1140
00:57:49.200 --> 00:57:51.496
Well, which fields are that is that?

1141
00:57:51.500 --> 00:57:55.809
The same ones that 2235 and 25.

1142
00:58:03.530 --> 00:58:06.218
And is groundwater pumped into this

1143
00:58:06.218 --> 00:58:10.230
reservoir? No groundwater is not. K.

1144
00:58:16.760 --> 00:58:21.308
K Reservoir 42. Is it line?

1145
00:58:21.310 --> 00:58:24.544
No it is not. What is this

1146
00:58:24.544 --> 00:58:26.410
capacity according to this map,

1147
00:58:26.410 --> 00:58:29.910
is 10.4 million gallons.

1148
00:58:29.910 --> 00:58:32.856

And what field is it irrigate?

1149
00:58:32.860 --> 00:58:35.220
The same fields, uh, as?

1150
00:58:40.810 --> 00:58:42.220
2225 and 35.

1151
00:58:45.700 --> 00:58:49.590
Is groundwater pumped into it ever? No.

1152
00:58:49.590 --> 00:58:56.868
K. Reservoir 61 is it line no it is not.

1153
00:58:56.868 --> 00:59:00.576
What is its capacity according to this map?

1154
00:59:00.576 --> 00:59:03.450
IS 53.1 million gallons.

1155
00:59:03.450 --> 00:59:05.680
53.1 according to this map,

1156
00:59:05.680 --> 00:59:08.008
and what field is it irrigate?

1157
00:59:08.010 --> 00:59:10.080
40 I'm sorry.

1158
00:59:14.010 --> 00:59:14.300
604605606

1159
00:59:17.020 --> 00:59:20.926
you said 604605 and 606 yes.

1160
00:59:20.930 --> 00:59:23.126
And is groundwater pumped into it?

1161
00:59:23.130 --> 00:59:25.258
Yes, sometimes. Did that

1162
00:59:25.258 --> 00:59:27.430
happen this year? Possibly.

1163
00:59:34.090 --> 00:59:38.440
Uhm? Next time I listen, well,

1164
00:59:38.440 --> 00:59:41.212
I guess we get that after its

1165
00:59:41.212 --> 00:59:44.978
reservoir 81 is it lined? No it is not.

1166
00:59:47.520 --> 00:59:48.290
Uhm?

1167
00:59:56.640 --> 00:59:58.796
What is its capacity? I don't know.

1168
00:59:58.800 --> 01:00:02.420
I can't see that side of him now. OK this.

1169
01:00:08.360 --> 01:00:10.620
36.7 according to this map,

1170
01:00:10.620 --> 01:00:12.052
million gallons and what

1171
01:00:12.052 --> 01:00:15.370
field is it? Eric irrigate.

1172
01:00:15.370 --> 01:00:18.180
It provides irrigation water for.

1173
01:00:21.940 --> 01:00:26.302
803809. Is groundwater ever pumped

1174
01:00:26.302 --> 01:00:29.411
into the reservoir 81? It can be.

1175
01:00:29.411 --> 01:00:32.150

How about this past year possibly?

1176
01:00:38.390 --> 01:00:41.720
Reservoir 90 is it lined.

1177
01:00:41.720 --> 01:00:45.338
No it is not. What is this capacity?

1178
01:00:48.570 --> 01:00:50.014
According to this map,

1179
01:00:50.014 --> 01:00:51.458
was 41 million gallons.

1180
01:00:53.530 --> 01:00:59.250
Good feels is it irrigate? Oh 717.

1181
01:01:01.910 --> 01:01:02.760
Uhm?

1182
01:01:07.290 --> 01:01:11.815
At 7:17 just 717. Yes, correct.

1183
01:01:11.815 --> 01:01:15.685
And is groundwater pumped into it?

1184
01:01:15.690 --> 01:01:20.578
Possible. This year possibly yes.

1185
01:01:22.610 --> 01:01:24.620
And Reservoir 80, which UM

1186
01:01:24.620 --> 01:01:26.630
you haven't used this year,

1187
01:01:26.630 --> 01:01:28.010
but you might next year,

1188
01:01:28.010 --> 01:01:31.334
is it lined? No it is not.

1189
01:01:31.334 --> 01:01:32.698
What is its capacity?

1190
01:01:35.590 --> 01:01:37.014
According to this map,

1191
01:01:37.014 --> 01:01:39.800
is 41.1 million gallons.

1192
01:01:39.800 --> 01:01:42.041
41.1 according to this map, yes.

1193
01:01:42.041 --> 01:01:43.727
And what field is it irrigate?

1194
01:01:47.790 --> 01:01:50.078
Currently it's not irrigating.

1195
01:01:50.078 --> 01:01:51.186
Well, that's right.

1196
01:01:51.186 --> 01:01:53.062
I'm sorry, I was a stupid question,

1197
01:01:53.070 --> 01:01:54.261
right? Stupid question,

1198
01:01:54.261 --> 01:01:56.643
can groundwater be pumped into their?

1199
01:01:56.650 --> 01:01:58.266
Has it as groundwater

1200
01:01:58.266 --> 01:02:00.286
historically been pumped into it?

1201
01:02:00.290 --> 01:02:03.110
Groundwater can be pumped into it.

1202
01:02:03.110 --> 01:02:05.459

Alright, now, uhm.

1203
01:02:08.020 --> 01:02:09.001
None of those.

1204
01:02:09.001 --> 01:02:10.963
None of the reservoirs that are

1205
01:02:10.963 --> 01:02:13.384
actively in use are covered, correct?

1206
01:02:13.384 --> 01:02:17.362
Yes, that's correct. And. If.

1207
01:02:17.362 --> 01:02:19.534
None of none of the reservoirs

1208
01:02:19.534 --> 01:02:21.579
that you currently using Arlind,

1209
01:02:21.580 --> 01:02:23.068
is that correct?

1210
01:02:23.068 --> 01:02:24.060
That's correct,

1211
01:02:24.060 --> 01:02:27.756
so you have some lined reservoirs,

1212
01:02:27.760 --> 01:02:29.110
but you're not using them right?

1213
01:02:31.200 --> 01:02:32.768
Or do you have no lined reservoirs?

1214
01:02:35.770 --> 01:02:42.810
Uhm, we have a couple that are lying.

1215
01:02:42.810 --> 01:02:45.590
Flights because of their location or

1216
01:02:45.590 --> 01:02:48.224
not in use at this time, and which?

1217
01:02:48.224 --> 01:02:51.580
What are the reservoir numbers that are

1218
01:02:51.580 --> 01:02:56.559
lined up the top of my head 23 and 45.

1219
01:02:56.560 --> 01:02:59.836
And which fields are those irrigate?

1220
01:02:59.840 --> 01:03:01.960
I just said that they get and irrigate

1221
01:03:01.960 --> 01:03:03.944
any because the fields that are located

1222
01:03:03.944 --> 01:03:05.768
around them are not being planted

1223
01:03:05.768 --> 01:03:07.578
have not been planted understood.

1224
01:03:07.580 --> 01:03:08.815
Which fields could they were

1225
01:03:08.815 --> 01:03:09.556
irrigate which way?

1226
01:03:09.560 --> 01:03:11.534
If they're, you know which ones where,

1227
01:03:11.540 --> 01:03:15.510
can they make their water available to? M.

1228
01:03:34.910 --> 01:03:43.820
Or reservoir 45 would be. 418 four 14416

1229
01:03:46.310 --> 01:03:49.602

what about 23? You'd have to

1230
01:03:49.602 --> 01:03:51.100
go all the way to the other

1231
01:03:51.154 --> 01:03:53.280
side of the map. It's located.

1232
01:03:58.510 --> 01:03:59.398
That's good right there.

1233
01:04:02.390 --> 01:04:04.665
That could be any of the fields

1234
01:04:04.665 --> 01:04:06.820
along the Lowry ditch. Which are.

1235
01:04:13.670 --> 01:04:17.114
The same fields I told you before,

1236
01:04:17.120 --> 01:04:19.740
5015095 ten. Like well.

1237
01:04:29.190 --> 01:04:31.730
305 eleven. Yes.

1238
01:04:34.040 --> 01:04:38.502
And in terms of reservoir 23. Uhm can it?

1239
01:04:38.502 --> 01:04:42.310
I I know that there's a bit of.

1240
01:04:42.310 --> 01:04:43.588
Sophisticated engineering,

1241
01:04:43.588 --> 01:04:48.700
but can any of the water from the

1242
01:04:48.700 --> 01:04:53.050
wailoa ditch get to reservoir 23?

1243
01:05:00.400 --> 01:05:02.520
It's. Possible.

1244
01:05:04.590 --> 01:05:05.550
Yes, it's possible.

1245
01:05:08.390 --> 01:05:11.902
So if for example there was interest in

1246
01:05:11.902 --> 01:05:15.068
having water going to Alined reservoir,

1247
01:05:15.070 --> 01:05:17.289
which is going to leak less water,

1248
01:05:17.290 --> 01:05:19.540
less water going to seep out.

1249
01:05:19.540 --> 01:05:21.748
Potentially, you folks could use reservoir

1250
01:05:23.820 --> 01:05:32.009
23 instead of reservoir 22 or 33 or 35.

1251
01:05:36.900 --> 01:05:40.140
Well, the capacities are.

1252
01:05:40.140 --> 01:05:41.124
Quite different.

1253
01:05:41.124 --> 01:05:44.076
What's the capacity of reservoir 23?

1254
01:05:44.080 --> 01:05:45.672
According to this map,

1255
01:05:45.672 --> 01:05:47.264
is 13 million gallons.

1256
01:05:47.270 --> 01:05:49.338

13 million gallons and.

1257
01:05:52.550 --> 01:05:56.920
OK. Sounds good, sounds good. Alright, uhm?

1258
01:06:05.040 --> 01:06:07.128
Which of these reservoirs

1259
01:06:07.128 --> 01:06:09.738
typically receive the most water?

1260
01:06:14.630 --> 01:06:15.250
Could see.

1261
01:06:17.310 --> 01:06:20.270
33 40

1262
01:06:22.470 --> 01:06:23.000
25

1263
01:06:25.690 --> 01:06:27.559
and probably 90.

1264
01:06:30.320 --> 01:06:36.000
That's 33, sorry, what's that in 61?

1265
01:06:36.000 --> 01:06:39.500
So 33 forty 2519 sixty one typically

1266
01:06:39.500 --> 01:06:43.700
received the most water, right?

1267
01:06:43.700 --> 01:06:46.175
I would say so and can you do that?

1268
01:06:46.180 --> 01:06:47.692
Can you rank them in order or

1269
01:06:47.692 --> 01:06:49.109
they all pretty much the same

1270
01:06:49.109 --> 01:06:50.309
amount of water you'd say?

1271
01:06:53.450 --> 01:06:55.120
25 uhm.

1272
01:06:57.420 --> 01:07:02.360
25 probably takes the moves. Come 3390.

1273
01:07:04.950 --> 01:07:09.840
61 and 40. The least of all of those. Yes.

1274
01:07:09.840 --> 01:07:14.342
OK, and so how much water do you think is

1275
01:07:14.342 --> 01:07:19.370
going to reservoir 25 on average in a day?

1276
01:07:19.370 --> 01:07:21.148
I couldn't tell you I don't know.

1277
01:07:21.150 --> 01:07:23.064
Every day is different depending upon

1278
01:07:23.064 --> 01:07:26.288
the supply of water, but it's not OK.

1279
01:07:35.480 --> 01:07:38.530
Which reservoirs in your experience?

1280
01:07:38.530 --> 01:07:40.450
Lose the most amount of water.

1281
01:07:40.450 --> 01:07:42.137
I couldn't tell you, I don't know.

1282
01:07:48.540 --> 01:07:50.486
How much would it cost you folks

1283
01:07:50.486 --> 01:07:52.338

to line and cover just one,

1284
01:07:52.340 --> 01:07:55.520
let's say reservoir 25?

1285
01:07:55.520 --> 01:07:56.700
I'm gonna object to this

1286
01:07:56.700 --> 01:07:57.408
line of questioning.

1287
01:07:57.410 --> 01:07:58.928
This was addressed at the trial.

1288
01:08:07.310 --> 01:08:09.060
Yep, we're not gonna repeat

1289
01:08:09.060 --> 01:08:11.290
things that were in the trial.

1290
01:08:11.290 --> 01:08:12.780
That this issue is not

1291
01:08:12.780 --> 01:08:14.270
dealt with at the trial,

1292
01:08:14.270 --> 01:08:16.520
it's a simple question that for

1293
01:08:16.520 --> 01:08:18.500
the fulfill your public trust

1294
01:08:18.500 --> 01:08:20.325
duties you would want to know

1295
01:08:20.325 --> 01:08:22.578
how much it would cost to line

1296
01:08:22.578 --> 01:08:24.498
and covered just one reservoir

1297
01:08:24.498 --> 01:08:26.348
that's been identified for the

1298
01:08:26.348 --> 01:08:28.238
first time as the reservoir that

1299
01:08:28.238 --> 01:08:30.278
takes the most amount of water.

1300
01:08:32.300 --> 01:08:33.920
Again, it is was this addressed

1301
01:08:33.920 --> 01:08:35.320
with the promise of Kogi.

1302
01:08:35.320 --> 01:08:36.410
Can you point to that?

1303
01:08:39.460 --> 01:08:41.530
Sorry where in the softball.

1304
01:08:43.920 --> 01:08:45.520
Yeah, if it was addressed.

1305
01:08:45.520 --> 01:08:46.969
If the cost to line the resource

1306
01:08:46.969 --> 01:08:48.059
was addressed in the trial,

1307
01:08:48.060 --> 01:08:50.020
can you elaborate on that?

1308
01:08:50.020 --> 01:08:51.917
Sure, at the trial the issue of

1309
01:08:51.917 --> 01:08:53.744
whether it was reasonable to require

1310
01:08:53.744 --> 01:08:55.970

the lining of a reservoir in the

1311
01:08:56.031 --> 01:08:58.327
context of a one year revocable permit,

1312
01:08:58.330 --> 01:08:59.650
terminable upon 30 days

1313
01:08:59.650 --> 01:09:00.970
notice this was addressed,

1314
01:09:00.970 --> 01:09:02.668
and Judge Crabtree ruled that it

1315
01:09:02.668 --> 01:09:04.393
was not reasonable to require the

1316
01:09:04.393 --> 01:09:06.262
lining of a reservoir in the context

1317
01:09:06.262 --> 01:09:08.059
of a one year revocable permit,

1318
01:09:08.060 --> 01:09:10.800
terminable upon 30 days notice.

1319
01:09:10.800 --> 01:09:12.088
That is not true.

1320
01:09:12.088 --> 01:09:13.698
The issue is all reservoirs.

1321
01:09:13.700 --> 01:09:16.550
I'm asking about 1 reservoir.

1322
01:09:16.550 --> 01:09:19.246
We did not get into that granular detail.

1323
01:09:21.340 --> 01:09:23.956
It could have been raised at the trial.

1324
01:09:23.960 --> 01:09:25.878
It was not the issue of how

1325
01:09:25.878 --> 01:09:27.779
much it would cost to line 1.

1326
01:09:27.780 --> 01:09:30.881
Reservoir was not relevant to the issue

1327
01:09:30.881 --> 01:09:33.767
regarding the issues raised in the trial.

1328
01:09:36.690 --> 01:09:39.504
This is I'm asking about one reservoir.

1329
01:09:47.070 --> 01:09:50.536
Uh. I believe this issue could have

1330
01:09:50.536 --> 01:09:52.538
been really raised at the trial

1331
01:09:52.538 --> 01:09:54.673
and the issue of cost aligning is.

1332
01:09:54.680 --> 01:09:56.888
Is was raised at the trial.

1333
01:10:00.580 --> 01:10:02.524
So the border land natural resources

1334
01:10:02.524 --> 01:10:04.388
not interested in learning how much

1335
01:10:04.388 --> 01:10:06.187
it would cost to line one reservoir.

1336
01:10:06.190 --> 01:10:07.522
That's all I'm asking.

1337
01:10:07.522 --> 01:10:09.520

You don't want this information checklist.

1338
01:10:09.520 --> 01:10:11.599
Carney was that information in the trial.

1339
01:10:14.140 --> 01:10:15.898
I don't know that the discussion

1340
01:10:15.898 --> 01:10:17.795
was specific to lining one reservoir

1341
01:10:17.795 --> 01:10:19.470
or this lining all reservoirs.

1342
01:10:19.470 --> 01:10:22.055
The discussion was lining reservoirs

1343
01:10:22.055 --> 01:10:25.056
in general and the judge Crabtree's

1344
01:10:25.056 --> 01:10:27.552
decision was it was not reasonable

1345
01:10:27.552 --> 01:10:30.050
in the context of these permits.

1346
01:10:30.050 --> 01:10:32.874
OK Mr Rockwell, why don't you answer the

1347
01:10:32.874 --> 01:10:35.620
question as to one reservoir in estimate,

1348
01:10:35.620 --> 01:10:39.100
but we will not go through the rest of them.

1349
01:10:39.100 --> 01:10:42.036
Uhm, I don't know for certain what the

1350
01:10:42.036 --> 01:10:45.562
cost of lining last cost of lining and

1351
01:10:45.562 --> 01:10:50.268
covering a reservoir would be if I had to.

1352
01:10:50.270 --> 01:10:52.580
Ah, I I don't think I could

1353
01:10:52.580 --> 01:10:54.540
guess on this accurately.

1354
01:10:54.540 --> 01:10:58.028
Enough to do any justice to my answer.

1355
01:10:58.030 --> 01:11:00.442
OK, and how about how long it would take?

1356
01:11:02.970 --> 01:11:03.900
Same objection.

1357
01:11:11.820 --> 01:11:14.940
Go ahead and answer one if you know

1358
01:11:14.940 --> 01:11:18.170
the answer. I would estimate it to

1359
01:11:18.170 --> 01:11:20.660
take about six months. Thank you.

1360
01:11:24.140 --> 01:11:27.064
How precisely has the $20 million that

1361
01:11:27.064 --> 01:11:29.968
Mahi Pono pledged on more efficient

1362
01:11:29.968 --> 01:11:31.950
irrigation systems been spent?

1363
01:11:34.400 --> 01:11:36.386
I don't understand your question. Sorry.

1364
01:11:36.386 --> 01:11:40.208

Soma Hippona pledged to spend $20 million

1365
01:11:40.210 --> 01:11:42.900
on more efficient irrigation systems.

1366
01:11:42.900 --> 01:11:46.220
My question to you is, can you tell me

1367
01:11:46.220 --> 01:11:48.830
how that $20 million has been spent?

1368
01:11:48.830 --> 01:11:51.626
Uhm, with the installation of more

1369
01:11:51.626 --> 01:11:55.130
efficient system, better tracking.

1370
01:11:55.130 --> 01:11:57.306
I'm gonna ask you to limit this to

1371
01:11:57.306 --> 01:11:58.829
what's happened in the last year.

1372
01:12:04.110 --> 01:12:07.379
OK, uhm, well we installed new irrigation

1373
01:12:07.379 --> 01:12:11.086
systems with new technology and all of

1374
01:12:11.086 --> 01:12:13.918
the fields that we currently planted.

1375
01:12:13.920 --> 01:12:17.590
Uhm? All the fields that

1376
01:12:17.590 --> 01:12:18.570
have already been planted.

1377
01:12:18.570 --> 01:12:21.418
We've also installed weed mat on a lot

1378
01:12:21.418 --> 01:12:24.480
of them, and the soil moisture probes.

1379
01:12:24.480 --> 01:12:29.420
It was at the full $20 million. Not no.

1380
01:12:29.420 --> 01:12:32.185
OK, what if the water savings been?

1381
01:12:34.810 --> 01:12:38.460
Uhm? You know, I I.

1382
01:12:38.460 --> 01:12:40.200
Don't think I can quantify that,

1383
01:12:40.200 --> 01:12:42.181
I just know it's much more efficient

1384
01:12:42.181 --> 01:12:44.728
because water goes directly to the.

1385
01:12:44.728 --> 01:12:46.570
To the plants.

1386
01:12:46.570 --> 01:12:48.719
We have no idea what the water

1387
01:12:48.719 --> 01:12:49.640
savings have been.

1388
01:12:49.640 --> 01:12:51.288
No, I don't K.

1389
01:12:53.380 --> 01:12:55.126
And has any money been spent

1390
01:12:55.126 --> 01:12:55.999
lining any reservoirs?

1391
01:12:58.850 --> 01:13:00.780

No. K.

1392
01:13:09.990 --> 01:13:12.692
Yeah, I want to turn your blood check case.

1393
01:13:12.692 --> 01:13:15.069
I don't know when I'm going to a new area.

1394
01:13:15.070 --> 01:13:16.231
If there's a good time to take a break

1395
01:13:16.231 --> 01:13:17.529
or you wanna just keep plowing through.

1396
01:13:17.530 --> 01:13:20.374
I don't know where we are and 10:22.

1397
01:13:20.374 --> 01:13:21.718
Let's take a 5 minute break.

1398
01:20:51.110 --> 01:20:51.840
You're muted.

1399
01:20:56.270 --> 01:21:01.340
1029 December 8 I am.

1400
01:21:01.340 --> 01:21:04.244
We're back from a break. Mr. Franco.

1401
01:21:04.244 --> 01:21:07.268
Could you again introduce yourself and Mr.

1402
01:21:07.270 --> 01:21:09.450
Void you can introduce yourself.

1403
01:21:09.450 --> 01:21:11.448
For the record.

1404
01:21:11.450 --> 01:21:15.097
This is David Franklin, the Sierra Club.

1405
01:21:15.100 --> 01:21:17.030
This is Mark bought water

1406
01:21:17.030 --> 01:21:18.960
resources director for Mahi Pono,

1407
01:21:18.960 --> 01:21:20.584
manager in small irrigation.

1408
01:21:20.584 --> 01:21:23.260
Thank you. OK, go ahead Mr Frankel.

1409
01:21:23.260 --> 01:21:26.526
Sure and I just want to recap because,

1410
01:21:26.526 --> 01:21:27.984
well, Mr Mark.

1411
01:21:27.984 --> 01:21:30.900
Is it your testimony that only

1412
01:21:30.997 --> 01:21:33.607
two of all of MBS reservoirs?

1413
01:21:33.610 --> 01:21:35.370
Sorry, my punish reservoir

1414
01:21:35.370 --> 01:21:37.570
is used or unused arlind.

1415
01:21:39.890 --> 01:21:44.940
No. What other reservoirs are line?

1416
01:21:44.940 --> 01:21:48.760
A reservoir 24 is lying,

1417
01:21:48.760 --> 01:21:52.225
but it is not a storage reservoir.

1418
01:21:54.550 --> 01:21:55.846

If it's not a storage reservoir,

1419
01:21:55.850 --> 01:21:58.867
what is it? It is a flood

1420
01:21:58.867 --> 01:22:02.410
control reservoir OK? Any others?

1421
01:22:17.830 --> 01:22:20.157
Not off the top of my head, no.

1422
01:22:20.157 --> 01:22:24.480
I don't believe. Thank you.

1423
01:22:24.480 --> 01:22:30.370
OK, I'm gonna look at exhibit Y-9.

1424
01:22:35.350 --> 01:22:37.286
Uhm, do you see that on your screen?

1425
01:22:37.290 --> 01:22:40.922
Yes I do. And uhm, just look

1426
01:22:40.922 --> 01:22:43.136
familiar to you. Yes, it does.

1427
01:22:43.136 --> 01:22:46.020
OK, and on page two here that

1428
01:22:46.119 --> 01:22:48.899
your signature right this is.

1429
01:22:48.900 --> 01:22:50.930
OK, we're going to go down to.

1430
01:22:54.600 --> 01:22:57.092
The table and this table looks familiar

1431
01:22:57.092 --> 01:23:02.156
to you as well, right? Yes, it does.

1432
01:23:02.156 --> 01:23:05.370
So what focus your attention to the

1433
01:23:05.370 --> 01:23:10.438
last column for a bit? Talk about it.

1434
01:23:10.440 --> 01:23:13.093
One of the items in this last

1435
01:23:13.093 --> 01:23:16.212
category is Fire Protection. Mr Monk,

1436
01:23:16.212 --> 01:23:19.814
how many your longtime Maui resident right?

1437
01:23:19.814 --> 01:23:22.840
Yes, I am, and you've worked in well.

1438
01:23:22.840 --> 01:23:25.608
How many helicopters have you ever seen at

1439
01:23:25.608 --> 01:23:28.816
one time fighting a fire in Central Mountain?

1440
01:23:28.820 --> 01:23:33.400
Three, what's that three OK?

1441
01:23:33.400 --> 01:23:37.210
And those are. Uh Maui County

1442
01:23:37.210 --> 01:23:39.750
Fire Department fire helicopters.

1443
01:23:39.750 --> 01:23:42.045
No, they are.

1444
01:23:42.045 --> 01:23:45.105
Contracted through Winward aviation.

1445
01:23:45.110 --> 01:23:45.459

Alright.

1446
01:23:45.459 --> 01:23:47.553
Uhm, and how many tankers does

1447
01:23:47.553 --> 01:23:49.493
Maui County have in Central

1448
01:23:49.493 --> 01:23:50.729
Mountain Central area?

1449
01:23:50.730 --> 01:23:51.168
Do you know?

1450
01:23:53.890 --> 01:23:57.935
I do not know I had no. K.

1451
01:23:57.935 --> 01:24:00.065
What's the most amount of water

1452
01:24:00.065 --> 01:24:02.514
that's been used to fight a fire

1453
01:24:02.514 --> 01:24:05.999
in central mound? I don't know.

1454
01:24:06.000 --> 01:24:09.168
Has a B or EMI or Mahi Pono determined

1455
01:24:09.168 --> 01:24:11.639
what the Maui Fire Department's

1456
01:24:11.639 --> 01:24:14.687
exact needs are for fighting fires?

1457
01:24:14.690 --> 01:24:18.910
No, we do not. OK, even though it

1458
01:24:18.910 --> 01:24:21.850
was a condition of your permit.

1459
01:24:21.850 --> 01:24:23.740
To determine exactly how much

1460
01:24:23.740 --> 01:24:26.420
water I did you my question,

1461
01:24:26.420 --> 01:24:28.220
could you restate your question please,

1462
01:24:28.220 --> 01:24:29.996
even though that was a requirement

1463
01:24:29.996 --> 01:24:32.446
of the of the building owners permit

1464
01:24:32.446 --> 01:24:34.852
approval that you folks determine what

1465
01:24:34.852 --> 01:24:37.349
the Maui departments exact needs are.

1466
01:24:37.350 --> 01:24:38.794
You you don't know.

1467
01:24:38.794 --> 01:24:40.300
I don't know all right.

1468
01:24:42.470 --> 01:24:44.738
Uhm, let's talk about dust control

1469
01:24:44.738 --> 01:24:47.735
because it's it's it listed there in 2021.

1470
01:24:47.735 --> 01:24:50.815
How many tankers are you were used or

1471
01:24:50.815 --> 01:24:54.068
are being used for dust control daily?

1472
01:24:54.070 --> 01:24:57.094

Between three and four tankers a day.

1473
01:24:57.100 --> 01:24:58.308
And what's their capacity?

1474
01:25:00.370 --> 01:25:03.513
Uh, I'm not clear. I believe it's

1475
01:25:03.513 --> 01:25:06.678
between 4 and 5000 gallons each.

1476
01:25:10.380 --> 01:25:11.955
And how many times a day are they filled?

1477
01:25:14.230 --> 01:25:16.798
If you. Four or five times a day.

1478
01:25:23.130 --> 01:25:24.715
Alright, you haven't done the

1479
01:25:24.715 --> 01:25:25.893
math there. All this right?

1480
01:25:25.893 --> 01:25:27.160
You're gonna have us do the math.

1481
01:25:29.230 --> 01:25:33.443
That's correct, OK? Electricity.

1482
01:25:33.443 --> 01:25:37.301
How many megawatts or kilowatts or

1483
01:25:37.301 --> 01:25:39.540
nanobots have the hydro plants produced

1484
01:25:39.540 --> 01:25:42.128
each day in 2021? I don't know.

1485
01:25:45.110 --> 01:25:49.710
K. Mr. Vagt, look at this last column and

1486
01:25:49.710 --> 01:25:52.505
this is for the first quarter of 2021.

1487
01:25:52.505 --> 01:25:56.071
In this last column is 21.33

1488
01:25:56.071 --> 01:26:00.208
million gallons a day in January and

1489
01:26:00.208 --> 01:26:03.260
February 19.61 million gallons a day,

1490
01:26:03.260 --> 01:26:06.401
and in March 18.44 million gallons

1491
01:26:06.401 --> 01:26:08.536
every single day on average.

1492
01:26:08.540 --> 01:26:10.748
How much of this water was actually used?

1493
01:26:17.930 --> 01:26:22.390
Uh. In the last column. Yep.

1494
01:26:25.990 --> 01:26:26.620
I don't know.

1495
01:26:31.060 --> 01:26:33.436
Other than the water taken for dust control,

1496
01:26:33.440 --> 01:26:35.280
which will have to do the math for,

1497
01:26:35.280 --> 01:26:36.770
was any other water used?

1498
01:26:45.700 --> 01:26:50.440
I. Don't believe so. Thank you.

1499
01:26:53.700 --> 01:26:54.870

Not in the first quarter.

1500
01:27:03.370 --> 01:27:06.520
We'll talk about the EMI ditch itself.

1501
01:27:10.480 --> 01:27:13.637
How much of the MI ditch within

1502
01:27:13.637 --> 01:27:16.140
the revocable permit area have did

1503
01:27:16.140 --> 01:27:18.625
have you folks lined up this year?

1504
01:27:21.550 --> 01:27:24.700
None. We haven't lined any this year.

1505
01:27:24.700 --> 01:27:26.364
Let's say that again,

1506
01:27:26.364 --> 01:27:29.390
we haven't lied to me this year.

1507
01:27:29.390 --> 01:27:30.716
When was the last time you

1508
01:27:30.716 --> 01:27:32.168
folks lined it? Any part of it?

1509
01:27:36.660 --> 01:27:38.790
I don't recall lining it.

1510
01:27:38.790 --> 01:27:41.100
I was lying before I started

1511
01:27:41.100 --> 01:27:42.730
working here. Which was what year?

1512
01:27:47.690 --> 01:27:50.646
I started at EMI in 1998,

1513
01:27:50.646 --> 01:27:53.742
so there's no section that has

1514
01:27:53.742 --> 01:27:58.120
been lying since 1998. Since 1998.

1515
01:28:01.200 --> 01:28:02.744
Section of the ditch.

1516
01:28:02.744 --> 01:28:04.674
Now we replaced the siphon.

1517
01:28:04.680 --> 01:28:09.390
Uhm? Recently, right?

1518
01:28:09.390 --> 01:28:10.937
I'll talk about in the RP area.

1519
01:28:13.090 --> 01:28:13.620
No.

1520
01:28:16.350 --> 01:28:18.065
How long would it take to line,

1521
01:28:18.070 --> 01:28:19.700
say, 1000 meters of ditch?

1522
01:28:22.720 --> 01:28:25.996
I don't know, but in the RP

1523
01:28:25.996 --> 01:28:28.300
area there are quite a few line

1524
01:28:28.300 --> 01:28:30.076
dishes in the RP area, sure,

1525
01:28:30.076 --> 01:28:33.404
but there's also quite a few online dishes.

1526
01:28:33.410 --> 01:28:35.790

How long would it take?

1527
01:28:35.790 --> 01:28:36.854
How long would it take you to

1528
01:28:36.854 --> 01:28:39.570
align the new hammock, quidditch?

1529
01:28:39.570 --> 01:28:41.600
I don't know. Alright.

1530
01:28:46.150 --> 01:28:48.062
And you don't know how much it would

1531
01:28:48.062 --> 01:28:50.073
cost or how long it would take to

1532
01:28:50.073 --> 01:28:51.953
line the online EMI dishes that were

1533
01:28:51.953 --> 01:28:54.822
subject of the 2012 USGS study.

1534
01:28:54.822 --> 01:28:57.934
Correct, I don't know all right

1535
01:28:57.934 --> 01:28:59.383
and you don't know how much water

1536
01:28:59.383 --> 01:29:00.926
would be saved either, right?

1537
01:29:00.926 --> 01:29:03.350
I don't know. OK,

1538
01:29:03.350 --> 01:29:05.527
I'll talk to you about abandoned equipment.

1539
01:29:05.530 --> 01:29:09.030
You know in June 2020,

1540
01:29:09.030 --> 01:29:11.376
in the second quarterly report you

1541
01:29:11.376 --> 01:29:13.337
include photo included photographs of

1542
01:29:13.337 --> 01:29:15.341
that I've abandoned equipment and debris

1543
01:29:15.341 --> 01:29:17.599
that you remove the revokable permit.

1544
01:29:17.600 --> 01:29:23.200
Or do you remember that? Yes, I do? And then.

1545
01:29:23.200 --> 01:29:26.016
You did the same thing in September 2020.

1546
01:29:26.020 --> 01:29:27.616
For the third quarter report you

1547
01:29:27.616 --> 01:29:28.984
included photographs. Remember that?

1548
01:29:28.984 --> 01:29:31.903
Yes. And in the fourth quarter report,

1549
01:29:31.910 --> 01:29:33.170
you included photographs as well.

1550
01:29:33.170 --> 01:29:34.610
Remember that, yes?

1551
01:29:34.610 --> 01:29:37.010
But you stopped providing photographs

1552
01:29:37.010 --> 01:29:39.764
in all the 2021 reports, correct?

1553
01:29:39.764 --> 01:29:41.258

Yes, that's correct.

1554
01:29:41.260 --> 01:29:43.090
How come?

1555
01:29:43.090 --> 01:29:44.740
We haven't gathered in the areas

1556
01:29:44.740 --> 01:29:45.840
that we were working.

1557
01:29:45.840 --> 01:29:49.020
We hadn't gathered up anymore trash to drink.

1558
01:29:49.020 --> 01:29:51.180
So nothing else has been no

1559
01:29:51.180 --> 01:29:52.810
abandoned structures or banded

1560
01:29:52.810 --> 01:29:55.100
pipes have been removed in 2021.

1561
01:29:59.770 --> 01:30:01.579
To my knowledge.

1562
01:30:08.780 --> 01:30:09.150
You know?

1563
01:30:11.410 --> 01:30:14.810
Removed, I don't believe so.

1564
01:30:14.810 --> 01:30:18.177
So the answer is you have not.

1565
01:30:18.180 --> 01:30:20.847
To my knowledge, I don't believe so.

1566
01:30:20.850 --> 01:30:25.478
K. Uhm, is there still a lot

1567
01:30:25.478 --> 01:30:27.820
of abandoned equipment, uhm?

1568
01:30:30.720 --> 01:30:33.195
In the Revokable permit area

1569
01:30:33.195 --> 01:30:35.670
that needs to be removed.

1570
01:30:35.670 --> 01:30:37.350
Could you be more specific when

1571
01:30:37.350 --> 01:30:38.470
you say abandoned equipment?

1572
01:30:38.470 --> 01:30:41.398
Sure, how about some unused pipes?

1573
01:30:43.950 --> 01:30:45.858
There are some yes.

1574
01:30:45.858 --> 01:30:49.460
How about some structures like?

1575
01:30:49.460 --> 01:30:51.476
A pump houses and things that

1576
01:30:51.476 --> 01:30:53.240
are no longer being used.

1577
01:30:57.070 --> 01:30:58.040
Uhm?

1578
01:31:01.220 --> 01:31:03.820
There are possibly a a couple of those,

1579
01:31:03.820 --> 01:31:07.550
yes. Alright. And the both

1580
01:31:07.550 --> 01:31:09.470

the pipes and the pump houses.

1581
01:31:09.470 --> 01:31:11.700
I've just you just mentioned,

1582
01:31:11.700 --> 01:31:13.980
those are not actually in the streams, right?

1583
01:31:24.300 --> 01:31:27.966
The pump houses that I recall.

1584
01:31:27.970 --> 01:31:30.330
No, I don't believe so.

1585
01:31:30.330 --> 01:31:34.714
We don't have you might doesn't use pumpalot.

1586
01:31:34.720 --> 01:31:37.896
Do not use palms but. It does this,

1587
01:31:37.896 --> 01:31:39.100
but you you know what I'm talking.

1588
01:31:39.100 --> 01:31:39.946
I mean, maybe they're not pump.

1589
01:31:39.950 --> 01:31:41.306
Don't know the technical terms are,

1590
01:31:41.310 --> 01:31:42.345
but there's little things that

1591
01:31:42.345 --> 01:31:43.454
look like pump houses, right?

1592
01:31:43.454 --> 01:31:45.646
Maybe they will use a pump one day,

1593
01:31:45.650 --> 01:31:48.912
but they're like these little like I don't

1594
01:31:48.912 --> 01:31:51.009
know hermit houses or something, right?

1595
01:31:51.009 --> 01:31:53.382
Yeah, I think I think what you're

1596
01:31:53.382 --> 01:31:56.177
thinking of is what we call gatehouses OK,

1597
01:31:56.177 --> 01:31:58.259
those are no longer being used.

1598
01:31:58.260 --> 01:31:59.688
Some of them are.

1599
01:31:59.688 --> 01:32:01.830
But some of them are not.

1600
01:32:01.830 --> 01:32:04.270
Uh, I could think of one of them that is not.

1601
01:32:04.270 --> 01:32:06.410
OK, and what about pipes?

1602
01:32:06.410 --> 01:32:08.054
Some there's some pipes you're not

1603
01:32:08.054 --> 01:32:09.839
using that are in the strings,

1604
01:32:09.840 --> 01:32:11.392
but there are also some pipes that are

1605
01:32:11.392 --> 01:32:12.641
not actually in the streams, right?

1606
01:32:12.641 --> 01:32:14.328
But you are no longer in use.

1607
01:32:16.550 --> 01:32:22.480

I'm sure there are. You know, I.

1608
01:32:22.480 --> 01:32:23.878
I can't say for certain if

1609
01:32:23.878 --> 01:32:25.330
there are pipes in machines,

1610
01:32:25.330 --> 01:32:27.733
but I know there are pipes in the revocable

1611
01:32:27.733 --> 01:32:29.927
permit area that are no longer being used.

1612
01:32:29.930 --> 01:32:33.851
Yes. Thank you. Now,

1613
01:32:33.851 --> 01:32:37.459
if Ambien Mahi Pono provided me more funding.

1614
01:32:37.460 --> 01:32:39.220
To increase your staffing levels,

1615
01:32:39.220 --> 01:32:41.140
would that help facilitate the

1616
01:32:41.140 --> 01:32:44.059
removal of more of this stuff faster?

1617
01:32:48.360 --> 01:32:52.913
I. Couldn't I suppose?

1618
01:32:52.913 --> 01:32:56.180
Alright, thank you. Uhm?

1619
01:33:00.100 --> 01:33:03.835
I wanna ask you about exhibit X7.

1620
01:33:03.835 --> 01:33:06.670
Let's see if we can bring it up here.

1621
01:33:23.960 --> 01:33:24.740
That's not right.

1622
01:33:44.190 --> 01:33:47.360
And people see. Exhibit X7.

1623
01:33:50.890 --> 01:33:53.980
Uhm, you know what this dumb?

1624
01:33:53.980 --> 01:33:56.836
Shortest Mr value help make it right.

1625
01:33:56.840 --> 01:33:58.715
I provided information.

1626
01:33:58.715 --> 01:34:01.834
For the chart, OK, I don't know.

1627
01:34:01.834 --> 01:34:04.307
I don't know what you folks can see

1628
01:34:04.307 --> 01:34:07.035
when I can see, but I'm going to go

1629
01:34:07.035 --> 01:34:10.291
down to page 2 of this chart, and.

1630
01:34:10.291 --> 01:34:12.796
Uh, at the top there,

1631
01:34:12.800 --> 01:34:17.088
do you see the stream name while we.

1632
01:34:17.090 --> 01:34:20.537
Yes I do. So diversion I design and let

1633
01:34:20.537 --> 01:34:24.213
me know if I need to make this bigger,

1634
01:34:24.220 --> 01:34:25.388

because again I can't.

1635
01:34:25.388 --> 01:34:27.950
I can't tell the size on your screen,

1636
01:34:27.950 --> 01:34:33.699
but their version ID is K12 and K13.

1637
01:34:33.700 --> 01:34:36.555
Uh, talk about the intake

1638
01:34:36.555 --> 01:34:39.241
gates and sluice gates, UM?

1639
01:34:39.241 --> 01:34:42.048
Sorry, the bike bypass gate is closed

1640
01:34:42.048 --> 01:34:44.859
and intake it's a completely closed.

1641
01:34:44.860 --> 01:34:47.806
How long will these gates or the

1642
01:34:47.806 --> 01:34:50.242
structure used to close the intake and

1643
01:34:50.242 --> 01:34:52.868
bypass gates last week and last forever?

1644
01:34:55.960 --> 01:34:59.112
I believe the gate that closes the bypass

1645
01:34:59.112 --> 01:35:02.230
gate that allows water into the intake.

1646
01:35:02.230 --> 01:35:06.268
Uh, I believe that gate will.

1647
01:35:06.270 --> 01:35:09.470
Last quite awhile. How long?

1648
01:35:12.000 --> 01:35:15.336
40 years. And what happens after 40 years?

1649
01:35:17.510 --> 01:35:19.886
It would be replaced by whom?

1650
01:35:22.770 --> 01:35:25.230
Whoever is operating the system,

1651
01:35:25.230 --> 01:35:26.950
what if by then yeah,

1652
01:35:26.950 --> 01:35:28.710
my my point or bankrupt.

1653
01:35:28.710 --> 01:35:32.406
OK I, I think we are getting beyond.

1654
01:35:32.410 --> 01:35:36.518
The. One year revocable permit

1655
01:35:36.518 --> 01:35:38.346
line of questioning here.

1656
01:35:38.350 --> 01:35:40.114
This is their exhibit they I

1657
01:35:40.114 --> 01:35:42.054
haven't titled to ask them questions

1658
01:35:42.054 --> 01:35:43.814
about an exhibit they have.

1659
01:35:43.820 --> 01:35:46.620
They have provided with the focus though

1660
01:35:46.620 --> 01:35:49.628
is the one year revocable permit?

1661
01:35:49.630 --> 01:35:51.712

That's correct and I'm asking about

1662
01:35:51.712 --> 01:35:53.463
conditions that should be imposed

1663
01:35:53.463 --> 01:35:55.305
and I'm entitled to cross examine

1664
01:35:55.305 --> 01:35:57.557
a witness on a document that he

1665
01:35:57.557 --> 01:35:59.147
provided information for and that

1666
01:35:59.147 --> 01:36:01.210
has been submitted in this contested

1667
01:36:01.210 --> 01:36:03.380
case hearing and in terms of why he

1668
01:36:03.380 --> 01:36:05.360
one of the Driscoll pipe be removed.

1669
01:36:10.040 --> 01:36:11.030
Uhm?

1670
01:36:15.190 --> 01:36:19.768
I'm not. Or if it was already removed.

1671
01:36:22.450 --> 01:36:25.160
So it might it it? It could still be there.

1672
01:36:25.160 --> 01:36:26.790
It could still be there,

1673
01:36:26.790 --> 01:36:29.133
and if it is still there, are you folks

1674
01:36:29.133 --> 01:36:32.030
going to remove it within the next year?

1675
01:36:32.030 --> 01:36:34.193
If it's still there, we would remove

1676
01:36:34.193 --> 01:36:36.800
it in the next building next year.

1677
01:36:36.800 --> 01:36:42.128
Thank you. I wanna turn now to streams.

1678
01:36:42.130 --> 01:36:46.450
Stop sharing. K.

1679
01:36:46.450 --> 01:36:48.106
In your supplemental declaration,

1680
01:36:48.106 --> 01:36:51.455
you say that all the water from the

1681
01:36:51.455 --> 01:36:53.425
revocable permit area comes from

1682
01:36:53.425 --> 01:36:55.504
the hualu sorry Hello Revocable

1683
01:36:55.504 --> 01:36:57.698
permit area in 2021, right?

1684
01:36:57.698 --> 01:36:59.120
Yes, that's correct.

1685
01:36:59.120 --> 01:37:01.112
When was the last time you took water

1686
01:37:01.112 --> 01:37:02.840
from further east of the LORP area?

1687
01:37:06.140 --> 01:37:08.950
Uh, I will be 2019.

1688
01:37:12.850 --> 01:37:15.058

Actually, I take that back 2020.

1689
01:37:15.060 --> 01:37:17.780
We had a stretch in 2020 where we.

1690
01:37:17.780 --> 01:37:20.116
We attract the water from further E oh,

1691
01:37:20.120 --> 01:37:24.510
you did. From which from which

1692
01:37:24.510 --> 01:37:26.961
revocable permit area. All of them.

1693
01:37:26.961 --> 01:37:29.488
You took water all the way from the

1694
01:37:29.488 --> 01:37:33.460
farthest reaches to the east, yes.

1695
01:37:33.460 --> 01:37:37.128
For days, weeks, months what 11 week.

1696
01:37:44.770 --> 01:37:47.128
Is any water being taken out

1697
01:37:47.128 --> 01:37:49.150
of Honolulu stream these days?

1698
01:37:49.150 --> 01:37:51.370
Not to my knowledge, no.

1699
01:37:51.370 --> 01:37:55.393
So why are the sluice gates not fully open?

1700
01:37:55.400 --> 01:37:58.384
They are fully open.

1701
01:37:58.384 --> 01:38:01.070
So let's return to this exhibit.

1702
01:38:08.790 --> 01:38:10.640
Go down to page 6.

1703
01:38:16.060 --> 01:38:19.968
Uhm, can you see, UM, the chart is Silver,

1704
01:38:19.968 --> 01:38:23.370
says owner Manu. Do you see that yes?

1705
01:38:23.370 --> 01:38:29.940
And if we go. Across here. Uhm?

1706
01:38:33.040 --> 01:38:35.716
It says the sluice gates are

1707
01:38:35.716 --> 01:38:38.279
adjusted to provide for the IFC.

1708
01:38:38.280 --> 01:38:41.228
Uhm and connectivity uhm.

1709
01:38:44.470 --> 01:38:48.478
This some the FS 100 new

1710
01:38:48.478 --> 01:38:50.380
is 64% of base flow right?

1711
01:38:53.210 --> 01:38:55.450
Uh, I don't know.

1712
01:38:57.660 --> 01:38:59.684
Well, you saying uhm?

1713
01:38:59.684 --> 01:39:05.390
I mean not generally in in this, UM.

1714
01:39:05.390 --> 01:39:07.226
Uhm chart this table.

1715
01:39:07.226 --> 01:39:10.510

When the sluice gates are fully open,

1716
01:39:10.510 --> 01:39:13.257
you say so. For example, for.

1717
01:39:13.257 --> 01:39:17.139
Put allowed Collaer got the lowest

1718
01:39:17.139 --> 01:39:20.538
yellow says sluice gate is open

1719
01:39:20.540 --> 01:39:22.778
and ditch intake gates are shut,

1720
01:39:22.780 --> 01:39:26.436
but that's not what it says for honeymoon.

1721
01:39:26.440 --> 01:39:28.435
So is it fully opened or not?

1722
01:39:28.440 --> 01:39:31.590
Yes, it's fully open. K.

1723
01:39:50.470 --> 01:39:54.467
In 2021 where changes in the total

1724
01:39:54.467 --> 01:39:58.579
amount of water collected on a pole.

1725
01:39:58.580 --> 01:40:00.836
100%. A reflection of whether or

1726
01:40:00.836 --> 01:40:02.898
did you make occasional physical

1727
01:40:02.898 --> 01:40:05.512
adjustments to gates or any of the

1728
01:40:05.512 --> 01:40:06.952
infrastructure to increase or decrease

1729
01:40:06.952 --> 01:40:09.180
the flow when need physical adjustments.

1730
01:40:12.010 --> 01:40:14.509
And when did you increase the amount

1731
01:40:14.509 --> 01:40:16.800
of water with your adjustments

1732
01:40:16.800 --> 01:40:18.156
and when did you decrease them?

1733
01:40:18.160 --> 01:40:21.559
What months? I don't recall.

1734
01:40:29.530 --> 01:40:31.100
From what streams excuse me,

1735
01:40:31.100 --> 01:40:32.296
just just to clarify,

1736
01:40:32.296 --> 01:40:34.520
are you talking about quantum pole stream?

1737
01:40:34.520 --> 01:40:37.036
Is that what you said? No, I'm sorry.

1738
01:40:37.036 --> 01:40:38.696
My question was about the

1739
01:40:38.696 --> 01:40:40.259
water collected at Home Depot,

1740
01:40:40.260 --> 01:40:42.416
but I my question was the total

1741
01:40:42.416 --> 01:40:43.725
amount of water collected.

1742
01:40:43.725 --> 01:40:45.265

Does that reflect adjustments

1743
01:40:45.265 --> 01:40:46.805
on the various streams?

1744
01:40:49.170 --> 01:40:51.578
Yes. Is it not clear to you

1745
01:40:51.578 --> 01:40:53.260
check case when asking?

1746
01:40:55.800 --> 01:40:58.080
It's not clear to me what you're asking.

1747
01:40:58.080 --> 01:41:00.929
OK, let me take a step back.

1748
01:41:00.930 --> 01:41:04.070
Uhm, I think Mr Vodny.

1749
01:41:04.070 --> 01:41:05.486
Are clear, but let's try it.

1750
01:41:05.490 --> 01:41:10.350
Let me try this a different way. When?

1751
01:41:10.350 --> 01:41:12.562
The total amount of water coming out

1752
01:41:12.562 --> 01:41:14.542
of the revocable permit area have

1753
01:41:14.542 --> 01:41:16.584
changed over the course of 2021.

1754
01:41:16.584 --> 01:41:19.188
Was that solely reflection of whether

1755
01:41:19.188 --> 01:41:22.581
or was it a reflection of changes you

1756
01:41:22.581 --> 01:41:25.275
made to the gates and infrastructure

1757
01:41:25.275 --> 01:41:28.280
within the local permit area?

1758
01:41:28.280 --> 01:41:30.165
Those are reflecting the changes

1759
01:41:30.165 --> 01:41:31.296
that we made.

1760
01:41:31.300 --> 01:41:33.673
K and the world where all those

1761
01:41:33.673 --> 01:41:35.979
changes made in the hulo revocable

1762
01:41:35.979 --> 01:41:38.403
permit area or any other changes

1763
01:41:38.403 --> 01:41:40.689
made to any area further east.

1764
01:41:40.690 --> 01:41:43.147
Changes were made in their who area.

1765
01:41:43.150 --> 01:41:44.790
OK.

1766
01:41:44.790 --> 01:41:47.772
And from which stream did you increase

1767
01:41:47.772 --> 01:41:50.600
the amount of water taken in 2021?

1768
01:42:00.760 --> 01:42:03.721
More often than not, it was made

1769
01:42:03.721 --> 01:42:08.630

really highly. Kalua palava uhm.

1770
01:42:10.860 --> 01:42:13.226
Get hold of annoying all over Lily.

1771
01:42:15.810 --> 01:42:17.220
So, uhm.

1772
01:42:19.670 --> 01:42:22.238
Transcribing this proceeding is going to

1773
01:42:22.238 --> 01:42:25.137
be very difficult for a court reporter

1774
01:42:25.137 --> 01:42:27.741
who doesn't have access to the video,

1775
01:42:27.750 --> 01:42:29.856
and it's just listen to audio.

1776
01:42:29.860 --> 01:42:31.910
So I want you to.

1777
01:42:31.910 --> 01:42:33.530
I know this can be challenging,

1778
01:42:33.530 --> 01:42:36.127
but can you attempt to spell the

1779
01:42:36.127 --> 01:42:38.159
veristream names that you've just

1780
01:42:38.159 --> 01:42:40.685
identified so the court reporter can?

1781
01:42:40.690 --> 01:42:42.282
Someone accurately write these,

1782
01:42:42.282 --> 01:42:45.050
write the names of those streams down.

1783
01:42:45.050 --> 01:42:48.220
So can you try that again, sorry.

1784
01:42:48.220 --> 01:42:49.975
Challenging for whom?

1785
01:42:49.975 --> 01:42:51.730
The court reporter?

1786
01:42:51.730 --> 01:42:52.650
Well for you too.

1787
01:42:56.600 --> 01:42:59.799
OK, we have it on the audiotape.

1788
01:42:59.800 --> 01:43:01.728
That's the official record

1789
01:43:01.728 --> 01:43:04.620
and you know what that is.

1790
01:43:04.620 --> 01:43:06.498
So you don't care about having

1791
01:43:06.498 --> 01:43:08.020
the Windstream name spelled out,

1792
01:43:08.020 --> 01:43:09.643
turkeys were our.

1793
01:43:09.643 --> 01:43:12.889
Our official record is the audio.

1794
01:43:12.890 --> 01:43:13.714
Right, but eventually there's

1795
01:43:13.714 --> 01:43:14.744
going to be a transcript.

1796
01:43:14.750 --> 01:43:15.970

When this goes to court,

1797
01:43:15.970 --> 01:43:17.026
when there's an appeal.

1798
01:43:17.026 --> 01:43:18.610
So this is going to be

1799
01:43:18.668 --> 01:43:20.160
transcribed at some point.

1800
01:43:23.490 --> 01:43:24.762
So your court reporter that you're

1801
01:43:24.762 --> 01:43:26.450
going to have to hire at some point.

1802
01:43:26.450 --> 01:43:27.490
You don't hire them now,

1803
01:43:27.490 --> 01:43:29.066
at some point you're going to hire them.

1804
01:43:29.070 --> 01:43:30.250
They're going to have to

1805
01:43:30.250 --> 01:43:30.958
transcribe this audio.

1806
01:43:38.040 --> 01:43:40.308
So why don't you just repeat the

1807
01:43:40.308 --> 01:43:42.600
names of those streams carefully?

1808
01:43:42.600 --> 01:43:46.998
I will chat, please. Or lover Lily.

1809
01:43:50.220 --> 01:43:51.630
Whole Ave E.

1810
01:43:54.540 --> 01:43:56.388
Not iliili highly.

1811
01:43:58.880 --> 01:43:59.890
And kalua.

1812
01:44:04.050 --> 01:44:06.619
And from which streams did you decrease

1813
01:44:06.619 --> 01:44:09.640
the amount of water diverted in 2021?

1814
01:44:14.820 --> 01:44:16.536
I believe those are the main

1815
01:44:16.536 --> 01:44:17.680
streams we're talking about,

1816
01:44:17.680 --> 01:44:21.798
so save 4. That's correct, OK?

1817
01:44:24.670 --> 01:44:29.088
And is there? Is there a way to reduce

1818
01:44:29.088 --> 01:44:31.059
the amount of water flowing from?

1819
01:44:33.400 --> 01:44:36.242
The whole area now without making permanent

1820
01:44:36.242 --> 01:44:39.289
changes to the the diversion structures.

1821
01:44:45.940 --> 01:44:47.610
There are ways to reduce.

1822
01:44:50.680 --> 01:44:52.928
So it's a yes.

1823
01:44:52.930 --> 01:44:55.289

There are ways to review to reduce.

1824
01:44:55.290 --> 01:44:56.990
I can't remember the exact

1825
01:44:56.990 --> 01:44:58.350
wording of your question.

1826
01:44:58.350 --> 01:45:00.246
To reduce the amount of water

1827
01:45:00.246 --> 01:45:02.310
flowing out of the whole area.

1828
01:45:02.310 --> 01:45:05.250
There are ways to do that. Yes, OK,

1829
01:45:07.260 --> 01:45:08.952
so just so you know this is audio only,

1830
01:45:08.960 --> 01:45:10.330
so the there's no reflection

1831
01:45:10.330 --> 01:45:11.700
of you nodding your head,

1832
01:45:11.700 --> 01:45:13.518
so the record should reflect that.

1833
01:45:13.520 --> 01:45:15.950
Mr Vaught was nodding his head.

1834
01:45:18.000 --> 01:45:21.210
He said yes. He said yes. Thank you.

1835
01:45:23.240 --> 01:45:25.754
And could you take even more

1836
01:45:25.754 --> 01:45:27.950
water from the whole area?

1837
01:45:27.950 --> 01:45:31.037
Are a revocable permit area? Then?

1838
01:45:31.037 --> 01:45:32.639
You are currently taking these Dems?

1839
01:45:36.240 --> 01:45:40.368
Uhm, it depends on how much is available

1840
01:45:40.370 --> 01:45:43.736
based on the weather. Sure, come.

1841
01:45:43.736 --> 01:45:46.592
But other further adjustments you could

1842
01:45:46.592 --> 01:45:49.698
make to take even more water today

1843
01:45:49.698 --> 01:45:51.940
than you currently are taking yes.

1844
01:45:56.330 --> 01:45:59.442
Are you planning to take more water from

1845
01:45:59.442 --> 01:46:02.610
the streams within the Halo RP area in 2022?

1846
01:46:05.110 --> 01:46:06.975
Again, depending on the weather

1847
01:46:06.975 --> 01:46:08.840
and what water is available.

1848
01:46:11.520 --> 01:46:12.210
So.

1849
01:46:14.360 --> 01:46:15.410
Uhm?

1850
01:46:17.680 --> 01:46:19.827

Well. Regard,

1851
01:46:19.827 --> 01:46:21.789
I guess regardless of the weather,

1852
01:46:21.790 --> 01:46:24.070
I mean, if there's a lot of rain.

1853
01:46:24.070 --> 01:46:26.260
You probably would be taking more,

1854
01:46:26.260 --> 01:46:28.276
right? Yes, that's correct,

1855
01:46:28.276 --> 01:46:31.300
and if there's less rate available,

1856
01:46:31.300 --> 01:46:33.460
you probably want to take more as well,

1857
01:46:33.460 --> 01:46:35.860
because my pony plants to plant more crops.

1858
01:46:40.300 --> 01:46:42.309
Right there is that I know I

1859
01:46:42.309 --> 01:46:43.750
don't understand your question.

1860
01:46:43.750 --> 01:46:46.150
So regardless of the weather,

1861
01:46:46.150 --> 01:46:48.702
you folks are planning to take more water

1862
01:46:48.702 --> 01:46:51.051
from the streams within the revocable

1863
01:46:51.051 --> 01:46:55.060
well revocable permit area in 2022.

1864
01:46:55.060 --> 01:46:56.998
It all depends on the weather

1865
01:46:56.998 --> 01:46:59.240
and how much water is available.

1866
01:46:59.240 --> 01:47:01.152
Only White House independent.

1867
01:47:01.152 --> 01:47:03.507
Explain that to me if.

1868
01:47:03.507 --> 01:47:07.003
If we are planting more as you say,

1869
01:47:07.010 --> 01:47:10.517
and we require more water for irrigation,

1870
01:47:10.520 --> 01:47:12.512
but it's not available.

1871
01:47:12.512 --> 01:47:15.200
I can't take more. I see.

1872
01:47:15.200 --> 01:47:17.615
Well then you would take water from

1873
01:47:17.615 --> 01:47:20.326
further east of of the whole area, right?

1874
01:47:20.326 --> 01:47:22.310
We would consider accessing

1875
01:47:22.310 --> 01:47:24.294
water for the ECS.

1876
01:47:28.560 --> 01:47:31.031
Can you tell me what streams you're

1877
01:47:31.031 --> 01:47:33.803

intending to take more water from in 2022?

1878
01:47:33.803 --> 01:47:37.180
I cannot at this time. I don't know it,

1879
01:47:37.180 --> 01:47:39.294
just based on where the weather all

1880
01:47:39.294 --> 01:47:41.160
the weather is in which located.

1881
01:47:41.160 --> 01:47:43.764
OK, how come you guys collected so

1882
01:47:43.764 --> 01:47:46.460
little water West of Hunahpu this year?

1883
01:47:51.930 --> 01:47:54.282
Mostly because it wasn't raining too

1884
01:47:54.282 --> 01:47:56.590
much West of wonderful this year.

1885
01:47:56.590 --> 01:47:58.809
Was that an unusually small amount of

1886
01:47:58.809 --> 01:48:01.223
water that you were able to collect

1887
01:48:01.223 --> 01:48:03.578
from those streams? West of Hannibal?

1888
01:48:06.260 --> 01:48:10.823
Oh I would think that it would be probably

1889
01:48:10.823 --> 01:48:13.518
normal to less. Number for us OK?

1890
01:48:17.110 --> 01:48:18.676
How much is it costing Maipo

1891
01:48:18.676 --> 01:48:20.279
know for the water gets now?

1892
01:48:22.520 --> 01:48:26.260
I don't know. You don't know for

1893
01:48:26.260 --> 01:48:28.650
1000 gallons or total. I don't know.

1894
01:48:31.320 --> 01:48:34.470
Uhm, could EMI install meters in the

1895
01:48:34.470 --> 01:48:37.567
dishes before and after each stream to

1896
01:48:37.567 --> 01:48:39.049
determine how much water is diverted

1897
01:48:39.049 --> 01:48:40.587
from each stream on a daily basis?

1898
01:48:44.870 --> 01:48:47.310
Uh, that would be pretty

1899
01:48:47.310 --> 01:48:48.970
cost prohibitive and. I.

1900
01:48:51.000 --> 01:48:53.170
Depending on what area was located in.

1901
01:48:55.450 --> 01:48:55.780
K.

1902
01:48:57.820 --> 01:49:00.658
Uhm, how about four? 3 streams.

1903
01:49:06.270 --> 01:49:09.147
Again, each each meter depending on the

1904
01:49:09.147 --> 01:49:12.600

location of the meter and you know.

1905
01:49:14.720 --> 01:49:17.037
If we have the ability to do

1906
01:49:17.037 --> 01:49:18.860
that and where it's located and

1907
01:49:18.860 --> 01:49:20.310
it would be cost prohibitive.

1908
01:49:22.970 --> 01:49:25.220
Could be expensive.

1909
01:49:25.220 --> 01:49:30.178
OK, well getting to the end here a lot.

1910
01:49:30.180 --> 01:49:32.833
Has my Pono or am I encountered

1911
01:49:32.833 --> 01:49:35.128
any problem with the 25 million

1912
01:49:35.128 --> 01:49:38.414
gallons a day cap or limit up that

1913
01:49:38.414 --> 01:49:41.786
the court imposed since July 30th?

1914
01:49:41.790 --> 01:49:43.778
We have not. K.

1915
01:49:45.870 --> 01:49:47.435
Will you need any water

1916
01:49:47.435 --> 01:49:49.290
from the hikoo area in 2022?

1917
01:49:51.650 --> 01:49:52.340
I don't know.

1918
01:49:55.790 --> 01:49:57.400
Will you need any water from the

1919
01:49:57.400 --> 01:50:00.430
kni area in 2022? I don't know.

1920
01:50:00.430 --> 01:50:02.705
Will you need any water from the

1921
01:50:02.705 --> 01:50:04.730
honu licensor in 2022? I don't.

1922
01:50:08.900 --> 01:50:10.650
Thank you, no further questions.

1923
01:50:13.270 --> 01:50:14.710
The UM?

1924
01:50:18.580 --> 01:50:21.160
Oh, OK, uh, I guess Andy,

1925
01:50:21.160 --> 01:50:23.176
do you want to let me see?

1926
01:50:23.180 --> 01:50:24.260
County of Maui?

1927
01:50:24.260 --> 01:50:26.411
Did you wanna ask any questions?

1928
01:50:26.411 --> 01:50:28.196
No, not at this time.

1929
01:50:28.200 --> 01:50:31.716
Thank you alright and your mind.

1930
01:50:31.720 --> 01:50:33.650
Thank you.

1931
01:50:33.650 --> 01:50:36.848

Good morning Mr Bond good morning.

1932
01:50:36.850 --> 01:50:39.962
I just have a few areas that you

1933
01:50:39.962 --> 01:50:42.642
discussed with Mr Frankel that I just

1934
01:50:42.642 --> 01:50:46.447
want to revisit and I have some questions on.

1935
01:50:46.450 --> 01:50:48.162
So you know, Mr.

1936
01:50:48.162 --> 01:50:50.730
Frankel had asked you about any

1937
01:50:50.823 --> 01:50:53.363
negative consequences on the crops

1938
01:50:53.363 --> 01:50:57.070
from the use of pumped groundwater.

1939
01:50:57.070 --> 01:50:58.736
Do you recall him asking you that?

1940
01:51:01.240 --> 01:51:06.028
OK, is it your responsibility to manage

1941
01:51:06.028 --> 01:51:11.220
the health of the crops? Possibility.

1942
01:51:11.220 --> 01:51:14.016
Is it your responsibility to so?

1943
01:51:14.020 --> 01:51:16.198
Are you involved with the management

1944
01:51:16.198 --> 01:51:20.600
of the crops at all? Very little. K.

1945
01:51:24.160 --> 01:51:28.899
No, Mr. Frankel had also asked you.

1946
01:51:28.900 --> 01:51:32.505
About water that is diverted and made

1947
01:51:32.505 --> 01:51:36.728
available to the county but is not used by

1948
01:51:36.728 --> 01:51:40.648
the county that was in the very beginning.

1949
01:51:40.650 --> 01:51:41.868
I know that was awhile ago,

1950
01:51:41.870 --> 01:51:45.182
but do you recall him asking you about that?

1951
01:51:45.182 --> 01:51:48.293
Yes I do. OK so I just wanna ask you

1952
01:51:48.293 --> 01:51:50.670
a couple of questions about that.

1953
01:51:50.670 --> 01:51:52.650
No, but you might ditch system.

1954
01:51:52.650 --> 01:51:55.604
Is that a simple system to operate?

1955
01:51:55.610 --> 01:51:57.125
Not at all.

1956
01:51:57.125 --> 01:52:00.155
It's a very complex system actually.

1957
01:52:00.160 --> 01:52:01.676
And so if you.

1958
01:52:01.676 --> 01:52:03.950

Need to make adjustments to the

1959
01:52:04.040 --> 01:52:06.416
system to either bring in more

1960
01:52:06.416 --> 01:52:09.239
water or to bring in less water.

1961
01:52:09.240 --> 01:52:10.540
Is that something you can

1962
01:52:10.540 --> 01:52:12.300
do by just pushing a button?

1963
01:52:12.300 --> 01:52:14.956
No, it's not instantaneous.

1964
01:52:14.956 --> 01:52:18.040
There's an extreme time lag come

1965
01:52:18.040 --> 01:52:21.010
from the adjustments that we make.

1966
01:52:21.010 --> 01:52:23.440
To the time that one from the time we make

1967
01:52:23.500 --> 01:52:25.985
adjustments to the kind that water reaches.

1968
01:52:25.990 --> 01:52:28.620
The county come only where

1969
01:52:28.620 --> 01:52:31.488
it's considerable time.

1970
01:52:31.490 --> 01:52:35.210
OK, so uhm do the gates have to be manually

1971
01:52:35.305 --> 01:52:38.857
adjusted when you make those adjustments?

1972
01:52:38.860 --> 01:52:41.368
Yes they do.

1973
01:52:41.370 --> 01:52:44.646
And about how long would that take to send

1974
01:52:44.646 --> 01:52:49.430
somebody out to make these adjustments a day?

1975
01:52:49.430 --> 01:52:50.786
OK, so it's not something someone

1976
01:52:50.786 --> 01:52:52.259
can run out in 10 minutes,

1977
01:52:52.260 --> 01:52:54.138
make an adjustment and come back.

1978
01:52:54.140 --> 01:52:56.366
Yes, that's correct.

1979
01:52:56.366 --> 01:52:57.108
OK,

1980
01:52:57.108 --> 01:53:01.771
so when you are planning for the amount

1981
01:53:01.771 --> 01:53:04.680
of water that needs to be about diverted,

1982
01:53:04.680 --> 01:53:07.110
is this something that you change

1983
01:53:07.110 --> 01:53:09.786
and adjust every day or do you

1984
01:53:09.786 --> 01:53:11.736
have to plan days in advance?

1985
01:53:11.740 --> 01:53:16.416

We we generally plan well in advance.

1986
01:53:16.420 --> 01:53:16.985
OK,

1987
01:53:16.985 --> 01:53:17.550
so.

1988
01:53:20.210 --> 01:53:24.620
Water that is diverted and made available

1989
01:53:24.620 --> 01:53:30.067
to the county but is not used by the county.

1990
01:53:30.070 --> 01:53:34.900
Is that what Arum used on the Mahi Pono farm?

1991
01:53:34.900 --> 01:53:37.484
Yes, it is, if it's available and we

1992
01:53:37.484 --> 01:53:40.196
can access so we can use it and we will.

1993
01:53:40.200 --> 01:53:42.837
And if it can't be used on the farm,

1994
01:53:42.840 --> 01:53:44.888
where does it go?

1995
01:53:44.890 --> 01:53:46.490
If it can't be used on the farm,

1996
01:53:46.490 --> 01:53:48.380
it would go into a reservoir

1997
01:53:48.380 --> 01:53:50.690
to be used at a later date.

1998
01:53:50.690 --> 01:53:53.154
OK, so water from the reservoir is

1999
01:53:53.154 --> 01:53:56.009
later used for diversified agriculture.

2000
01:53:56.010 --> 01:53:57.213
Is that correct?

2001
01:53:57.213 --> 01:53:58.910
Yes, that's correct. OK.

2002
01:54:06.650 --> 01:54:12.450
So if. In your planning for some.

2003
01:54:12.450 --> 01:54:13.900
When you need to determine,

2004
01:54:13.900 --> 01:54:16.336
you know how much water needs to

2005
01:54:16.336 --> 01:54:18.624
be diverted to meet the needs

2006
01:54:18.624 --> 01:54:20.569
of makimono and the county.

2007
01:54:20.570 --> 01:54:23.356
If you were to only take uhm,

2008
01:54:23.360 --> 01:54:25.929
say the amount of water that the

2009
01:54:25.929 --> 01:54:27.983
county has been using recently

2010
01:54:27.983 --> 01:54:31.910
instead of the full 7.5 MGD.

2011
01:54:31.910 --> 01:54:35.263
But the county decides to increase the

2012
01:54:35.263 --> 01:54:39.279

amount of water that's going to be diverted.

2013
01:54:39.280 --> 01:54:42.826
How does that affect the water

2014
01:54:42.826 --> 01:54:45.190
that's available for makimono?

2015
01:54:45.190 --> 01:54:46.750
Reduces the amount of water

2016
01:54:46.750 --> 01:54:47.998
that's available to us.

2017
01:55:01.170 --> 01:55:04.684
So Mr. Frankel had asked you about

2018
01:55:04.684 --> 01:55:07.136
specifically about water that is

2019
01:55:07.136 --> 01:55:10.118
made available for the Kulu Egg Park.

2020
01:55:10.120 --> 01:55:12.000
Do you recall him asking you about that?

2021
01:55:12.000 --> 01:55:16.880
Yes, I do. OK, are there operational reasons

2022
01:55:16.880 --> 01:55:21.962
as to why more than the 1.5 MGD needs

2023
01:55:21.962 --> 01:55:26.570
to be transported to the Ag Park area?

2024
01:55:26.570 --> 01:55:28.469
Name it has to do with the ditch level.

2025
01:55:28.470 --> 01:55:29.970
The height of the ditch,

2026
01:55:29.970 --> 01:55:32.690
the height or the level of the water in the

2027
01:55:32.753 --> 01:55:37.550
ditch in order for their pump intake too.

2028
01:55:37.550 --> 01:55:39.015
Generate enough suction to push

2029
01:55:39.015 --> 01:55:39.894
water up there.

2030
01:55:42.000 --> 01:55:44.565
And so if water is diverted for the kuag

2031
01:55:44.565 --> 01:55:47.203
part but not used at the cooler Egg park,

2032
01:55:47.210 --> 01:55:50.030
is it later used on the farm? Yes it is.

2033
01:55:54.260 --> 01:55:56.924
Hey I wanna ask you about

2034
01:55:56.924 --> 01:55:59.594
exhibit Y 64 Mickey could you

2035
01:55:59.594 --> 01:56:01.948
pull up by 64 for us please?

2036
01:56:16.000 --> 01:56:19.690
Thank you, can you go to the bottom right

2037
01:56:19.690 --> 01:56:22.575
corner of the document and zoom in?

2038
01:56:22.580 --> 01:56:26.306
I have a bit more. Just the very

2039
01:56:26.306 --> 01:56:28.427

very bottom right corner down,

2040
01:56:28.427 --> 01:56:31.240
more down, more. Right there.

2041
01:56:33.320 --> 01:56:36.984
OK Mr Vagt UM. So in the bottom

2042
01:56:36.984 --> 01:56:40.189
right corner this is exhibit Y 64.

2043
01:56:40.190 --> 01:56:41.290
Do you see the date?

2044
01:56:41.290 --> 01:56:46.380
February 2008? Yes I do. So Mr.

2045
01:56:46.380 --> 01:56:48.750
Frankel had asked you about the

2046
01:56:48.750 --> 01:56:51.449
capacity of a number of reservoirs.

2047
01:56:51.450 --> 01:56:54.684
Was your testimony based solely on the

2048
01:56:54.684 --> 01:56:58.658
numbers on this exhibit? Yes it was.

2049
01:56:58.660 --> 01:57:01.915
So if there have been changes made

2050
01:57:01.915 --> 01:57:04.098
between February 2008 and now,

2051
01:57:04.098 --> 01:57:05.762
your testimony doesn't necessarily

2052
01:57:05.762 --> 01:57:07.685
reflect those changes, correct?

2053
01:57:07.685 --> 01:57:09.035
That's correct.

2054
01:57:09.035 --> 01:57:11.060
OK, thank you.

2055
01:57:11.060 --> 01:57:12.747
We can stop sharing this exhibit now.

2056
01:57:16.020 --> 01:57:19.788
So Mr what Mr. Frankel had asked you

2057
01:57:19.788 --> 01:57:23.920
about lining and covering a reservoir.

2058
01:57:23.920 --> 01:57:26.306
Do you recall that? Yes, I do.

2059
01:57:26.306 --> 01:57:29.250
And do you recall that you had estimated

2060
01:57:29.336 --> 01:57:33.500
that it would take six months? Yes.

2061
01:57:33.500 --> 01:57:36.076
Is that six months that you estimated?

2062
01:57:36.080 --> 01:57:37.672
Is that actual construction,

2063
01:57:37.672 --> 01:57:41.051
or does that involve all of the other

2064
01:57:41.051 --> 01:57:43.336
permitting necessary for that work?

2065
01:57:43.340 --> 01:57:45.920
My six month estimate did

2066
01:57:45.920 --> 01:57:47.984

not include the permitting.

2067
01:57:47.990 --> 01:57:51.078
OK, so if we were to include permitting,

2068
01:57:51.080 --> 01:57:53.103
could it take longer than a year

2069
01:57:53.103 --> 01:57:55.158
to complete the entire process of

2070
01:57:55.158 --> 01:57:57.038
lining and covering a reservoir?

2071
01:57:57.040 --> 01:57:59.446
Depending upon which reservoir it was?

2072
01:57:59.450 --> 01:58:00.830
Yes, it could take longer.

2073
01:58:11.710 --> 01:58:14.850
OK, so Mr thought Mr.

2074
01:58:14.850 --> 01:58:19.790
Frankel had also asked you about the.

2075
01:58:19.790 --> 01:58:22.390
Quarterly reports that are submitted

2076
01:58:22.390 --> 01:58:25.849
to the BLNR and signed by you.

2077
01:58:25.850 --> 01:58:27.058
Do you recall that?

2078
01:58:27.058 --> 01:58:30.331
Yes, I do. OK, and there, uh,

2079
01:58:30.331 --> 01:58:32.928
I think he specifically asked you about

2080
01:58:32.928 --> 01:58:35.520
exhibit Y nine, and if you recall,

2081
01:58:35.520 --> 01:58:39.075
there is a column on the far right of

2082
01:58:39.075 --> 01:58:42.197
that table that had talked about seepage,

2083
01:58:42.200 --> 01:58:44.824
evaporation, hydroelectric Fire Protection,

2084
01:58:44.824 --> 01:58:47.228
dust control. Do you recall that?

2085
01:58:47.228 --> 01:58:50.924
Yes, I do. OK, so uhm. Mr.

2086
01:58:50.924 --> 01:58:53.990
Franco had asked you about if

2087
01:58:54.105 --> 01:58:57.738
the water in that column is you,

2088
01:58:57.740 --> 01:59:00.364
so I just want to follow up on

2089
01:59:00.364 --> 01:59:02.048
that testimony a little bit.

2090
01:59:02.050 --> 01:59:05.910
So water that's used.

2091
01:59:05.910 --> 01:59:07.996
So that column includes water that is

2092
01:59:07.996 --> 01:59:12.380
used in the hydroelectric plant, correct?

2093
01:59:12.380 --> 01:59:13.358

Yes it could.

2094
01:59:13.358 --> 01:59:15.640
It could involve water that was run

2095
01:59:15.709 --> 01:59:17.837
through the hydroelectric plant.

2096
01:59:17.840 --> 01:59:19.296
OK, and.

2097
01:59:19.296 --> 01:59:21.480
That water, uhm,

2098
01:59:21.480 --> 01:59:23.448
that column also includes seepage amounts,

2099
01:59:23.450 --> 01:59:23.950
correct?

2100
01:59:26.230 --> 01:59:28.380
Yes, that would include simple

2101
01:59:28.380 --> 01:59:30.998
jest that column. So, uh.

2102
01:59:30.998 --> 01:59:34.982
Water that seeps into the groundwater

2103
01:59:34.982 --> 01:59:38.328
aquifer is that used later.

2104
01:59:38.330 --> 01:59:43.356
Yes it is. It's used as groundwater.

2105
01:59:43.360 --> 01:59:44.770
Is ******** so.

2106
01:59:47.300 --> 01:59:49.388
I'm sorry I didn't mean to cut you off,

2107
01:59:49.390 --> 01:59:52.696
so it's uhm. For example, if Mahi

2108
01:59:52.696 --> 01:59:54.694
Pono were to pump groundwater than

2109
01:59:54.694 --> 01:59:57.060
that water would be used again. Yes.

2110
02:00:26.740 --> 02:00:30.940
So Mr. Frankel had also asked you

2111
02:00:30.940 --> 02:00:34.024
about removing some pipes and.

2112
02:00:34.024 --> 02:00:37.129
Unused skate houses or trash

2113
02:00:37.129 --> 02:00:40.647
from the revocable permit area?

2114
02:00:40.650 --> 02:00:42.674
Do you recall him asking you about that?

2115
02:00:42.680 --> 02:00:45.890
Yes, I do. OK, so.

2116
02:00:49.500 --> 02:00:54.110
EMI has a policy about.

2117
02:00:54.110 --> 02:00:56.420
Does EM I have a policy about

2118
02:00:56.420 --> 02:00:58.369
removing trash or debris from

2119
02:00:58.369 --> 02:01:00.145
the revocable permit area?

2120
02:01:00.150 --> 02:01:03.958

Yes, we do. Any unused or anything

2121
02:01:03.958 --> 02:01:05.995
that's not necessary for the

2122
02:01:05.995 --> 02:01:07.570
operation of the ditch system.

2123
02:01:07.570 --> 02:01:09.520
The current operation of the

2124
02:01:09.520 --> 02:01:11.470
ditch system should be identified.

2125
02:01:11.470 --> 02:01:12.622
Supervisors should be notified

2126
02:01:12.622 --> 02:01:14.350
and then it should be removed.

2127
02:01:17.410 --> 02:01:19.440
So this is just when the staff

2128
02:01:19.440 --> 02:01:21.779
is out in the field conducting

2129
02:01:21.779 --> 02:01:23.552
their daily activities, correct?

2130
02:01:23.552 --> 02:01:25.657
Jelly, for the most part,

2131
02:01:25.660 --> 02:01:27.805
we have had individual I

2132
02:01:27.805 --> 02:01:29.950
guess missions if you will.

2133
02:01:29.950 --> 02:01:31.867
We have in the past of having them go

2134
02:01:31.867 --> 02:01:33.908
out and specifically trying to identify

2135
02:01:33.908 --> 02:01:35.678
certain things in certain areas.

2136
02:01:35.680 --> 02:01:37.395
If there were things that they could

2137
02:01:37.395 --> 02:01:38.962
see that they could notify supervisor

2138
02:01:38.962 --> 02:01:41.033
so that we could make note of it

2139
02:01:41.033 --> 02:01:42.447
and come back in a later date.

2140
02:01:44.600 --> 02:01:47.834
And these individual missions that you

2141
02:01:47.834 --> 02:01:51.448
described about how long would they take?

2142
02:01:51.450 --> 02:01:53.490
Uhm, a day or two the cover would

2143
02:01:53.490 --> 02:01:55.667
be two days to cover the system.

2144
02:01:55.670 --> 02:01:57.662
The better part of this system

2145
02:01:57.662 --> 02:01:59.949
with all the roads that we have.

2146
02:01:59.950 --> 02:02:02.323
And about how many people would go

2147
02:02:02.323 --> 02:02:05.227

out on these missions at any one time?

2148
02:02:05.230 --> 02:02:07.095
12 well people they would

2149
02:02:07.095 --> 02:02:08.960
usually go out in tandem.

2150
02:02:13.300 --> 02:02:15.548
And do they go to the same areas

2151
02:02:15.548 --> 02:02:18.190
or do they go to different areas?

2152
02:02:18.190 --> 02:02:20.046
They all would go out to different areas.

2153
02:02:22.610 --> 02:02:24.000
I have no further questions.

2154
02:02:28.570 --> 02:02:32.290
Good are we done with Mr Boxplot. Nope.

2155
02:02:38.580 --> 02:02:42.070
So let me just clarify.

2156
02:02:42.070 --> 02:02:43.886
I believe you both called Mr. Bot.

2157
02:02:43.886 --> 02:02:45.580
What is a witness? Is that correct?

2158
02:02:48.510 --> 02:02:49.320
Yes.

2159
02:02:51.840 --> 02:02:52.788
We we did.

2160
02:02:56.750 --> 02:02:59.440
Alright go ahead Mr Franklin.

2161
02:02:59.440 --> 02:03:01.180
Well Mr what you were?

2162
02:03:01.180 --> 02:03:03.058
Temporarily farm manager of my PT.

2163
02:03:03.060 --> 02:03:04.086
Oh for a bit, weren't you?

2164
02:03:07.660 --> 02:03:09.748
Temporarily a farm manager.

2165
02:03:12.570 --> 02:03:15.276
I was never a temporary farm manager, no.

2166
02:03:15.276 --> 02:03:17.506
We, the vice President of

2167
02:03:17.506 --> 02:03:20.089
agricultural growth from a hippo no.

2168
02:03:20.090 --> 02:03:22.554
I was it was an operational position

2169
02:03:22.554 --> 02:03:25.170
in an interim operational position.

2170
02:03:25.170 --> 02:03:26.598
How long did you have that position?

2171
02:03:29.270 --> 02:03:31.406
Probably I don't know.

2172
02:03:31.406 --> 02:03:34.192
Maybe a year, maybe just sort of a year

2173
02:03:34.192 --> 02:03:36.408
so it may not be your responsibility now,

2174
02:03:36.410 --> 02:03:39.418

but you know a little bit about agriculture.

2175
02:03:39.420 --> 02:03:41.436
I know a little bit about agriculture

2176
02:03:41.440 --> 02:03:44.240
and again you have not seen any adverse

2177
02:03:44.240 --> 02:03:46.477
consequences to the use of groundwater.

2178
02:03:46.480 --> 02:03:48.646
Since you know 5.8 something million

2179
02:03:48.646 --> 02:03:51.128
gallons were used in October, correct?

2180
02:03:51.128 --> 02:03:55.650
I haven't looked for adverse conditions, OK?

2181
02:03:55.650 --> 02:03:58.675
Uhm, you just talked about

2182
02:03:58.675 --> 02:04:01.095
your policy of removing.

2183
02:04:01.100 --> 02:04:03.655
Uhm, unused equipment in structure

2184
02:04:03.655 --> 02:04:06.760
from the revocable permit area right?

2185
02:04:06.760 --> 02:04:08.110
You just talked about that,

2186
02:04:08.110 --> 02:04:09.990
yes, but you are aware,

2187
02:04:09.990 --> 02:04:11.660
as you've already testified of,

2188
02:04:11.660 --> 02:04:14.450
some pipes and structures that aren't

2189
02:04:14.450 --> 02:04:17.758
public land that are not used correct?

2190
02:04:17.760 --> 02:04:21.938
Yes. They could be removed.

2191
02:04:21.940 --> 02:04:24.920
Correct? They could be removed,

2192
02:04:24.920 --> 02:04:27.036
but they have not been removed, right?

2193
02:04:27.036 --> 02:04:28.780
There are permitting requirements

2194
02:04:28.780 --> 02:04:31.286
that we would have to that

2195
02:04:31.286 --> 02:04:32.916
would have to be established.

2196
02:04:32.920 --> 02:04:35.170
And have you initiated that?

2197
02:04:35.170 --> 02:04:37.516
We're waiting for word from the

2198
02:04:37.516 --> 02:04:39.730
Water Commission to act on that,

2199
02:04:39.730 --> 02:04:43.000
so I I'm now let me focus my question on

2200
02:04:43.086 --> 02:04:46.458
those pipes that are not in a stream and

2201
02:04:46.458 --> 02:04:49.529

those pump houses or starting up pump houses.

2202
02:04:49.530 --> 02:04:50.520
I can't remember the word,

2203
02:04:50.520 --> 02:04:52.774
but I'm going to call them Hobbit

2204
02:04:52.774 --> 02:04:56.030
houses that are on public land.

2205
02:04:56.030 --> 02:04:57.930
Those are not within the

2206
02:04:57.930 --> 02:04:59.450
jurisdiction of Water Commission.

2207
02:04:59.450 --> 02:05:00.814
They're not in extreme.

2208
02:05:00.814 --> 02:05:02.860
They're not next to a stream.

2209
02:05:02.860 --> 02:05:05.170
So for those what permits do you

2210
02:05:05.170 --> 02:05:07.413
need to remove those structures and

2211
02:05:07.413 --> 02:05:10.164
equipment that are not in a stream?

2212
02:05:10.170 --> 02:05:10.976
Uh, the.

2213
02:05:10.976 --> 02:05:13.394
They're all located on conservation land,

2214
02:05:13.400 --> 02:05:16.230
so I would need approval and have you.

2215
02:05:16.230 --> 02:05:17.850
Have you asked their approval yet?

2216
02:05:17.850 --> 02:05:18.225
No,

2217
02:05:18.225 --> 02:05:20.100
we're waiting for the water

2218
02:05:20.100 --> 02:05:22.359
Commission to give us the word

2219
02:05:22.359 --> 02:05:24.423
to go ahead and initiate that.

2220
02:05:24.430 --> 02:05:24.749
OK,

2221
02:05:24.749 --> 02:05:26.344
even though the Water Commission

2222
02:05:26.344 --> 02:05:28.614
has nothing to do with unused pipes

2223
02:05:28.614 --> 02:05:30.468
that are not within a stream.

2224
02:05:30.470 --> 02:05:32.370
You're still waiting for them.

2225
02:05:32.370 --> 02:05:32.902
Yes,

2226
02:05:32.902 --> 02:05:33.434
OK,

2227
02:05:33.434 --> 02:05:37.158
what permit would you need to line

2228
02:05:37.158 --> 02:05:38.100

reservoir 25?

2229
02:05:42.370 --> 02:05:43.843
I would need.

2230
02:05:43.843 --> 02:05:47.280
A deal in our dam safety permit.

2231
02:05:47.280 --> 02:05:49.194
I would probably need a county

2232
02:05:49.194 --> 02:05:50.470
grubbing and grading permit.

2233
02:05:50.470 --> 02:05:54.610
It would probably need. Uhm?

2234
02:06:01.140 --> 02:06:03.120
A flood control permit from

2235
02:06:03.120 --> 02:06:05.650
both the county and the state.

2236
02:06:05.650 --> 02:06:06.980
What's a flood control permit?

2237
02:06:06.980 --> 02:06:09.630
Never heard of that. Uhm,

2238
02:06:09.630 --> 02:06:12.670
I believe it's a permit that regulates it,

2239
02:06:12.670 --> 02:06:14.514
'cause if whatever activity

2240
02:06:14.514 --> 02:06:16.819
you're doing is gonna affect.

2241
02:06:16.820 --> 02:06:18.759
OK, this is an assumption because I'm

2242
02:06:18.759 --> 02:06:20.916
I don't work for the county and all,

2243
02:06:20.920 --> 02:06:22.132
but I would have.

2244
02:06:22.132 --> 02:06:24.158
I would imagine that anytime you're

2245
02:06:24.158 --> 02:06:26.582
doing something that is going to

2246
02:06:26.582 --> 02:06:29.380
alter a floodplain or control that

2247
02:06:29.380 --> 02:06:31.388
they would need to at least sign off

2248
02:06:31.388 --> 02:06:33.620
and provide either an exemption or guidance.

2249
02:06:33.620 --> 02:06:35.510
Boy would be great if we had a like that,

2250
02:06:35.510 --> 02:06:38.168
but you thought afraid we dumped.

2251
02:06:38.170 --> 02:06:39.196
So you need a grading permit.

2252
02:06:39.200 --> 02:06:40.460
You think you need a damn

2253
02:06:40.460 --> 02:06:41.830
permit to line the reservoir?

2254
02:06:41.830 --> 02:06:42.886
Yes, you do.

2255
02:06:42.886 --> 02:06:44.998

Anytime you make a significant alteration

2256
02:06:44.998 --> 02:06:47.058
Flores of or the department OK?

2257
02:06:47.058 --> 02:06:49.986
Have you applied for one yet?

2258
02:06:49.990 --> 02:06:53.380
No, I have not OK.

2259
02:06:53.380 --> 02:06:54.463
Ah Mr Cocky,

2260
02:06:54.463 --> 02:06:56.990
ask you about the water from the

2261
02:06:57.071 --> 02:07:00.036
hydro that used for hydroelectricity.

2262
02:07:00.040 --> 02:07:01.588
Ultimately, where does that water go

2263
02:07:01.588 --> 02:07:03.500
after goes through the hydroelectric plan.

2264
02:07:03.500 --> 02:07:05.748
It doesn't disappear, right?

2265
02:07:05.748 --> 02:07:07.434
No it doesn't.

2266
02:07:07.440 --> 02:07:09.584
OK, and it either goes back into a

2267
02:07:09.584 --> 02:07:11.956
reservoir or is using the field to irrigate,

2268
02:07:11.960 --> 02:07:12.916
correct?

2269
02:07:12.916 --> 02:07:14.828
Yes, correct.

2270
02:07:14.830 --> 02:07:17.794
No, let's look at these quarterly

2271
02:07:17.794 --> 02:07:19.770
reports from this year.

2272
02:07:19.770 --> 02:07:23.998
Let's start with exhibit A BY 9.

2273
02:07:42.030 --> 02:07:44.010
You see that table there.

2274
02:07:44.010 --> 02:07:45.880
Yes I do. So again,

2275
02:07:45.880 --> 02:07:48.730
this last column marked reservoir,

2276
02:07:48.730 --> 02:07:50.308
Fire Protection, evaporation,

2277
02:07:50.308 --> 02:07:53.895
dust control, hydroelectric. Uhm?

2278
02:07:53.895 --> 02:07:56.898
You guys don't double count, right?

2279
02:07:56.898 --> 02:07:59.610
This water is not.

2280
02:07:59.610 --> 02:08:02.040
He is distinct from the water

2281
02:08:02.040 --> 02:08:04.371
that's used for diversified the

2282
02:08:04.371 --> 02:08:06.904

diversified agricultural column, right?

2283
02:08:06.904 --> 02:08:09.360
These are distinct numbers.

2284
02:08:09.360 --> 02:08:12.376
Yes, and if you ever used this water

2285
02:08:12.376 --> 02:08:14.934
from these reservoirs for diversified

2286
02:08:14.934 --> 02:08:17.794
agriculture in a future month,

2287
02:08:17.800 --> 02:08:19.600
it's going to be reflected in that column,

2288
02:08:19.600 --> 02:08:20.354
correct? Yes.

2289
02:08:20.354 --> 02:08:22.993
And this number that's right hand column

2290
02:08:22.993 --> 02:08:26.124
is a lot bigger than the diversified

2291
02:08:26.124 --> 02:08:28.860
agricultural column, isn't it?

2292
02:08:28.860 --> 02:08:30.900
On this particular report, it is,

2293
02:08:30.900 --> 02:08:33.238
and in fact it's also smaller than

2294
02:08:33.238 --> 02:08:35.817
the figure of the total amount of

2295
02:08:35.817 --> 02:08:38.073
water diverted from East Maui from

2296
02:08:38.143 --> 02:08:40.789
East Maui Water at Hannibal correctly,

2297
02:08:40.790 --> 02:08:43.124
the diversified agricultural

2298
02:08:43.124 --> 02:08:46.597
numbers are much less. Uh,

2299
02:08:46.597 --> 02:08:49.398
could you please restate your question, sure.

2300
02:08:49.398 --> 02:08:52.030
The diversified agricultural column.

2301
02:08:52.030 --> 02:08:54.370
Those numbers which averaged

2302
02:08:54.370 --> 02:08:58.190
3.62 million dollars 3.6.

2303
02:08:58.190 --> 02:09:00.480
3.62 million gallons a day.

2304
02:09:00.480 --> 02:09:03.768
Are significantly less than both the

2305
02:09:03.768 --> 02:09:07.480
amount of water taken from East Maui.

2306
02:09:07.480 --> 02:09:09.888
Has measured on a pole and significantly

2307
02:09:09.888 --> 02:09:12.239
less than the than the amount of

2308
02:09:12.239 --> 02:09:14.255
water in the last column, right?

2309
02:09:14.255 --> 02:09:16.899

On this report it is OK.

2310
02:09:16.899 --> 02:09:19.113
So basically the water in the

2311
02:09:19.113 --> 02:09:20.220
diversified agricultural column

2312
02:09:20.279 --> 02:09:22.205
is not coming from the reservoirs,

2313
02:09:22.210 --> 02:09:24.499
it's coming directly from East Maui streams,

2314
02:09:24.500 --> 02:09:26.230
isn't it in this quarter?

2315
02:09:31.550 --> 02:09:33.580
Yes, I believe so. Alright,

2316
02:09:33.580 --> 02:09:34.690
let's go to the next quarter.

2317
02:10:02.950 --> 02:10:04.240
Exhibit Y10.

2318
02:10:06.900 --> 02:10:12.268
Once again, the water in this last column.

2319
02:10:12.270 --> 02:10:14.415
Is distinct and different from

2320
02:10:14.415 --> 02:10:17.202
the water that was used for

2321
02:10:17.202 --> 02:10:19.426
diversified agriculture in the.

2322
02:10:19.430 --> 02:10:21.250
Second quarter of 2021.

2323
02:10:23.620 --> 02:10:25.875
On this report it is and.

2324
02:10:25.875 --> 02:10:27.950
Except for the water that's

2325
02:10:27.950 --> 02:10:29.610
used for dust control,

2326
02:10:29.610 --> 02:10:31.128
which you haven't done the math

2327
02:10:31.128 --> 02:10:33.474
for us yet none of this water

2328
02:10:33.474 --> 02:10:35.660
was consumed or used, correct?

2329
02:10:41.060 --> 02:10:42.280
You're talking about the

2330
02:10:42.280 --> 02:10:45.040
last column, correct?

2331
02:10:45.040 --> 02:10:48.355
Oh there was a significant amount of that.

2332
02:10:48.360 --> 02:10:51.950
Went to groundwater recharge. Alright.

2333
02:10:51.950 --> 02:10:54.350
I'm sure a significant amount did.

2334
02:10:54.350 --> 02:10:57.500
Actually, let me ask you about that.

2335
02:10:57.500 --> 02:11:01.674
Uhm? Does the offer for underneath my

2336
02:11:01.674 --> 02:11:04.202

opponents field capture 100% of the water?

2337
02:11:04.202 --> 02:11:06.562
Is is awful for more like a

2338
02:11:06.562 --> 02:11:08.416
cup or a calendar or sieve?

2339
02:11:10.860 --> 02:11:14.667
Are not a hydrologist, nor am I a geologist.

2340
02:11:14.670 --> 02:11:16.722
I would not give him so you don't know

2341
02:11:16.722 --> 02:11:18.790
actually if 100% of the water that is

2342
02:11:18.790 --> 02:11:20.981
seeps into the ground is actually retained

2343
02:11:20.981 --> 02:11:23.661
in the aquifer for use by my Pono.

2344
02:11:23.670 --> 02:11:25.722
Some of that could percolate into

2345
02:11:25.722 --> 02:11:27.652
other areas, including the ocean,

2346
02:11:27.652 --> 02:11:31.658
or who knows where you have no idea.

2347
02:11:31.660 --> 02:11:38.130
That's correct. Alright. So, uhm.

2348
02:11:38.130 --> 02:11:40.244
Again, more water is in this last

2349
02:11:40.244 --> 02:11:42.341
column than the water that was

2350
02:11:42.341 --> 02:11:43.845
used for diversified agriculture

2351
02:11:43.845 --> 02:11:46.090
in the second quarter, correct?

2352
02:11:49.120 --> 02:11:50.848
In two of the three months on this

2353
02:11:50.848 --> 02:11:53.330
report, yes, that's correct. OK.

2354
02:11:56.570 --> 02:11:57.610
No.

2355
02:12:01.170 --> 02:12:03.198
Let's go to.

2356
02:12:10.230 --> 02:12:15.180
Your folks exhibit. X13.

2357
02:12:29.750 --> 02:12:32.249
Can you see exhibit X13 up there

2358
02:12:32.249 --> 02:12:36.090
on your screen? Yes I can. OK, so.

2359
02:12:38.350 --> 02:12:42.337
This is a a chart you folks put together

2360
02:12:42.337 --> 02:12:46.391
and the you've broken down the last

2361
02:12:46.391 --> 02:12:49.340
column into two categories here,

2362
02:12:49.340 --> 02:12:52.340
but together they constitute a lot of water.

2363
02:12:52.340 --> 02:12:55.700

Now let's go to the the.

2364
02:12:55.700 --> 02:12:58.444
Uh, the time frame.

2365
02:12:58.444 --> 02:13:01.300
August, September of this sorry July,

2366
02:13:01.300 --> 02:13:02.464
August, September, October,

2367
02:13:02.464 --> 02:13:05.630
which is the third quarter plus a month.

2368
02:13:05.630 --> 02:13:08.936
Now this chart is a little bit

2369
02:13:08.936 --> 02:13:10.317
more confusing than the charts

2370
02:13:10.317 --> 02:13:11.947
that you've put together before,

2371
02:13:11.950 --> 02:13:14.074
because this includes groundwater

2372
02:13:14.074 --> 02:13:16.754
that was pumped as well as the

2373
02:13:16.754 --> 02:13:18.990
water you get in from the streams.

2374
02:13:21.150 --> 02:13:23.080
Further West of Haniko right?

2375
02:13:26.650 --> 02:13:28.335
Could you restate your question, please?

2376
02:13:28.335 --> 02:13:30.260
Sure, this chart is a little bit

2377
02:13:30.260 --> 02:13:31.720
different than the other charts.

2378
02:13:31.720 --> 02:13:33.785
My Pono and you might have produced

2379
02:13:33.785 --> 02:13:35.100
an ambient produced so far.

2380
02:13:35.100 --> 02:13:38.360
Because this chart includes account,

2381
02:13:38.360 --> 02:13:41.440
the third column move my cursor there.

2382
02:13:41.440 --> 02:13:43.050
E Maui surface water gained

2383
02:13:43.050 --> 02:13:44.722
from area between Hana, Poland,

2384
02:13:44.722 --> 02:13:47.014
Maliko Gulch and the next column.

2385
02:13:47.020 --> 02:13:49.790
Groundwater pumped in farm those.

2386
02:13:49.790 --> 02:13:52.100
Those figures are included in this chart.

2387
02:13:52.100 --> 02:13:54.160
Unlike the previous charts, right?

2388
02:13:54.160 --> 02:13:56.519
Yes. So when we look at how

2389
02:13:56.519 --> 02:13:58.339
much water was not used,

2390
02:13:58.340 --> 02:14:00.940

which is reflected in this last two columns,

2391
02:14:00.940 --> 02:14:03.615
that includes not only the

2392
02:14:03.615 --> 02:14:06.290
water from East Maui streams,

2393
02:14:06.290 --> 02:14:09.468
but it also includes the water from.

2394
02:14:09.470 --> 02:14:11.235
Between Hunter Pond Malika Gorge

2395
02:14:11.235 --> 02:14:13.000
and grab pump groundwater right.

2396
02:14:18.640 --> 02:14:21.752
I believe so. And.

2397
02:14:21.752 --> 02:14:24.210
Uhm, I mean I don't know water,

2398
02:14:24.210 --> 02:14:26.142
I guess. Water like money is

2399
02:14:26.142 --> 02:14:27.430
fungible in some respect,

2400
02:14:27.430 --> 02:14:30.478
but this is nevertheless.

2401
02:14:30.480 --> 02:14:36.420
In July, August, September and October,

2402
02:14:36.420 --> 02:14:39.815
if you look at these two columns.

2403
02:14:39.820 --> 02:14:41.854
There was still.

2404
02:14:41.854 --> 02:14:45.244
A significant amount of water.

2405
02:14:45.250 --> 02:14:47.320
That was not used right?

2406
02:14:49.990 --> 02:14:52.180
It was not immediately used.

2407
02:14:52.180 --> 02:14:54.628
Alright. No further questions.

2408
02:15:01.510 --> 02:15:07.250
Andy. No further questions not emailing.

2409
02:15:07.250 --> 02:15:09.260
No further questions. Thank you.

2410
02:15:09.260 --> 02:15:12.220
OK Mr Bot, thank you very much for

2411
02:15:12.220 --> 02:15:14.730
your time and testimony today.

2412
02:15:14.730 --> 02:15:18.230
Uh, we are done with your testimony.

2413
02:15:18.230 --> 02:15:20.792
Thank you, Cherokee free to stay

2414
02:15:20.792 --> 02:15:23.832
or come or go. If you stay,

2415
02:15:23.832 --> 02:15:28.202
please turn off your video and audio.

2416
02:15:28.202 --> 02:15:31.890
We have next Mr Grant and the comma.

2417
02:15:31.890 --> 02:15:33.540

Why don't we take a 5

2418
02:15:33.540 --> 02:15:34.924
minute break and then what?

2419
02:15:34.924 --> 02:15:35.758
I'm missing comma?

2420
02:23:50.080 --> 02:23:52.075
OK, we're going to start up again.

2421
02:23:52.080 --> 02:23:53.952
Make sure everybody's here.

2422
02:23:53.952 --> 02:23:58.450
It's 11:32 AM December 8. Uhm?

2423
02:24:01.590 --> 02:24:02.910
Three attorneys comma.

2424
02:24:02.910 --> 02:24:06.498
OK Mr Nakama is also called by both

2425
02:24:06.498 --> 02:24:09.410
NBA and Sierra Club so Sierra Club.

2426
02:24:09.410 --> 02:24:11.937
Do you want to start this time?

2427
02:24:11.940 --> 02:24:14.341
No, I think I don't think he's

2428
02:24:14.341 --> 02:24:16.798
gonna have very much first direct.

2429
02:24:16.800 --> 02:24:17.680
It can be quick.

2430
02:24:19.850 --> 02:24:22.058
Indeed, do you want to start?

2431
02:24:22.060 --> 02:24:23.596
I I would like to start.

2432
02:24:23.600 --> 02:24:26.006
Should we have the witness warning?

2433
02:24:26.010 --> 02:24:29.034
Yes, please let me get Linda Chow here.

2434
02:24:29.040 --> 02:24:29.840
Hang on a second.

2435
02:24:38.310 --> 02:24:40.760
Hey Mr Nakoma, do you swear to

2436
02:24:40.760 --> 02:24:43.010
someone swear to tell the truth?

2437
02:24:43.010 --> 02:24:45.586
The whole truth and nothing but the truth?

2438
02:24:45.590 --> 02:24:49.950
I do. Right? Thank you, thank you.

2439
02:24:53.000 --> 02:24:57.845
Thank you is a Kogi for in

2440
02:24:57.845 --> 02:25:00.217
BMI starting thank you.

2441
02:25:00.220 --> 02:25:02.350
Thank you chair kids good morning,

2442
02:25:02.350 --> 02:25:04.288
Mr Nakoma, could you state your

2443
02:25:04.288 --> 02:25:06.090
name for the record please?

2444
02:25:06.090 --> 02:25:07.233

Sure, good morning.

2445
02:25:07.233 --> 02:25:09.138
Trisha Czerkies and everyone on

2446
02:25:09.138 --> 02:25:11.342
the Call My Name is Grant now

2447
02:25:11.342 --> 02:25:13.280
comma and what is your title?

2448
02:25:13.280 --> 02:25:15.360
VP of Operations for Marketplace?

2449
02:25:17.490 --> 02:25:20.226
How's the weather on Maui today?

2450
02:25:20.230 --> 02:25:23.534
Much better than the last couple of days.

2451
02:25:23.540 --> 02:25:25.580
That's good, although we could have.

2452
02:25:25.580 --> 02:25:26.516
We used the water.

2453
02:25:26.516 --> 02:25:28.216
It was like, yeah, it was a nice ring,

2454
02:25:28.220 --> 02:25:33.210
but happy that it's past us. That's good.

2455
02:25:33.210 --> 02:25:35.890
So Mr now comma you had submitted 2

2456
02:25:35.890 --> 02:25:38.074
declarations in connection with this

2457
02:25:38.074 --> 02:25:40.426
contested case hearing, correct?

2458
02:25:40.426 --> 02:25:44.348
That's correct, and your declarations come.

2459
02:25:44.348 --> 02:25:48.140
Do you have any at this time?

2460
02:25:48.140 --> 02:25:50.036
Do you have any changes to the testimony

2461
02:25:50.036 --> 02:25:51.870
that you made in those declarations?

2462
02:25:51.870 --> 02:25:56.422
No, I do not. OK. I will tender the

2463
02:25:56.422 --> 02:25:59.170
witness to whoever is going next.

2464
02:25:59.170 --> 02:26:00.554
K County of Maui.

2465
02:26:00.554 --> 02:26:03.100
I have no questions at this time.

2466
02:26:03.100 --> 02:26:05.890
Thank you right Sierra Club.

2467
02:26:05.890 --> 02:26:06.706
Good morning, Mr.

2468
02:26:06.706 --> 02:26:07.794
Nick comma good morning.

2469
02:26:07.800 --> 02:26:09.182
Mr Franklin.

2470
02:26:09.182 --> 02:26:13.860
Uhm, did you help prepare exhibit X-8?

2471
02:26:13.860 --> 02:26:15.980

Just to be clear,

2472
02:26:15.980 --> 02:26:18.465
can that be put up on the

2473
02:26:18.465 --> 02:26:19.860
screen so I can't do that?

2474
02:26:25.570 --> 02:26:26.558
You see that there.

2475
02:26:29.000 --> 02:26:31.250
Does it need to be bigger?

2476
02:26:31.250 --> 02:26:34.910
Yes, I did help prepare that alright.

2477
02:26:34.910 --> 02:26:37.470
And is it accurate?

2478
02:26:37.470 --> 02:26:39.690
To my knowledge, yes it is.

2479
02:26:39.690 --> 02:26:41.755
Trying to go through this line by

2480
02:26:41.755 --> 02:26:43.300
line starting with eight C&D and

2481
02:26:45.790 --> 02:26:47.925
I want to get an idea from

2482
02:26:47.925 --> 02:26:49.889
you where this operation is,

2483
02:26:49.890 --> 02:26:51.671
so I'm going to bring up temporarily

2484
02:26:51.671 --> 02:26:55.056
going to bring up another exhibit Y 64,

2485
02:26:55.056 --> 02:26:57.800
and then we'll come back to this.

2486
02:26:57.800 --> 02:27:01.904
OK, let's see if I can do this.

2487
02:27:01.910 --> 02:27:04.658
Uh, I guess I have to.

2488
02:27:04.660 --> 02:27:10.348
Stop sharing and then. We share.

2489
02:27:10.350 --> 02:27:15.772
Here we go up. Oh have you?

2490
02:27:15.772 --> 02:27:21.138
Seen this a diagram before.

2491
02:27:21.140 --> 02:27:24.248
I have and. Is there anything that

2492
02:27:24.248 --> 02:27:27.189
you know that's inaccurate about?

2493
02:27:27.190 --> 02:27:29.522
Not to my knowledge, no OK?

2494
02:27:29.522 --> 02:27:32.482
Can you show us approximately

2495
02:27:32.482 --> 02:27:35.620
where there's 8C and D and,

2496
02:27:35.620 --> 02:27:40.060
UM, Maui paving our UM?

2497
02:27:40.060 --> 02:27:45.168
On this. Diagram. You know,

2498
02:27:45.168 --> 02:27:47.674

as far as placing it on this diagram, that's.

2499
02:27:47.674 --> 02:27:50.500
Not something I would be able to do I.

2500
02:27:50.500 --> 02:27:53.076
I don't have enough knowledge of this diagram

2501
02:27:53.076 --> 02:27:55.248
to place it to this particular drawing.

2502
02:27:55.248 --> 02:27:58.299
Do you think it's just above the haiku ditch?

2503
02:27:58.300 --> 02:28:00.716
I wouldn't be able to say with that.

2504
02:28:00.720 --> 02:28:02.477
I wouldn't be able to say so.

2505
02:28:02.480 --> 02:28:05.240
You don't know if 18 BMI paving or

2506
02:28:05.240 --> 02:28:07.260
Malcolm Mackay, the Haiku ditch.

2507
02:28:07.260 --> 02:28:09.188
I do not know.

2508
02:28:09.190 --> 02:28:12.278
So you don't really know where they operate.

2509
02:28:12.280 --> 02:28:14.404
I know geographically where they operate, but

2510
02:28:14.404 --> 02:28:16.510
not in relation to any of the four dishes.

2511
02:28:16.510 --> 02:28:17.815
That's correct, OK,

2512
02:28:17.815 --> 02:28:19.990
where geographically do they operate?

2513
02:28:19.990 --> 02:28:22.870
It's India is located.

2514
02:28:22.870 --> 02:28:27.430
Between Palermo Road and Holly away.

2515
02:28:27.430 --> 02:28:27.747
OK,

2516
02:28:27.747 --> 02:28:30.600
so in this diagram here we can see political

2517
02:28:30.669 --> 02:28:33.378
role here and Holly Alcala highway there,

2518
02:28:33.380 --> 02:28:36.308
so it's somewhere between these two.

2519
02:28:36.310 --> 02:28:37.678
Roads and roads, right?

2520
02:28:37.678 --> 02:28:39.388
That's what I would assume.

2521
02:28:39.390 --> 02:28:40.025
Yes,

2522
02:28:40.025 --> 02:28:40.660
OK.

2523
02:28:43.420 --> 02:28:44.806
Alright, that's good enough for now.

2524
02:28:44.810 --> 02:28:45.797
Let's stop sharing.

2525
02:28:45.797 --> 02:28:48.510

We might need to come back to this.

2526
02:28:48.510 --> 02:28:50.176
Let's go back to the other one.

2527
02:28:53.020 --> 02:28:58.659
OK, uhm. Whoops, wrong one.

2528
02:29:06.030 --> 02:29:10.070
Ah, it's not working. Close this out.

2529
02:29:20.070 --> 02:29:24.790
Alright, do you see your table X8?

2530
02:29:24.790 --> 02:29:29.606
I do I do so? How do hate C&D

2531
02:29:29.606 --> 02:29:32.560
and Maui paving fight fires?

2532
02:29:37.710 --> 02:29:41.630
You know, I think what 8 Sandy uses.

2533
02:29:41.630 --> 02:29:43.874
The water for is to charge

2534
02:29:43.874 --> 02:29:45.370
their fire fire suppression

2535
02:29:45.444 --> 02:29:48.740
system so they don't, you know.

2536
02:29:48.740 --> 02:29:50.978
It's not something that's actively charged.

2537
02:29:50.980 --> 02:29:53.518
It's a system that takes water

2538
02:29:53.518 --> 02:29:55.476
from the ditch, stores it,

2539
02:29:55.476 --> 02:29:57.877
and then stores it for future use.

2540
02:29:57.880 --> 02:29:59.800
In the event of a fire.

2541
02:29:59.800 --> 02:30:02.614
So do they have a fire hydrant?

2542
02:30:02.620 --> 02:30:03.848
I'm not exactly sure.

2543
02:30:06.920 --> 02:30:09.488
Uhm, here's the water under pressure.

2544
02:30:11.820 --> 02:30:16.048
I don't have. Specific knowledge of HMDS.

2545
02:30:18.200 --> 02:30:19.616
Fire suppression setup.

2546
02:30:19.616 --> 02:30:22.760
So I I wouldn't know you don't know

2547
02:30:22.760 --> 02:30:25.990
where the water is stored, Nope.

2548
02:30:25.990 --> 02:30:31.500
Uhm, you know the capacity of the, UM?

2549
02:30:31.500 --> 02:30:34.116
Do you know what the capacity

2550
02:30:34.116 --> 02:30:36.535
of the 702 cistern is?

2551
02:30:36.535 --> 02:30:41.280
No, I do not. Do you know if the?

2552
02:30:41.280 --> 02:30:43.548

If it's a covered cement sister.

2553
02:30:45.700 --> 02:30:48.436
No, I do not. Do you know how

2554
02:30:48.436 --> 02:30:50.940
much water is used to play it

2555
02:30:50.940 --> 02:30:53.985
C&D and my paving to fight fires?

2556
02:30:53.990 --> 02:30:57.078
No, I do not. You know how often

2557
02:30:57.078 --> 02:30:59.030
there's fires in this area.

2558
02:30:59.030 --> 02:31:02.950
Uh, well I can't answer within the last.

2559
02:31:02.950 --> 02:31:04.620
Three years there's been two

2560
02:31:04.620 --> 02:31:06.290
brush fires in the area.

2561
02:31:06.290 --> 02:31:08.684
If there's been other fires besides those,

2562
02:31:08.690 --> 02:31:11.336
uhm, I wouldn't know a bottle.

2563
02:31:11.340 --> 02:31:15.030
So these two brush fires were in the direct

2564
02:31:15.030 --> 02:31:18.738
vicinity of where 8C MDMLE paving are.

2565
02:31:18.740 --> 02:31:21.246
They approached their premises but I don't

2566
02:31:21.246 --> 02:31:23.850
know exactly how close they came to them.

2567
02:31:23.850 --> 02:31:26.167
Did Andy and my paving activate and

2568
02:31:26.167 --> 02:31:28.518
use any water to fight that fire?

2569
02:31:28.520 --> 02:31:31.378
I'm not sure what's that, not sure.

2570
02:31:31.378 --> 02:31:34.970
OK, how much water does HCD actually use?

2571
02:31:34.970 --> 02:31:37.298
Daily or monthly?

2572
02:31:37.300 --> 02:31:38.468
It's Cindy.

2573
02:31:38.468 --> 02:31:40.220
Yeah, not sure.

2574
02:31:42.440 --> 02:31:46.104
When did it stop using water for its

2575
02:31:46.104 --> 02:31:50.480
restrooms and its operations? Not sure.

2576
02:31:50.480 --> 02:31:52.573
Really, you say you have an asterisk

2577
02:31:52.573 --> 02:31:55.129
there at the very bottom of your chart.

2578
02:31:55.130 --> 02:31:57.139
HC DLC is no longer using water

2579
02:31:57.139 --> 02:31:58.876

diverted from the revocable permit

2580
02:31:58.876 --> 02:32:01.300
areas for its restrooms or operations.

2581
02:32:01.300 --> 02:32:02.917
You put that in there so you

2582
02:32:02.917 --> 02:32:04.578
have no idea when it stopped.

2583
02:32:04.580 --> 02:32:08.332
I mean, I contributed to this exhibit I.

2584
02:32:08.332 --> 02:32:13.050
Don't claim sole authorship of it, but.

2585
02:32:13.050 --> 02:32:14.736
You know, I know that they

2586
02:32:14.736 --> 02:32:15.579
recently stopped using.

2587
02:32:17.650 --> 02:32:19.700
Stream water for those purposes,

2588
02:32:19.700 --> 02:32:21.968
I don't know exactly what date or

2589
02:32:21.968 --> 02:32:25.880
month was a 2021, I believe so.

2590
02:32:25.880 --> 02:32:27.060
And who helped who help?

2591
02:32:27.060 --> 02:32:28.439
Who else helped you do this chart?

2592
02:32:30.860 --> 02:32:32.204
You know, I think a lot of

2593
02:32:32.204 --> 02:32:33.279
people contribute to this chart.

2594
02:32:33.280 --> 02:32:35.254
I think it was originally the

2595
02:32:35.254 --> 02:32:37.269
original version of this chart was

2596
02:32:37.269 --> 02:32:39.183
something that was done by each.

2597
02:32:41.580 --> 02:32:42.030
SNB

2598
02:32:44.670 --> 02:32:46.668
you know our legal counsel helped

2599
02:32:46.668 --> 02:32:48.440
us put together this chart.

2600
02:32:48.440 --> 02:32:51.152
The farm team helped us put

2601
02:32:51.152 --> 02:32:53.830
together this shark mark included,

2602
02:32:53.830 --> 02:32:55.798
so there are multiple people who

2603
02:32:55.798 --> 02:32:57.520
helped put together this chart.

2604
02:32:57.520 --> 02:32:59.608
Yeah, I would like to know the names

2605
02:32:59.608 --> 02:33:01.329
of people other than Mark Wah,

2606
02:33:01.330 --> 02:33:02.143

who you named.

2607
02:33:02.143 --> 02:33:04.040
Who else helped put together this chart.

2608
02:33:07.330 --> 02:33:09.445
Well, Jason Watts, our project

2609
02:33:09.445 --> 02:33:11.560
manager has taken over reporting

2610
02:33:11.627 --> 02:33:13.437
quarterly so he would help.

2611
02:33:15.600 --> 02:33:19.737
Put together in this chart going forward

2612
02:33:19.737 --> 02:33:22.370
from. You know, earlier this year for

2613
02:33:22.370 --> 02:33:24.357
the quarterly reports from other than

2614
02:33:24.357 --> 02:33:26.605
that you know I cannot answer for who

2615
02:33:26.673 --> 02:33:28.665
originally put it together at CNS,

2616
02:33:28.670 --> 02:33:33.308
but. It was very similar.

2617
02:33:33.310 --> 02:33:36.990
When it was used back then. OK, uhm.

2618
02:33:39.030 --> 02:33:40.280
Why did it seem D?

2619
02:33:40.280 --> 02:33:43.976
Stop using water for me smelly streams.

2620
02:33:43.980 --> 02:33:46.388
I think the primary reason is that they

2621
02:33:46.388 --> 02:33:48.708
were able to develop their own well,

2622
02:33:48.708 --> 02:33:50.236
which allowed them to,

2623
02:33:50.240 --> 02:33:53.040
you know, disconnect from.

2624
02:33:53.040 --> 02:33:55.168
The surface water system.

2625
02:33:55.168 --> 02:33:57.548
How long did that take?

2626
02:33:57.550 --> 02:34:00.538
And I honestly I'm not sure.

2627
02:34:00.540 --> 02:34:01.424
More than a year,

2628
02:34:01.424 --> 02:34:03.062
I want to see I almost want

2629
02:34:03.062 --> 02:34:04.580
to say more than two years,

2630
02:34:04.580 --> 02:34:06.968
but safely more than a year.

2631
02:34:09.650 --> 02:34:13.660
So as of today. Only need three small

2632
02:34:13.660 --> 02:34:15.750
extreme waters for fire suppression, right?

2633
02:34:19.620 --> 02:34:22.728

That's correct. OK, uhm. And it only

2634
02:34:22.728 --> 02:34:25.888
uses the water when there's a fire.

2635
02:34:29.170 --> 02:34:32.899
That's correct. Uhm?

2636
02:34:32.900 --> 02:34:34.818
So if it's no longer using water,

2637
02:34:34.820 --> 02:34:35.948
force operations,

2638
02:34:35.948 --> 02:34:39.896
shouldn't water use in this entire category?

2639
02:34:39.900 --> 02:34:43.110
Could have gone down in 2021.

2640
02:34:43.110 --> 02:34:45.708
You know, I think the recency

2641
02:34:45.708 --> 02:34:47.440
of their well development.

2642
02:34:47.440 --> 02:34:49.620
Who was, you know?

2643
02:34:49.620 --> 02:34:51.340
It was very recent,

2644
02:34:51.340 --> 02:34:54.475
I think in the future this chart

2645
02:34:54.475 --> 02:34:57.681
will be adjusted as well as the

2646
02:34:57.681 --> 02:35:00.660
number that we've been reporting.

2647
02:35:00.660 --> 02:35:04.236
Based on each Cindy's use of its well,

2648
02:35:04.240 --> 02:35:05.878
it's metered use of the well,

2649
02:35:05.880 --> 02:35:07.458
so that number would be adjusted.

2650
02:35:07.460 --> 02:35:09.998
Once we know how much water

2651
02:35:09.998 --> 02:35:11.690
is indeed typically uses.

2652
02:35:11.690 --> 02:35:13.350
As part of its operation.

2653
02:35:13.350 --> 02:35:14.450
OK, so I'm confused now.

2654
02:35:14.450 --> 02:35:16.438
You just said it was very recently,

2655
02:35:16.440 --> 02:35:18.162
but you also said you didn't

2656
02:35:18.162 --> 02:35:19.310
know when it happened.

2657
02:35:19.310 --> 02:35:22.446
So are you telling me that they stop

2658
02:35:22.446 --> 02:35:26.718
using East, now extreme water in?

2659
02:35:26.720 --> 02:35:28.880
November of this year.

2660
02:35:28.880 --> 02:35:30.500

October this year,

2661
02:35:30.500 --> 02:35:34.180
September of this year, when.

2662
02:35:34.180 --> 02:35:36.300
And I I don't think I've ever said

2663
02:35:36.300 --> 02:35:38.582
what month, but it's very recent.

2664
02:35:38.582 --> 02:35:40.824
Within the quarter last three months.

2665
02:35:40.824 --> 02:35:42.980
So we did the last three months.

2666
02:35:42.980 --> 02:35:43.664
But you know,

2667
02:35:43.664 --> 02:35:45.032
when within the last three months,

2668
02:35:45.040 --> 02:35:46.760
no, I do not.

2669
02:35:46.760 --> 02:35:47.190
K.

2670
02:35:49.820 --> 02:35:52.319
Is the name Jim or James and

2671
02:35:52.319 --> 02:35:54.260
me familiar to you? James

2672
02:35:56.980 --> 02:35:58.770
it rings a bell. Yes,

2673
02:35:58.770 --> 02:36:02.250
I'm out of names, but yes.

2674
02:36:02.250 --> 02:36:03.798
See if we can bring up

2675
02:36:03.798 --> 02:36:05.180
this other exhibit.

2676
02:36:34.000 --> 02:36:35.770
Clear can you see this?

2677
02:36:35.770 --> 02:36:38.194
Let this letter that's on Ashford

2678
02:36:38.194 --> 02:36:39.810
and Wriston a letterhead?

2679
02:36:39.810 --> 02:36:44.008
Do you see that? Yes, I do OK.

2680
02:36:44.010 --> 02:36:46.338
And have you ever seen this letter before?

2681
02:36:46.340 --> 02:36:48.944
Would you please identify the exhibit number?

2682
02:36:48.950 --> 02:36:53.560
Sorry it's thank you, it's Y-15.

2683
02:36:53.560 --> 02:36:56.787
Uhm, have you seen this letter before?

2684
02:36:56.790 --> 02:36:59.730
Not entirely certain.

2685
02:36:59.730 --> 02:37:01.500
Well, this Mr Mr Me.

2686
02:37:01.500 --> 02:37:02.235
I don't know if you know this,

2687
02:37:02.240 --> 02:37:04.816

but he died about two months ago.

2688
02:37:04.820 --> 02:37:08.070
Sorry to hear that Yahoo.

2689
02:37:08.070 --> 02:37:10.338
He says I've had the opportunity

2690
02:37:10.338 --> 02:37:11.850
to discuss this letter.

2691
02:37:11.850 --> 02:37:14.706
And its contents with our client.

2692
02:37:14.710 --> 02:37:16.495
And it is authorized me to provide

2693
02:37:16.495 --> 02:37:18.350
you with the following response.

2694
02:37:18.350 --> 02:37:19.040
You see that.

2695
02:37:21.090 --> 02:37:23.764
Could I need to make it bigger?

2696
02:37:23.770 --> 02:37:29.160
I see it. OK, no let's go down. He says.

2697
02:37:31.210 --> 02:37:33.426
HC&T has historically obtained

2698
02:37:33.426 --> 02:37:36.750
water from a pipeline that supplied

2699
02:37:36.842 --> 02:37:39.698
the former HC and S Meland ******.

2700
02:37:39.700 --> 02:37:42.416
And uses this water for its quarry

2701
02:37:42.416 --> 02:37:44.040
and concrete batching operations

2702
02:37:44.040 --> 02:37:46.356
on land and leases from AMB.

2703
02:37:46.360 --> 02:37:51.750
On average, eight CD users from 200,000

2704
02:37:51.750 --> 02:37:56.092
to 250,000 gallons per day for its

2705
02:37:56.092 --> 02:37:58.328
concrete batching operations, and.

2706
02:37:58.328 --> 02:38:00.332
Approximately 50,000 gallons

2707
02:38:00.332 --> 02:38:04.077
per day for dust control. So.

2708
02:38:04.077 --> 02:38:07.253
Does that tell you now you just said

2709
02:38:07.253 --> 02:38:10.715
that HCD has stopped using E Maui Stream

2710
02:38:10.715 --> 02:38:14.815
water and is using water pumps from as well.

2711
02:38:14.820 --> 02:38:18.579
Doesn't this tell you that HCD is

2712
02:38:18.579 --> 02:38:22.964
using 300 at least 300,000 or sorry

2713
02:38:22.964 --> 02:38:26.164
at least 250,000 gallons less and

2714
02:38:26.164 --> 02:38:28.084

potentially 300,000 gallons less

2715
02:38:28.084 --> 02:38:30.832
than it was in previous years?

2716
02:38:30.840 --> 02:38:32.776
You know, I wouldn't be able to say,

2717
02:38:32.780 --> 02:38:36.180
but if I had to take it at face value it,

2718
02:38:36.180 --> 02:38:37.624
it's an average number,

2719
02:38:37.624 --> 02:38:40.678
so it's not a you know higher low,

2720
02:38:40.678 --> 02:38:41.325
but yes,

2721
02:38:41.325 --> 02:38:43.285
that would appear to be the case and

2722
02:38:43.285 --> 02:38:45.375
he says he was representing my hip.

2723
02:38:45.380 --> 02:38:48.060
Oh no, and consulted with you folks before

2724
02:38:48.060 --> 02:38:50.379
sending this letter to William Wynhoff,

2725
02:38:50.380 --> 02:38:51.811
deputy Attorney General,

2726
02:38:51.811 --> 02:38:54.196
former deputy Attorney General Dylan.

2727
02:38:54.200 --> 02:38:55.754
So you have no reason to disagree

2728
02:38:55.754 --> 02:38:56.948
with this information, right?

2729
02:38:56.948 --> 02:38:59.060
I do not know,

2730
02:38:59.060 --> 02:38:59.500
alright?

2731
02:39:03.690 --> 02:39:06.400
So technically.

2732
02:39:06.400 --> 02:39:09.060
In your category of historic industrial use,

2733
02:39:09.060 --> 02:39:11.400
that's what you call it.

2734
02:39:11.400 --> 02:39:14.510
Your uses should have decreased

2735
02:39:14.510 --> 02:39:17.072
by at least 250,000 gallons,

2736
02:39:17.072 --> 02:39:20.160
which is 1/4 for a million gallons per day.

2737
02:39:20.160 --> 02:39:23.980
Since 8C and D got off the East Maui Stream,

2738
02:39:23.980 --> 02:39:26.990
water correct. You know,

2739
02:39:26.990 --> 02:39:29.850
I think if you take this at face value,

2740
02:39:29.850 --> 02:39:31.842
that's something that could

2741
02:39:31.842 --> 02:39:33.669

be a reasonable assumption,

2742
02:39:33.669 --> 02:39:37.221
but I think that you know our plan

2743
02:39:37.221 --> 02:39:39.748
to wait until 8C and D provides

2744
02:39:39.748 --> 02:39:42.118
us with metered water data.

2745
02:39:42.120 --> 02:39:44.444
Would be a more prudent way to

2746
02:39:44.444 --> 02:39:46.259
more accurately adjust that number.

2747
02:39:46.260 --> 02:39:48.018
More prudent for the streams or

2748
02:39:48.018 --> 02:39:49.830
more prudent for my opponents.

2749
02:39:49.830 --> 02:39:50.466
Bottom line,

2750
02:39:50.466 --> 02:39:52.374
more prudent in the sake of

2751
02:39:52.374 --> 02:39:54.120
being an accurate number.

2752
02:39:54.120 --> 02:39:59.929
I see alright. Let's stop that.

2753
02:39:59.930 --> 02:40:02.436
No, let's go back if we can.

2754
02:40:07.280 --> 02:40:09.877
2X8. See if we can do this.

2755
02:40:15.370 --> 02:40:17.066
OK, do you see we're back at X8?

2756
02:40:17.070 --> 02:40:19.065
Do you see that I see it?

2757
02:40:19.070 --> 02:40:20.426
I'm going to skip a line.

2758
02:40:20.430 --> 02:40:21.530
Will come back to it.

2759
02:40:21.530 --> 02:40:24.178
Talk about 8 CNS.

2760
02:40:24.180 --> 02:40:25.836
Or the fire suppression

2761
02:40:25.836 --> 02:40:28.320
activities for the ACMS mill area,

2762
02:40:28.320 --> 02:40:32.016
any different than those for hcde.

2763
02:40:32.020 --> 02:40:34.240
I don't know.

2764
02:40:34.240 --> 02:40:37.270
It's in the same general area.

2765
02:40:37.270 --> 02:40:41.383
Uh, within I would say a 2 mile radius,

2766
02:40:41.390 --> 02:40:42.218
give or take.

2767
02:40:44.340 --> 02:40:46.212
And where does the water go

2768
02:40:46.212 --> 02:40:48.030

every day that there's no fire?

2769
02:40:48.030 --> 02:40:49.845
It, I believe,

2770
02:40:49.845 --> 02:40:52.870
stays in a storage system.

2771
02:40:52.870 --> 02:40:55.278
Is that the sister in 702 sister?

2772
02:40:55.280 --> 02:40:56.078
I'm not sure.

2773
02:40:58.830 --> 02:41:03.198
Well, you've you've put in your chart.

2774
02:41:03.200 --> 02:41:05.020
702 Sister, So what does that mean?

2775
02:41:05.020 --> 02:41:07.138
What is 702 sister? You know.

2776
02:41:07.140 --> 02:41:09.948
Again, this is not my chart.

2777
02:41:09.950 --> 02:41:11.696
There's others who contributed to it,

2778
02:41:11.700 --> 02:41:14.756
so I would defer to someone who has.

2779
02:41:14.760 --> 02:41:16.872
More knowledge of what exactly a

2780
02:41:16.872 --> 02:41:19.299
cistern or seven or two sister is,

2781
02:41:19.300 --> 02:41:19.978
or refers to.

2782
02:41:19.978 --> 02:41:21.560
OK, so you guys have the burden

2783
02:41:21.619 --> 02:41:22.879
of proof of this hearing.

2784
02:41:22.880 --> 02:41:25.050
You guys called the witnesses you do.

2785
02:41:25.050 --> 02:41:26.574
Is there anybody who you know

2786
02:41:26.574 --> 02:41:28.340
who's a witness in this hearing?

2787
02:41:28.340 --> 02:41:30.068
Who can answer this question better than you?

2788
02:41:32.460 --> 02:41:34.550
Oh, let's see Mark fog.

2789
02:41:34.550 --> 02:41:36.214
With no problem with the seven or two,

2790
02:41:36.220 --> 02:41:38.986
cistern is well hearings Officer case.

2791
02:41:38.990 --> 02:41:42.000
We may have to call him back, so uhm.

2792
02:41:45.700 --> 02:41:46.978
You don't know where the water

2793
02:41:46.978 --> 02:41:48.568
goes every day. There's no fire.

2794
02:41:50.840 --> 02:41:53.700
No, I do not, and you don't know how much

2795
02:41:53.700 --> 02:41:56.960

is actually used by 18 S on a daily basis.

2796
02:41:56.960 --> 02:42:01.276
No, I do not. OK, let's go back up.

2797
02:42:01.276 --> 02:42:02.848
Not anymore energy.

2798
02:42:02.850 --> 02:42:04.430
What is energy actually used?

2799
02:42:04.430 --> 02:42:06.779
Daily or monthly?

2800
02:42:06.780 --> 02:42:08.990
Also unsure of that number.

2801
02:42:08.990 --> 02:42:10.670
Do you charge them for water?

2802
02:42:10.670 --> 02:42:15.609
No we don't. K newly French.

2803
02:42:15.610 --> 02:42:17.536
How much water does newly France

2804
02:42:17.536 --> 02:42:19.360
actually use daily or monthly?

2805
02:42:19.360 --> 02:42:22.976
Unsure. Do you charge them for water?

2806
02:42:22.980 --> 02:42:25.568
Not to my knowledge.

2807
02:42:25.570 --> 02:42:29.150
Maui demolition and construction.

2808
02:42:29.150 --> 02:42:32.360
Uh, it says source of

2809
02:42:32.360 --> 02:42:34.928
delivery points reservoir 91.

2810
02:42:34.930 --> 02:42:36.590
You see that I do.

2811
02:42:36.590 --> 02:42:39.536
I do you think that's accurate?

2812
02:42:39.540 --> 02:42:41.898
Our different markets well on that.

2813
02:42:41.900 --> 02:42:43.706
Well, let's look at that map.

2814
02:42:43.710 --> 02:42:45.438
Then you have no reason to

2815
02:42:45.438 --> 02:42:46.302
disagree is inaccurate.

2816
02:42:46.310 --> 02:42:48.255
Again, this says Reservoir 91

2817
02:42:48.255 --> 02:42:51.387
is the source of water for Maui

2818
02:42:51.387 --> 02:42:53.049
demolition and construction.

2819
02:42:53.050 --> 02:42:57.652
Let's so let's go look at exhibit Y-64,

2820
02:42:57.652 --> 02:42:59.020
which is that diagram.

2821
02:43:23.200 --> 02:43:26.896
So. Here is the.

2822
02:43:26.896 --> 02:43:29.068

This is the diagram why 64.

2823
02:43:29.070 --> 02:43:31.150
You have no reason to disagree the accuracy.

2824
02:43:31.150 --> 02:43:33.481
The very very bottom right hand corner

2825
02:43:33.481 --> 02:43:35.889
on the bottom there's reservoir 91.

2826
02:43:35.890 --> 02:43:38.947
Do you see that I do and it looks

2827
02:43:38.947 --> 02:43:41.080
to me like it's connected to why hey

2828
02:43:41.080 --> 02:43:42.970
ditch where the water from what?

2829
02:43:42.970 --> 02:43:44.060
Hey did you come from?

2830
02:43:46.110 --> 02:43:47.990
To my knowledge, W. Molly,

2831
02:43:47.990 --> 02:43:50.498
not from East Molly, right correct?

2832
02:43:50.500 --> 02:43:52.540
So this this line item,

2833
02:43:52.540 --> 02:43:54.140
let's go back and look at it now.

2834
02:44:00.100 --> 02:44:01.360
Whoops, that didn't work.

2835
02:44:19.670 --> 02:44:21.746
Can you see your table again?

2836
02:44:21.750 --> 02:44:24.088
I do so. It's probably it's likely

2837
02:44:24.088 --> 02:44:25.869
that Maui demolition and construction

2838
02:44:25.869 --> 02:44:28.017
landfill does not take water from

2839
02:44:28.017 --> 02:44:30.000
the East Maui streams, right?

2840
02:44:32.610 --> 02:44:34.725
You know, if Reservoir 91 is the only source,

2841
02:44:34.730 --> 02:44:37.658
and that chart is accurate in the sense

2842
02:44:37.658 --> 02:44:39.732
that reservoir 91 is charged, few,

2843
02:44:39.732 --> 02:44:41.986
you know solely by the Whitehead ditch,

2844
02:44:41.990 --> 02:44:43.770
which is solely from East.

2845
02:44:43.770 --> 02:44:46.080
I mean West Maui, then that would

2846
02:44:46.080 --> 02:44:48.390
be a reasonable assumption. Alright.

2847
02:44:50.870 --> 02:44:54.800
Let's talk about the individual farms.

2848
02:44:54.800 --> 02:44:56.216
Do you know are they using

2849
02:44:56.216 --> 02:44:57.160

water to irrigate crops?

2850
02:44:57.160 --> 02:44:59.900
Are they providing water animals?

2851
02:44:59.900 --> 02:45:03.635
For the most part, I believe it's animal I.

2852
02:45:03.640 --> 02:45:05.956
I don't think I'm not sure.

2853
02:45:05.960 --> 02:45:08.780
I believe it's mostly animal,

2854
02:45:08.780 --> 02:45:11.020
so all they need is to fill one of those big.

2855
02:45:11.020 --> 02:45:13.318
I don't know. 80 gallon barrels.

2856
02:45:13.320 --> 02:45:14.376
I don't know every few days

2857
02:45:14.376 --> 02:45:16.018
or so for the animals, right?

2858
02:45:16.018 --> 02:45:18.210
That's what they're using.

2859
02:45:18.210 --> 02:45:20.034
Well, I don't want to speculate on the

2860
02:45:20.034 --> 02:45:21.818
amount of water that they would need.

2861
02:45:21.820 --> 02:45:24.137
UM, in terms of barrels or any

2862
02:45:24.137 --> 02:45:26.666
other unit of measure, but uhm,

2863
02:45:26.666 --> 02:45:31.630
I do know that all of them are pasture uses.

2864
02:45:31.630 --> 02:45:33.592
So you know the assumption would

2865
02:45:33.592 --> 02:45:36.127
be that most of the water is used

2866
02:45:36.130 --> 02:45:37.768
to give to animals and you don't

2867
02:45:37.768 --> 02:45:39.452
charge them for a while, right?

2868
02:45:39.452 --> 02:45:42.056
Not to my knowledge OK.

2869
02:45:42.056 --> 02:45:44.740
Looking at this whole chart X-8.

2870
02:45:44.740 --> 02:45:46.240
Who are these users uses

2871
02:45:46.240 --> 02:45:47.880
the most amount of water?

2872
02:45:50.760 --> 02:45:52.120
You know, honestly, I wouldn't

2873
02:45:52.120 --> 02:45:54.080
be able to answer that, not sure.

2874
02:45:54.080 --> 02:45:56.480
And do each of the end users use

2875
02:45:56.556 --> 02:45:59.055
the same amount of water every day?

2876
02:45:59.060 --> 02:46:04.640

Highly unlikely. So, uhm.

2877
02:46:04.640 --> 02:46:08.840
Let's go look at. Exhibit X13.

2878
02:46:30.110 --> 02:46:31.058
Can you see that?

2879
02:46:33.430 --> 02:46:36.130
Again. So.

2880
02:46:38.910 --> 02:46:43.218
For every single month this year.

2881
02:46:43.220 --> 02:46:45.772
The amount of water that you say is

2882
02:46:45.772 --> 02:46:48.661
used for this category that you call

2883
02:46:48.661 --> 02:46:50.836
historic industrial use has been

2884
02:46:50.840 --> 02:46:54.440
1.1 million gallons a day, correct?

2885
02:46:54.440 --> 02:46:56.324
The amount of water are reflected

2886
02:46:56.324 --> 02:46:58.319
in that column is a estimate.

2887
02:46:58.320 --> 02:47:01.110
So what we're reporting is an

2888
02:47:01.110 --> 02:47:03.803
estimated amount of water used by

2889
02:47:03.803 --> 02:47:05.818
those historic and industrial users,

2890
02:47:05.820 --> 02:47:07.275
and it doesn't change based

2891
02:47:07.275 --> 02:47:09.160
on the length of the month,

2892
02:47:09.160 --> 02:47:11.740
whether it's 28 days, 29 days,

2893
02:47:11.740 --> 02:47:14.388
30 or 31, there's no change, right?

2894
02:47:14.388 --> 02:47:16.628
No change in the estimate,

2895
02:47:16.630 --> 02:47:19.612
and there's no change reflecting that HDD

2896
02:47:19.612 --> 02:47:22.226
which was using more than 250,000 gallons

2897
02:47:22.226 --> 02:47:24.570
a day is no longer using that water.

2898
02:47:24.570 --> 02:47:25.926
That's not reflected in this table,

2899
02:47:25.930 --> 02:47:26.370
correct?

2900
02:47:28.440 --> 02:47:30.216
That's not reflected in this table.

2901
02:47:30.220 --> 02:47:32.712
No, it will be reflected in future

2902
02:47:32.712 --> 02:47:35.044
tables once we get a metered

2903
02:47:35.044 --> 02:47:37.420

estimate of their well water usage,

2904
02:47:37.420 --> 02:47:39.370
even though you already have an

2905
02:47:39.370 --> 02:47:41.362
estimate from your attorney who got

2906
02:47:41.362 --> 02:47:42.937
that information from you folks.

2907
02:47:42.940 --> 02:47:44.748
That is 250,000 gallons.

2908
02:47:46.940 --> 02:47:48.239
That's correct. Again,

2909
02:47:48.239 --> 02:47:50.837
that's an estimate from our attorney,

2910
02:47:50.840 --> 02:47:52.740
not an actual metered number,

2911
02:47:52.740 --> 02:47:55.044
which is what we are waiting on in order

2912
02:47:55.044 --> 02:47:57.359
to adjust a number more accurate and

2913
02:47:57.359 --> 02:47:59.431
you want to show inflated numbers to the

2914
02:47:59.431 --> 02:48:01.299
board of land and natural resources,

2915
02:48:01.300 --> 02:48:03.736
so you can justify taking more water

2916
02:48:03.736 --> 02:48:06.069
from streams that is actually needed.

2917
02:48:06.070 --> 02:48:07.540
No, that's not our intent.

2918
02:48:07.540 --> 02:48:10.654
Again, we are waiting for metered

2919
02:48:10.654 --> 02:48:14.190
figures from HMDS newly installed well,

2920
02:48:14.190 --> 02:48:16.110
so we can more accurately adjust

2921
02:48:16.110 --> 02:48:16.750
that estimate.

2922
02:48:20.480 --> 02:48:22.912
If the amount that the board of land

2923
02:48:22.912 --> 02:48:24.920
and Natural Resources authorized.

2924
02:48:24.920 --> 02:48:27.433
To be taken for this category of

2925
02:48:27.433 --> 02:48:29.559
historic and industrial uses was reduced

2926
02:48:29.559 --> 02:48:31.848
to half a million gallons per day.

2927
02:48:31.850 --> 02:48:34.258
What kind of effect would that have?

2928
02:48:34.260 --> 02:48:37.510
I'm unsure of the effect.

2929
02:48:37.510 --> 02:48:40.432
I want to talk about my

2930
02:48:40.432 --> 02:48:41.893

hippos planting plants.

2931
02:48:41.900 --> 02:48:47.150
In January 20 plus, let me stop your screen.

2932
02:48:47.150 --> 02:48:50.660
In January 2021, you projected.

2933
02:48:50.660 --> 02:48:51.540
That you would plant

2934
02:48:53.640 --> 02:48:56.670
3675 acres this year, 2021.

2935
02:48:59.180 --> 02:49:02.122
Remember that that sounds correct, yes.

2936
02:49:02.122 --> 02:49:06.960
And at that time you planted 2302 acres,

2937
02:49:06.960 --> 02:49:10.510
that right? I believe so sounds correct,

2938
02:49:10.510 --> 02:49:13.732
and as of June 30th you stuck with your

2939
02:49:13.732 --> 02:49:15.940
projection that you would plant 3675

2940
02:49:15.940 --> 02:49:19.020
acres this year, correct, correct?

2941
02:49:19.020 --> 02:49:21.015
Now, if you had planted as many

2942
02:49:21.015 --> 02:49:22.910
acres as you said you would.

2943
02:49:22.910 --> 02:49:24.698
By the end of this year,

2944
02:49:24.700 --> 02:49:25.920
in just a few weeks,

2945
02:49:28.230 --> 02:49:30.255
5977 acres would be planted, correct?

2946
02:49:30.255 --> 02:49:31.965
I don't have both of those

2947
02:49:31.965 --> 02:49:33.209
figures in front of me,

2948
02:49:33.210 --> 02:49:37.390
but that sounds about right.

2949
02:49:37.390 --> 02:49:43.030
If you add 3675 to 2302.

2950
02:49:43.030 --> 02:49:45.558
That equals 5977.

2951
02:49:45.558 --> 02:49:46.898
Does that sound about right?

2952
02:49:46.900 --> 02:49:49.004
That sounds right, yes.

2953
02:49:49.004 --> 02:49:52.630
But as of October 2021.

2954
02:49:52.630 --> 02:49:56.780
Only 4508 eighty six acres had

2955
02:49:56.780 --> 02:49:59.440
been in cultivation, correct.

2956
02:49:59.440 --> 02:50:00.860
I'm sorry,

2957
02:50:00.860 --> 02:50:04.260

can we see that number 4586?

2958
02:50:06.840 --> 02:50:09.296
That sounds about right,

2959
02:50:09.296 --> 02:50:12.250
yeah, and your plans for the.

2960
02:50:12.250 --> 02:50:14.662
For the year by December 31st

2961
02:50:14.662 --> 02:50:16.656
is to have 5085 in cultivation

2962
02:50:16.656 --> 02:50:18.644
by the end of the year, correct?

2963
02:50:18.644 --> 02:50:20.300
Correct? So your projections

2964
02:50:20.300 --> 02:50:22.837
at the beginning of this year

2965
02:50:22.837 --> 02:50:25.016
were overly optimistic by 15%.

2966
02:50:25.016 --> 02:50:32.750
If you look at compare 5085 to 5977.

2967
02:50:32.750 --> 02:50:33.560
So I think.

2968
02:50:36.770 --> 02:50:39.339
You know it depends on your definition

2969
02:50:39.339 --> 02:50:41.380
of overly optimistic stepping back.

2970
02:50:41.380 --> 02:50:43.546
You know the 2021 year we

2971
02:50:43.546 --> 02:50:45.470
did hit our planting goal.

2972
02:50:45.470 --> 02:50:47.927
In fact, I believe we exceeded it.

2973
02:50:47.930 --> 02:50:50.630
The number I think he cited

2974
02:50:50.630 --> 02:50:54.538
was 3740 seventy 575 acres.

2975
02:50:54.538 --> 02:50:57.058
We just exceeded that recently.

2976
02:50:59.170 --> 02:51:00.738
For the 2021 year.

2977
02:51:00.738 --> 02:51:03.560
But you you've just been through this.

2978
02:51:03.560 --> 02:51:06.672
You already had planted 2302 acres.

2979
02:51:06.672 --> 02:51:09.348
I think that was an estimate

2980
02:51:09.350 --> 02:51:12.960
given in October of 2020.

2981
02:51:12.960 --> 02:51:15.060
Well, let's look at the document.

2982
02:51:15.060 --> 02:51:19.490
I'm gonna bring up exhibit Y-8.

2983
02:51:39.810 --> 02:51:41.318
I have a problem.

2984
02:52:03.910 --> 02:52:04.978

OK, there we go.

2985
02:52:23.090 --> 02:52:25.782
I'm going to have to reboot.

2986
02:52:25.782 --> 02:52:27.777
My computer is not cooperating,

2987
02:52:27.777 --> 02:52:29.913
so can we take a 5 minute break

2988
02:52:29.913 --> 02:52:31.597
or it's actually it's noon?

2989
02:52:35.610 --> 02:52:39.426
Oh well, how much longer are you gonna

2990
02:52:39.426 --> 02:52:44.330
be talking to Mr Comma? Probably.

2991
02:52:44.330 --> 02:52:48.277
45 minutes I'm not exactly sure. Right?

2992
02:52:48.277 --> 02:52:51.546
Why don't we break for lunch then?

2993
02:52:51.550 --> 02:52:54.330
Will come back at 1% come up.

2994
02:52:54.330 --> 02:52:56.330
Thank you for your patience.

2995
02:52:56.330 --> 02:52:57.780
Well, no problem, thank you.

2996
02:53:03.210 --> 02:53:06.486
I could, I just let you know

2997
02:53:06.490 --> 02:53:07.894
this case that there's going to

2998
02:53:07.894 --> 02:53:09.280
be a different court reporter.

2999
02:53:09.280 --> 02:53:11.110
April will be coming on at

3000
02:53:11.110 --> 02:53:12.440
1:00 o'clock April Quintana.

3001
02:53:12.440 --> 02:53:13.880
Let's see what's April

3002
02:53:13.880 --> 02:53:15.700
kidney is her last name.

3003
02:53:15.700 --> 02:53:17.632
Just wanted to let you know that

3004
02:53:17.632 --> 02:53:19.210
thank you and we're splitting

3005
02:53:19.210 --> 02:53:22.900
the day 1202 for the record and.

3006
02:53:22.900 --> 02:53:24.650
Will be back at one.

3007
02:53:24.650 --> 02:53:26.118
Thank you, thank you.

3008
03:01:49.780 --> 03:01:51.520
He made it back in David.

3009
03:02:04.910 --> 03:02:05.930
Good afternoon.

3010
03:02:08.890 --> 03:02:09.530
Hi.

3011
03:02:20.830 --> 03:02:21.330

You did.

3012
03:02:24.440 --> 03:02:28.764
Thank you, good afternoon. Hello Miss

3013
03:02:28.764 --> 03:02:30.824
Gidney, I understand you're the.

3014
03:02:33.010 --> 03:02:35.999
A&B Court reporter for the afternoon there's

3015
03:02:35.999 --> 03:02:39.711
a phone number here 633 something UM?

3016
03:02:39.711 --> 03:02:43.828
Anybody know who that is? I do.

3017
03:02:43.828 --> 03:02:46.201
Yes that is Tim O'Loughlin who is

3018
03:02:46.201 --> 03:02:49.000
one of our client representatives.

3019
03:02:49.000 --> 03:02:52.048
OK, thank you, just name him.

3020
03:03:01.840 --> 03:03:04.696
So I understand you want this

3021
03:03:04.696 --> 03:03:07.190
reporter to go mute into.

3022
03:03:07.190 --> 03:03:09.896
No video mute and no video.

3023
03:03:09.900 --> 03:03:11.370
Yeah, OK, I can do that.

3024
03:03:11.370 --> 03:03:12.794
If anybody pays attention.

3025
03:03:12.794 --> 03:03:15.428
I get kicked off because of the

3026
03:03:15.428 --> 03:03:17.120
weather or Internet problem.

3027
03:03:17.120 --> 03:03:19.216
I hope you guys recognize that and stop

3028
03:03:19.216 --> 03:03:21.565
let me get back on it hasn't happened.

3029
03:03:21.570 --> 03:03:23.868
It happened once in you know.

3030
03:03:23.870 --> 03:03:24.780
OK, thanks.

3031
03:03:27.140 --> 03:03:31.529
OK, I think everybody else is here.

3032
03:03:31.530 --> 03:03:34.815
I have turned the recording back on it is.

3033
03:03:37.400 --> 03:03:43.960
1:02 PM, December 8th. This is the. Uhm?

3034
03:03:46.570 --> 03:03:49.470
Continuation of the contested case.

3035
03:03:49.470 --> 03:03:54.195
On the water arpis for East Maui.

3036
03:03:54.200 --> 03:03:57.504
Uh, we are continuing with Mr Nakama.

3037
03:03:57.510 --> 03:03:59.118
Let me just make sure everybody

3038
03:03:59.118 --> 03:04:00.190

is ready and actually,

3039
03:04:00.190 --> 03:04:01.800
if everyone could please turn

3040
03:04:01.800 --> 03:04:04.140
on their video just just to say

3041
03:04:04.140 --> 03:04:06.240
hi before we start up again.

3042
03:04:15.410 --> 03:04:17.040
Q U think we have?

3043
03:04:19.110 --> 03:04:21.160
Somebody driving please be careful.

3044
03:04:23.830 --> 03:04:27.259
A blue blue we have Ian, are you there?

3045
03:04:34.240 --> 03:04:35.890
Ian Hirokawa are you there?

3046
03:04:41.770 --> 03:04:44.809
Right? Uhm, I'll make

3047
03:04:44.809 --> 03:04:47.090
sure he's connected. Uhm?

3048
03:04:49.100 --> 03:04:50.794
And then Linda shower, Are you ready?

3049
03:04:54.670 --> 03:04:55.948
Actually, let me wait because I'm

3050
03:04:55.948 --> 03:04:57.717
not sure she is hanging on us again.

3051
03:06:10.900 --> 03:06:13.676
We're just waiting one second for Linda Chow.

3052
03:06:23.190 --> 03:06:24.880
Before we begin chair case,

3053
03:06:24.880 --> 03:06:26.755
I had two administrative things

3054
03:06:26.755 --> 03:06:28.630
that I wanted to address.

3055
03:06:28.630 --> 03:06:30.772
So I don't I can wait

3056
03:06:30.772 --> 03:06:32.200
until Linda come store.

3057
03:06:32.200 --> 03:06:33.560
Let's wait till Linda's on,

3058
03:06:33.560 --> 03:06:35.040
yeah, OK, thank you.

3059
03:07:59.380 --> 03:08:02.140
OK, uh, I think we can get started.

3060
03:08:02.140 --> 03:08:04.066
Mr Kaguya had a couple of

3061
03:08:04.066 --> 03:08:05.350
administrative items and again

3062
03:08:05.410 --> 03:08:10.710
it's 107 PM December 8, 2021.

3063
03:08:10.710 --> 03:08:11.604
Yes, thank you.

3064
03:08:11.604 --> 03:08:13.094
Everybody who's not active right

3065
03:08:13.094 --> 03:08:15.018

now can turn off your video now.

3066
03:08:15.020 --> 03:08:16.710
Thank you for identifying yourself.

3067
03:08:20.970 --> 03:08:22.914
So the first thing I I just wanted

3068
03:08:22.914 --> 03:08:25.092
to clarify on the record, you know,

3069
03:08:25.092 --> 03:08:27.297
uhm, we haven't been formally

3070
03:08:27.297 --> 03:08:29.360
moving exhibits into evidence,

3071
03:08:29.360 --> 03:08:32.429
so I just want to clarify that all the

3072
03:08:32.429 --> 03:08:35.424
exhibits that were marked by the parties

3073
03:08:35.424 --> 03:08:38.284
are considered in evidence. I agree.

3074
03:08:38.284 --> 03:08:41.716
OK, that objection will consider that.

3075
03:08:41.720 --> 03:08:44.100
No objection from the county, right? Thanks.

3076
03:08:47.480 --> 03:08:50.744
So sorry is is that something that you're

3077
03:08:50.744 --> 03:08:54.254
going to get back to us on or we'll just?

3078
03:08:54.260 --> 03:08:57.878
Hearing no objection will say yes.

3079
03:08:57.880 --> 03:09:01.184
OK OK great. The second one is just,

3080
03:09:01.190 --> 03:09:02.546
you know, we're running a little

3081
03:09:02.546 --> 03:09:04.453
bit behind on the schedule and I was

3082
03:09:04.453 --> 03:09:06.161
wondering if it was realistic that we

3083
03:09:06.161 --> 03:09:07.929
were going to get to seal this afternoon.

3084
03:09:10.970 --> 03:09:11.958
I don't think so.

3085
03:09:11.958 --> 03:09:13.193
David shaking his head now.

3086
03:09:13.200 --> 03:09:14.484
OK, OK just wanted to kind

3087
03:09:14.484 --> 03:09:16.077
of get an idea if that was

3088
03:09:16.077 --> 03:09:17.217
going to happen or not.

3089
03:09:20.230 --> 03:09:22.966
OK, we will move them to

3090
03:09:22.966 --> 03:09:25.180
tomorrow then if that's OK.

3091
03:09:25.180 --> 03:09:31.149
OK, thank you. Right, anything else?

3092
03:09:31.150 --> 03:09:36.436

No, thank you we we stopped.

3093
03:09:36.440 --> 03:09:40.490
Well, Mr Frankel was questioning Mr.

3094
03:09:40.490 --> 03:09:43.700
Nakoma, and so we will continue.

3095
03:09:43.700 --> 03:09:47.010
Thank you, David Frankel again Mr

3096
03:09:47.010 --> 03:09:50.050
Nakoma 2:00 AM to Chicago Guy and David

3097
03:09:50.050 --> 03:09:51.889
Schulmeister represent Mahi Pono.

3098
03:09:54.970 --> 03:09:57.521
I believe they represent A and B&MI,

3099
03:09:57.521 --> 03:09:59.567
so they don't represent my opponent.

3100
03:10:01.980 --> 03:10:04.938
I don't believe so, so they're

3101
03:10:04.938 --> 03:10:06.910
they're not your attorney.

3102
03:10:06.910 --> 03:10:10.858
I'm actually not sure what the exact.

3103
03:10:10.860 --> 03:10:13.440
Representation relationship is.

3104
03:10:16.010 --> 03:10:17.424
Did you talk to them during lunch?

3105
03:10:21.250 --> 03:10:23.294
I did talk to Trisha during lunch.

3106
03:10:23.300 --> 03:10:25.280
What did you talk about?

3107
03:10:25.280 --> 03:10:27.518
I'm gonna object to this questioning

3108
03:10:27.518 --> 03:10:29.739
calls for information that is protected

3109
03:10:29.739 --> 03:10:31.731
by the attorney client privilege and

3110
03:10:31.731 --> 03:10:34.290
or the work product doctrine are you.

3111
03:10:34.290 --> 03:10:36.355
Are you asserting that you represent grand,

3112
03:10:36.360 --> 03:10:39.097
the comma and or my opponent Trisha?

3113
03:10:39.100 --> 03:10:42.439
Mahi Pono is the. Is a partner?

3114
03:10:42.440 --> 03:10:45.772
Is it 50% owner and the managing

3115
03:10:45.772 --> 03:10:48.419
entity for our client EMI?

3116
03:10:48.420 --> 03:10:49.704
But they are separate

3117
03:10:49.704 --> 03:10:50.988
corporations or separate entities.

3118
03:10:50.990 --> 03:10:53.766
Do you represent if you guys do not

3119
03:10:53.766 --> 03:10:56.196

represent my Pono and you know that?

3120
03:10:56.200 --> 03:10:58.195
If you do not represent my Pono,

3121
03:10:58.200 --> 03:10:59.600
your communication with grant

3122
03:10:59.600 --> 03:11:01.000
comma is not privileged.

3123
03:11:04.770 --> 03:11:07.194
So Mr now comma, what did you and

3124
03:11:07.194 --> 03:11:09.707
Mr Cogley talked about during lunch?

3125
03:11:09.710 --> 03:11:12.580
I asked which exhibit you are referring

3126
03:11:12.580 --> 03:11:16.650
to right before we broke for lunch.

3127
03:11:16.650 --> 03:11:18.630
What else did you talk about?

3128
03:11:18.630 --> 03:11:19.998
That's pretty much it.

3129
03:11:22.610 --> 03:11:24.170
Did were you instructed on how

3130
03:11:24.170 --> 03:11:25.790
to answer any other questions?

3131
03:11:25.790 --> 03:11:29.328
No, I was not. May I may I?

3132
03:11:33.220 --> 03:11:35.060
May I have you heard on this issue?

3133
03:11:35.060 --> 03:11:39.416
Because we haven't had. Yeah yeah yeah.

3134
03:11:39.416 --> 03:11:41.607
So as far as the attorney client

3135
03:11:41.607 --> 03:11:43.234
privilege is concerned, yeah,

3136
03:11:43.234 --> 03:11:46.784
we do represent EMI and that obviously

3137
03:11:46.784 --> 03:11:50.012
includes the people who make the

3138
03:11:50.012 --> 03:11:52.666
executive decision to set up for.

3139
03:11:52.670 --> 03:11:54.635
Yeah, my which includes my

3140
03:11:54.635 --> 03:11:57.030
pool and so I would say.

3141
03:11:57.030 --> 03:11:59.286
Yes, we're saying there's a training

3142
03:11:59.286 --> 03:12:01.120
plan privilege, and I would further,

3143
03:12:01.120 --> 03:12:02.540
you know, instruct.

3144
03:12:02.540 --> 03:12:05.180
You know Mr.

3145
03:12:05.180 --> 03:12:06.060
Macomber,

3146
03:12:06.060 --> 03:12:10.446

that too to not answer questions

3147
03:12:10.446 --> 03:12:12.479
about communications with Cage

3148
03:12:12.479 --> 03:12:14.644
site connection with this matter.

3149
03:12:17.770 --> 03:12:18.970
So just for the record,

3150
03:12:18.970 --> 03:12:21.490
my pony MI are two separate entities.

3151
03:12:21.490 --> 03:12:23.650
You cannot use the transitive property

3152
03:12:23.650 --> 03:12:25.646
of equality to somehow privileged

3153
03:12:25.646 --> 03:12:27.630
communication with my opponent,

3154
03:12:27.630 --> 03:12:29.196
its employees, Mr.

3155
03:12:29.196 --> 03:12:30.945
McComb, is we're going to

3156
03:12:30.945 --> 03:12:32.120
take a short recess here.

3157
03:17:01.310 --> 03:17:07.164
OK, back from recess. OK, uhm Mr

3158
03:17:07.164 --> 03:17:11.688
comma are you there? I am Mr Franco.

3159
03:17:15.720 --> 03:17:20.000
Sorry. Right, just to clarify, then Mr.

3160
03:17:20.000 --> 03:17:22.640
Nakoma, are you an employee of

3161
03:17:22.640 --> 03:17:25.402
Mahi Pono and not EMI? Yes.

3162
03:17:25.402 --> 03:17:28.654
And uh, Mr Coggin Mr schue.

3163
03:17:28.660 --> 03:17:31.108
Mr Do you represent mahi plural?

3164
03:17:34.680 --> 03:17:39.076
Yes, my phone off as a partner

3165
03:17:39.076 --> 03:17:41.938
of EMI is included with it.

3166
03:17:41.938 --> 03:17:43.894
As far as we're concerned with

3167
03:17:43.894 --> 03:17:45.688
in our representation of.

3168
03:17:45.690 --> 03:17:50.470
EMI and PNB and and further there's

3169
03:17:50.470 --> 03:17:53.410
a joint and common interest here.

3170
03:17:53.410 --> 03:17:55.790
They pay half of our bills. I mean,

3171
03:17:55.790 --> 03:17:57.620
this is definitely a joint representation.

3172
03:17:57.620 --> 03:17:59.196
You have a representation

3173
03:17:59.196 --> 03:18:00.378

agreement with them.

3174
03:18:00.380 --> 03:18:02.333
Do you represent them in the same

3175
03:18:02.333 --> 03:18:04.370
way that you represent you? My.

3176
03:18:07.500 --> 03:18:09.537
You see it represented in this case.

3177
03:18:09.540 --> 03:18:11.748
I just want to point out there is

3178
03:18:11.748 --> 03:18:15.690
a rule in your rules, this is.

3179
03:18:15.690 --> 03:18:20.765
Dealers rule 13. One dash 32 F.

3180
03:18:20.770 --> 03:18:22.870
When a party is represented by more

3181
03:18:22.870 --> 03:18:24.670
than one counselor representative,

3182
03:18:24.670 --> 03:18:26.998
they may allocate witnesses between them,

3183
03:18:27.000 --> 03:18:29.093
but only one of the Council or

3184
03:18:29.093 --> 03:18:30.708
representative shall be permitted to

3185
03:18:30.708 --> 03:18:32.997
cross examine a witness or state any

3186
03:18:32.997 --> 03:18:34.830
objection or make closing arguments.

3187
03:18:34.830 --> 03:18:38.589
Mythic Augie is questioning Mr now comma.

3188
03:18:38.590 --> 03:18:40.634
She can answer questions she can make

3189
03:18:40.634 --> 03:18:44.290
objections. Mr Schulmeister cannot.

3190
03:18:44.290 --> 03:18:47.880
I appreciate that I am trying to get to the

3191
03:18:47.964 --> 03:18:51.062
question of whether they represent my hip,

3192
03:18:51.062 --> 03:18:53.392
you know, so I'm going to ask either

3193
03:18:53.392 --> 03:18:55.339
of them to answer that question.

3194
03:18:55.340 --> 03:18:58.256
Do you have an official attorney

3195
03:18:58.256 --> 03:19:00.670
client relationship with Mahi Pono?

3196
03:19:00.670 --> 03:19:01.055
Image.

3197
03:19:01.055 --> 03:19:03.365
Official, I'm not sure it official

3198
03:19:03.365 --> 03:19:05.808
means as far as I'm concerned,

3199
03:19:05.810 --> 03:19:07.825
there is an attorney client

3200
03:19:07.825 --> 03:19:09.840

relationship arising out of the

3201
03:19:09.913 --> 03:19:11.960
relationship between my hip,

3202
03:19:11.960 --> 03:19:14.388
bone and A&B as an example, right?

3203
03:19:14.388 --> 03:19:15.940
If you're representing a

3204
03:19:15.940 --> 03:19:17.344
corporation and you're speaking

3205
03:19:17.344 --> 03:19:19.034
with agents of the corporation,

3206
03:19:19.040 --> 03:19:20.428
those are within the

3207
03:19:20.428 --> 03:19:21.469
attorney client privilege.

3208
03:19:21.470 --> 03:19:24.558
Similarly, here in my hip on all my hip.

3209
03:19:24.558 --> 03:19:28.490
Oh no, is a partner and a manager of EMI,

3210
03:19:28.490 --> 03:19:30.680
so there and and their interests

3211
03:19:30.680 --> 03:19:32.364
are totally aligned and combined.

3212
03:19:32.364 --> 03:19:33.954
Within reason is they're paying

3213
03:19:33.954 --> 03:19:36.000
half of our feed so we don't have.

3214
03:19:36.000 --> 03:19:37.818
We don't actually have a written

3215
03:19:37.820 --> 03:19:40.176
written engagement with AMB.

3216
03:19:40.176 --> 03:19:44.280
We've been doing this since before 2000.

3217
03:19:44.280 --> 03:19:48.013
But we have but but as part of

3218
03:19:48.013 --> 03:19:50.018
the arrangement for the handling

3219
03:19:50.018 --> 03:19:53.236
of this litigation, macapuno is,

3220
03:19:53.236 --> 03:19:57.793
is is paying 50% of the costs,

3221
03:19:57.793 --> 03:20:01.355
and they are the major energy through

3222
03:20:01.355 --> 03:20:03.680
which we communicate with EMI,

3223
03:20:03.680 --> 03:20:06.808
who is clearly our client has been for.

3224
03:20:06.810 --> 03:20:07.640
Decades.

3225
03:20:09.960 --> 03:20:13.299
So so I would submit that deterrent

3226
03:20:13.299 --> 03:20:15.525
plantation ship clearly encompasses

3227
03:20:15.525 --> 03:20:18.706

our communications with my panel,

3228
03:20:18.706 --> 03:20:22.402
especially with am I being an applicant

3229
03:20:22.402 --> 03:20:25.295
here and so I would be instructing

3230
03:20:25.295 --> 03:20:26.867
the multiple representatives not

3231
03:20:26.867 --> 03:20:29.130
to answer questions that would.

3232
03:20:31.580 --> 03:20:33.340
Divulge Attorney client communications.

3233
03:20:33.340 --> 03:20:36.864
The case study. Because we are the

3234
03:20:36.864 --> 03:20:39.068
attorneys who are representing

3235
03:20:39.068 --> 03:20:41.698
their interests to BMI and smack.

3236
03:20:41.700 --> 03:20:43.359
In their pain, part of our feet.

3237
03:20:43.360 --> 03:20:44.368
So there's no question about that.

3238
03:20:46.840 --> 03:20:48.410
OK, that sounds like a

3239
03:20:48.410 --> 03:20:49.666
representation agreement to me.

3240
03:20:55.220 --> 03:20:58.135
So I'm going to say let's

3241
03:20:58.135 --> 03:21:01.210
discontinue this line of questioning.

3242
03:21:01.210 --> 03:21:04.278
Over our objection understood.

3243
03:21:04.280 --> 03:21:07.928
So before the break we were talking about,

3244
03:21:07.930 --> 03:21:09.049
well, even longer.

3245
03:21:09.049 --> 03:21:12.183
Before the break we were talking about it.

3246
03:21:12.183 --> 03:21:15.321
Cindy and I have emailed all

3247
03:21:15.321 --> 03:21:17.790
the folks in new exhibit based

3248
03:21:17.790 --> 03:21:19.730
on Mr Nokomis testimony about

3249
03:21:19.801 --> 03:21:21.877
facts that we were unaware of,

3250
03:21:21.880 --> 03:21:25.696
and I would like to offer exhibit Y 67,

3251
03:21:25.700 --> 03:21:28.332
which I'll put up on the screen

3252
03:21:28.332 --> 03:21:30.318
and ask that it be up.

3253
03:21:30.320 --> 03:21:33.808
He introduced into evidence.

3254
03:21:39.330 --> 03:21:40.778

Can people see that?

3255
03:21:47.440 --> 03:21:52.920
Yes. Absolutely just. So Mr.

3256
03:21:52.920 --> 03:21:54.990
Nakoma, I know you're probably not

3257
03:21:54.990 --> 03:21:57.070
familiar with the Water Commission.

3258
03:21:57.070 --> 03:22:00.038
It produces a bulletin.

3259
03:22:00.040 --> 03:22:02.990
But as information about things,

3260
03:22:02.990 --> 03:22:05.755
there's this line here at the bottom,

3261
03:22:05.760 --> 03:22:06.880
and this is, you know,

3262
03:22:06.880 --> 03:22:10.570
just one page from their

3263
03:22:10.570 --> 03:22:13.522
report that says HCD.

3264
03:22:13.530 --> 03:22:14.850
I've got, I mean,

3265
03:22:14.850 --> 03:22:17.230
move this so you can see the.

3266
03:22:17.230 --> 03:22:18.640
I guess it needs to make

3267
03:22:18.640 --> 03:22:20.460
this a bit bigger somehow.

3268
03:22:22.940 --> 03:22:28.340
Uhm? They. Uhm, well name is eight CD,

3269
03:22:28.340 --> 03:22:32.827
it's in pichia uhm it's to pump

3270
03:22:32.827 --> 03:22:34.945
about 288,000 or little over a

3271
03:22:34.945 --> 03:22:36.420
quarter million gallons a day.

3272
03:22:36.420 --> 03:22:38.346
Does this look like the well

3273
03:22:38.346 --> 03:22:39.630
permit you're talking about?

3274
03:22:39.630 --> 03:22:42.385
I can't be sure. I wouldn't know, OK,

3275
03:22:42.385 --> 03:22:44.960
but this says it was issued in 2020.

3276
03:22:44.960 --> 03:22:48.530
Right in December of 2020 that last.

3277
03:22:48.530 --> 03:22:50.770
Call him at the end.

3278
03:22:50.770 --> 03:22:53.686
That's what it says and it took them only

3279
03:22:53.686 --> 03:22:55.408
about three months to get the permit.

3280
03:22:55.410 --> 03:22:56.019
You see that.

3281
03:22:59.320 --> 03:23:01.560

If there's an acceptance date at the

3282
03:23:01.560 --> 03:23:05.450
deadline, you see that I do OK, alright?

3283
03:23:08.140 --> 03:23:09.160
So you don't know,

3284
03:23:09.160 --> 03:23:11.240
but it seems consistent with your testimony.

3285
03:23:11.240 --> 03:23:15.032
This is a well with a capacity of Unit 8000.

3286
03:23:15.032 --> 03:23:18.068
That HCD applied for and obtained

3287
03:23:18.068 --> 03:23:20.930
to pump groundwater right?

3288
03:23:20.930 --> 03:23:22.822
As it appears to be, I mean,

3289
03:23:22.822 --> 03:23:24.649
my testimony never made any kind of

3290
03:23:24.649 --> 03:23:26.486
statement about the capacity of the well,

3291
03:23:26.490 --> 03:23:29.042
so I wouldn't be able to say with

3292
03:23:29.042 --> 03:23:31.427
any amount of certainty that that.

3293
03:23:31.430 --> 03:23:33.440
Well, that's highlighted in this

3294
03:23:33.440 --> 03:23:35.840
particular exhibit is the well that.

3295
03:23:35.840 --> 03:23:39.400
I was referring to in my morning testimony.

3296
03:23:39.400 --> 03:23:41.224
That's fair, but this number is

3297
03:23:41.224 --> 03:23:42.960
fairly consistent with your attorney,

3298
03:23:42.960 --> 03:23:46.384
James Mease letter in which he says about

3299
03:23:46.384 --> 03:23:48.716
two hundred 250,000 gallons per day is used,

3300
03:23:48.720 --> 03:23:49.988
plus another 50,000 gallons

3301
03:23:49.988 --> 03:23:51.256
for dust dust control.

3302
03:23:51.260 --> 03:23:52.820
These numbers are in the ballpark,

3303
03:23:52.820 --> 03:23:54.464
aren't there? It seems to be

3304
03:23:54.464 --> 03:23:56.100
consistent with Mr MIS estimate.

3305
03:23:56.100 --> 03:23:57.234
That's correct.

3306
03:23:57.234 --> 03:24:01.435
OK, so I should be clear to everybody,

3307
03:24:01.435 --> 03:24:04.896
because you know, I I want to be fair, Mr.

3308
03:24:04.896 --> 03:24:05.508

Caughey said.

3309
03:24:05.508 --> 03:24:07.344
We are accepting all the exhibits

3310
03:24:07.344 --> 03:24:09.506
that have been provided into evidence,

3311
03:24:09.510 --> 03:24:11.682
but this one had not previously

3312
03:24:11.682 --> 03:24:12.406
been provided.

3313
03:24:12.410 --> 03:24:14.384
We just dug it up during lunch.

3314
03:24:14.390 --> 03:24:16.154
After Mr Mccomas testimony,

3315
03:24:16.154 --> 03:24:19.420
we'd like to specifically offer this exhibit,

3316
03:24:19.420 --> 03:24:21.000
which we've called Exhibit

3317
03:24:21.000 --> 03:24:22.580
Y 67 into evidence.

3318
03:24:26.780 --> 03:24:27.960
Any objection?

3319
03:24:31.460 --> 03:24:33.913
Can I just get some clarification? Mr.

3320
03:24:33.913 --> 03:24:36.314
Frankel. This is from the Commission on

3321
03:24:36.314 --> 03:24:38.308
Water Resources Management's website,

3322
03:24:38.308 --> 03:24:41.370
or yes, OK, the county has no objection.

3323
03:24:44.840 --> 03:24:50.234
Mr. Kagi no objection OK go ahead.

3324
03:24:50.234 --> 03:24:53.242
Thank you. Alright, so just before

3325
03:24:53.242 --> 03:24:55.930
lunch or something, so I know that, uh,

3326
03:24:55.930 --> 03:24:59.274
in here Ochoa is here and I've asked him

3327
03:24:59.274 --> 03:25:01.952
to turn his video on and back off so

3328
03:25:01.952 --> 03:25:03.870
everybody knows he's here. Thank you.

3329
03:25:07.340 --> 03:25:10.203
So before lunch MRM comma we were

3330
03:25:10.203 --> 03:25:13.068
talking about how much had been planted

3331
03:25:13.068 --> 03:25:16.347
and how much at the beginning of 2021,

3332
03:25:16.347 --> 03:25:18.609
how much you planted this year.

3333
03:25:18.610 --> 03:25:21.150
I I was trying to point out to your estimate,

3334
03:25:21.150 --> 03:25:23.950
optimistic, but then you claim that no no.

3335
03:25:23.950 --> 03:25:25.165

You'd actually planted as much

3336
03:25:25.165 --> 03:25:26.859
as you said you were going to,

3337
03:25:26.860 --> 03:25:28.764
so I assume you've had time to

3338
03:25:28.764 --> 03:25:30.977
look back at some of the exhibits.

3339
03:25:30.980 --> 03:25:33.788
Do you want to change any of your testimony?

3340
03:25:33.790 --> 03:25:37.406
No I don't. I would like to clarify.

3341
03:25:37.410 --> 03:25:39.026
Some of the statements that I said earlier,

3342
03:25:39.030 --> 03:25:41.638
so I we did reach our own internal

3343
03:25:41.638 --> 03:25:45.200
goal in terms of planting in 2021.

3344
03:25:45.200 --> 03:25:48.390
The issue with or perceived

3345
03:25:48.390 --> 03:25:51.384
inconsistency is that 600 of those

3346
03:25:51.384 --> 03:25:53.532
acres were was in West Maui.

3347
03:25:53.540 --> 03:25:56.540
That was the only difference between

3348
03:25:56.540 --> 03:25:59.629
what that number stated and exactly.

3349
03:25:59.630 --> 03:26:02.108
What the total acreage is at that?

3350
03:26:02.110 --> 03:26:03.256
At the end of this year,

3351
03:26:03.260 --> 03:26:05.484
so that was the reason for the discrepancy.

3352
03:26:05.490 --> 03:26:08.199
And when you say those 600 acres.

3353
03:26:08.200 --> 03:26:09.166
We're probably miscounted

3354
03:26:09.166 --> 03:26:10.454
because there W Maui.

3355
03:26:10.460 --> 03:26:13.030
Are you saying that's for?

3356
03:26:13.030 --> 03:26:16.166
The amount that you had planted already,

3357
03:26:16.170 --> 03:26:17.275
or how much you were

3358
03:26:17.275 --> 03:26:18.380
going to plant this year.

3359
03:26:20.490 --> 03:26:22.466
Well, I don't think it was a miscount

3360
03:26:22.466 --> 03:26:26.020
first of all, but for the 2021 year.

3361
03:26:26.020 --> 03:26:28.129
We planted approximately

3362
03:26:28.129 --> 03:26:31.644

600 acres in West Mali.

3363
03:26:31.650 --> 03:26:34.080
OK, we shouldn't count those

3364
03:26:34.080 --> 03:26:35.400
in this contested case.

3365
03:26:35.400 --> 03:26:37.960
That's correct, yeah.

3366
03:26:37.960 --> 03:26:39.994
So when you made your projection

3367
03:26:39.994 --> 03:26:42.039
of saying you were going to

3368
03:26:42.039 --> 03:26:44.026
plant 3675 acres this year,

3369
03:26:44.026 --> 03:26:45.702
you were including some

3370
03:26:45.702 --> 03:26:47.918
of the West Maui stuff.

3371
03:26:47.920 --> 03:26:49.579
You know, I think at the time

3372
03:26:49.579 --> 03:26:51.363
that was our intention was to

3373
03:26:51.363 --> 03:26:53.053
client everything in East Maui.

3374
03:26:53.060 --> 03:26:55.013
Are farming plans changed and a portion

3375
03:26:55.013 --> 03:26:57.166
of that acreage was diverted to our West,

3376
03:26:57.170 --> 03:26:57.896
my fields.

3377
03:26:57.896 --> 03:27:00.074
So I did a tough question,

3378
03:27:00.080 --> 03:27:04.150
but are there any other occasions

3379
03:27:04.150 --> 03:27:06.491
when you've given the border land

3380
03:27:06.491 --> 03:27:08.219
and natural resources information

3381
03:27:08.219 --> 03:27:10.379
about water acreage where you

3382
03:27:10.444 --> 03:27:12.304
have combined or allocated some

3383
03:27:12.304 --> 03:27:14.578
West Maui acreage with the with

3384
03:27:14.578 --> 03:27:16.488
things that are involved in

3385
03:27:16.488 --> 03:27:18.640
this specific contested case?

3386
03:27:18.640 --> 03:27:19.940
That is never the intention,

3387
03:27:19.940 --> 03:27:21.200
and to my knowledge,

3388
03:27:21.200 --> 03:27:23.090
that has never happened well except

3389
03:27:23.150 --> 03:27:24.484

for your estimate about how much

3390
03:27:24.484 --> 03:27:25.810
you're going to plant this year.

3391
03:27:25.810 --> 03:27:27.114
That's the only time.

3392
03:27:27.114 --> 03:27:27.440
Well,

3393
03:27:27.440 --> 03:27:29.561
that was an honest statement at the

3394
03:27:29.561 --> 03:27:31.548
time because we intended to plant

3395
03:27:31.550 --> 03:27:35.576
3600 acres in East Maui fields.

3396
03:27:35.580 --> 03:27:35.960
Uhm,

3397
03:27:35.960 --> 03:27:38.240
now at the trial that took

3398
03:27:38.240 --> 03:27:39.870
place in August 2020,

3399
03:27:39.870 --> 03:27:42.294
you testified Underoath that

3400
03:27:42.294 --> 03:27:43.851
approximately 43 million gallons

3401
03:27:43.851 --> 03:27:46.070
a day for all uses would be

3402
03:27:46.145 --> 03:27:47.939
needed by the end of 2020.

3403
03:27:47.940 --> 03:27:48.848
Do you recall that?

3404
03:27:51.720 --> 03:27:54.360
Would be needed at the end of 2020.

3405
03:27:54.360 --> 03:27:58.705
Yes. I said this in October 2020. No,

3406
03:27:58.705 --> 03:28:01.869
you said that in August 2020. At the trial.

3407
03:28:04.110 --> 03:28:05.892
OK. Well, should I bring up

3408
03:28:05.892 --> 03:28:07.080
the trend trial transcript?

3409
03:28:07.080 --> 03:28:09.690
Would that help you? Sure.

3410
03:28:09.690 --> 03:28:11.356
See if I can do that here.

3411
03:28:43.740 --> 03:28:46.290
Alright, can you see on your

3412
03:28:46.290 --> 03:28:50.060
screen the trial transcript?

3413
03:28:50.060 --> 03:28:53.264
I can. OK, so you're asked,

3414
03:28:53.264 --> 03:28:55.520
I said I don't know who's

3415
03:28:55.602 --> 03:28:57.399
asking every question.

3416
03:28:57.400 --> 03:28:58.820

I have some objection,

3417
03:28:58.820 --> 03:29:00.595
which of course is ruled.

3418
03:29:00.600 --> 03:29:03.540
And then you're asked your online 13.

3419
03:29:03.540 --> 03:29:05.416
Oh, you're an answer in line 13,

3420
03:29:05.420 --> 03:29:07.290
so our internal projections for

3421
03:29:07.290 --> 03:29:09.939
water delivery by the end of the

3422
03:29:09.939 --> 03:29:12.063
year has been revised downward from

3423
03:29:12.063 --> 03:29:14.226
an original 56 million gallons,

3424
03:29:14.226 --> 03:29:17.600
which was the projection at the October.

3425
03:29:17.600 --> 03:29:19.068
2019 Beyond our hearing,

3426
03:29:19.068 --> 03:29:22.009
that number has been revised down to a

3427
03:29:22.009 --> 03:29:23.924
new number of approximately 43 million

3428
03:29:23.924 --> 03:29:26.180
gallons per day by the end of 2020.

3429
03:29:26.180 --> 03:29:27.965
You see that I do see that.

3430
03:29:30.160 --> 03:29:34.192
You didn't come close to using that amount

3431
03:29:34.192 --> 03:29:38.770
of water in in December 2020, you used

3432
03:29:38.770 --> 03:29:40.640
28.13 million gallons of water, right?

3433
03:29:42.720 --> 03:29:45.722
I believe so. OK, so your estimates

3434
03:29:45.722 --> 03:29:48.060
were off in that case by about 35%.

3435
03:29:51.700 --> 03:29:54.560
Yes. All right now let's

3436
03:29:54.560 --> 03:29:57.730
talk about groundwater. Yeah.

3437
03:30:06.130 --> 03:30:07.876
In October, you pumped 5.81 million

3438
03:30:07.876 --> 03:30:09.740
gallons per day of groundwater,

3439
03:30:09.740 --> 03:30:12.428
didn't you? Would you mind pulling

3440
03:30:12.428 --> 03:30:14.290
up the exhibit just so I can confirm?

3441
03:30:19.570 --> 03:30:23.310
Please I'm working up. To study.

3442
03:30:25.590 --> 03:30:27.648
And Mr. Franco, could you please

3443
03:30:27.648 --> 03:30:29.696

refer to the exhibit number for

3444
03:30:29.696 --> 03:30:32.110
the transcript you just pulled up?

3445
03:30:32.110 --> 03:30:34.810
There is no exhibit number we

3446
03:30:34.810 --> 03:30:36.890
were given in your minute order.

3447
03:30:36.890 --> 03:30:39.066
You said you know, the transcript will

3448
03:30:39.066 --> 03:30:41.784
be available on the whatever drive.

3449
03:30:41.784 --> 03:30:43.860
So there's no.

3450
03:30:43.860 --> 03:30:45.060
You can have some number.

3451
03:30:47.320 --> 03:30:49.594
Reference number or the date the

3452
03:30:49.594 --> 03:30:53.528
date of the trial, the trial date.

3453
03:30:53.528 --> 03:30:57.958
That was August 13th, 2020. Thank you.

3454
03:31:06.700 --> 03:31:07.870
Oh Ron exhibit.

3455
03:31:22.500 --> 03:31:23.650
OK.

3456
03:31:32.270 --> 03:31:35.030
So do you see this chart?

3457
03:31:35.030 --> 03:31:38.016
This is AMD's exhibit X13.

3458
03:31:38.016 --> 03:31:40.710
Do you see that I do, I do,

3459
03:31:40.710 --> 03:31:43.185
and you see, there's this column,

3460
03:31:43.185 --> 03:31:44.880
groundwater pumping farm,

3461
03:31:44.880 --> 03:31:47.250
and it was 4.2 in September,

3462
03:31:47.250 --> 03:31:50.000
5.81 in October. Got it?

3463
03:31:50.000 --> 03:31:51.920
Uhm, how do the crops respond

3464
03:31:51.920 --> 03:31:54.090
to respond to the groundwater?

3465
03:31:54.090 --> 03:31:57.108
I personally do not know that.

3466
03:31:57.110 --> 03:31:59.510
Yeah, OK, so you can't report

3467
03:31:59.510 --> 03:32:01.110
on any adverse impacts.

3468
03:32:01.110 --> 03:32:01.640
I can't.

3469
03:32:01.640 --> 03:32:03.760
OK, I want to ask you about the

3470
03:32:03.834 --> 03:32:06.354

$20 million to install a more

3471
03:32:06.354 --> 03:32:07.978
efficient irrigation system as

3472
03:32:07.978 --> 03:32:09.768
that $20 million been spent.

3473
03:32:09.770 --> 03:32:11.182
It has.

3474
03:32:11.182 --> 03:32:11.888
When?

3475
03:32:14.120 --> 03:32:17.976
So when did you safely early this year?

3476
03:32:17.980 --> 03:32:20.493
OK, because in October 2019 you said

3477
03:32:20.493 --> 03:32:22.805
that would you would be spending

3478
03:32:22.805 --> 03:32:25.514
that money over the next three years.

3479
03:32:25.520 --> 03:32:27.745
That's correct, but you spent

3480
03:32:27.745 --> 03:32:31.392
that much quicker. We did.

3481
03:32:31.392 --> 03:32:33.700
Uhm? And you spend it faster,

3482
03:32:33.700 --> 03:32:35.220
despite the COVID pandemic.

3483
03:32:37.560 --> 03:32:40.686
It yes, despite the cold pandemic,

3484
03:32:40.690 --> 03:32:43.924
how much water have you guys saved?

3485
03:32:43.930 --> 03:32:46.570
I I'm unsure of that.

3486
03:32:46.570 --> 03:32:49.226
Has any of the money been spent lining

3487
03:32:49.226 --> 03:32:51.429
or covering any of the reservoirs?

3488
03:32:51.430 --> 03:32:53.890
No it has not. K.

3489
03:32:56.100 --> 03:32:59.476
Uhm? How much is Mahi Pono spent planting

3490
03:32:59.476 --> 03:33:02.396
citrus over the past couple of years?

3491
03:33:02.400 --> 03:33:04.306
No, I don't have that number.

3492
03:33:04.306 --> 03:33:07.794
Offhand, can you give me a ballpark figure?

3493
03:33:07.800 --> 03:33:09.104
No, that would be.

3494
03:33:09.104 --> 03:33:12.046
Tough to give you any kind of accurate

3495
03:33:12.046 --> 03:33:14.764
estimate on that more than $1,000,000.

3496
03:33:14.770 --> 03:33:16.126
Uninstalling, I'm sorry.

3497
03:33:16.126 --> 03:33:17.934

What was the original

3498
03:33:17.934 --> 03:33:19.290
question planting citrus?

3499
03:33:19.290 --> 03:33:20.546
More than $1,000,000 yeah,

3500
03:33:20.546 --> 03:33:22.850
and the time frame was I'm sorry.

3501
03:33:22.850 --> 03:33:24.860
Three years past couple years.

3502
03:33:24.860 --> 03:33:26.129
Two years yes,

3503
03:33:26.129 --> 03:33:28.244
we're in excess of $1,000,000

3504
03:33:28.250 --> 03:33:29.010
more than $10 million.

3505
03:33:31.020 --> 03:33:33.197
I would yes more than $10 million.

3506
03:33:37.180 --> 03:33:40.460
More than $20 million. You know,

3507
03:33:40.460 --> 03:33:43.050
at this point I think I probably

3508
03:33:43.050 --> 03:33:44.325
want to withhold any estimates.

3509
03:33:44.330 --> 03:33:46.258
I would probably stand on a very safe

3510
03:33:46.258 --> 03:33:48.178
estimate of being more than $10 million.

3511
03:33:50.340 --> 03:33:55.790
K. I'll talk about dumb.

3512
03:33:55.790 --> 03:33:58.022
It needs for water and your

3513
03:33:58.022 --> 03:33:58.766
supplemental declaration.

3514
03:33:58.770 --> 03:34:00.695
You say the amount of water needed

3515
03:34:00.695 --> 03:34:02.839
per acre is based on that report.

3516
03:34:02.840 --> 03:34:07.290
Producing alfalfa in Hawaii. Correct?

3517
03:34:07.290 --> 03:34:08.820
Mr comma. I've looked through the

3518
03:34:08.820 --> 03:34:10.470
EIS and you're very smart plans.

3519
03:34:10.470 --> 03:34:12.970
I've never come across alfalfa.

3520
03:34:12.970 --> 03:34:15.250
How many acres of alfalfa is

3521
03:34:15.250 --> 03:34:18.440
Molly Pony growing today? 0.

3522
03:34:18.440 --> 03:34:20.694
How many acres of alfalfa is my

3523
03:34:20.694 --> 03:34:23.972
pointer planter plant in 2022? 0.

3524
03:34:23.972 --> 03:34:28.466

What year was this alfalfa report written?

3525
03:34:28.470 --> 03:34:32.430
You know, honestly, I'm not exactly sure I.

3526
03:34:32.430 --> 03:34:35.280
Don't know the exact year.

3527
03:34:35.280 --> 03:34:37.614
When was the first time you

3528
03:34:37.614 --> 03:34:39.170
read this alfalfa study?

3529
03:34:39.170 --> 03:34:43.456
You know back in. 2019 sometime.

3530
03:34:43.456 --> 03:34:46.890
So you read it, I did not read it.

3531
03:34:46.890 --> 03:34:49.758
Uhm, you know, I.

3532
03:34:49.760 --> 03:34:51.020
Yes, read it.

3533
03:34:51.020 --> 03:34:53.120
Maybe not in its entirety,

3534
03:34:53.120 --> 03:34:55.466
but you know most of it.

3535
03:34:57.510 --> 03:34:58.452
Is somebody in the room with

3536
03:34:58.452 --> 03:35:03.078
you there, Mr McConnell. No no.

3537
03:35:03.080 --> 03:35:07.108
So let's look at that exhibit. It's X 23.

3538
03:35:37.080 --> 03:35:39.966
Can you see that I can?

3539
03:35:39.970 --> 03:35:41.636
So what was the last time we

3540
03:35:41.636 --> 03:35:43.309
took a look at this report?

3541
03:35:45.630 --> 03:35:46.952
Uh, recently,

3542
03:35:46.952 --> 03:35:50.257
as exhibited for this testimony.

3543
03:35:50.260 --> 03:35:52.822
Alright, so this says Alfalfa has

3544
03:35:52.822 --> 03:35:55.622
one of the highest water requirements

3545
03:35:55.622 --> 03:35:59.136
for optimal growth of any food crop.

3546
03:35:59.140 --> 03:36:01.360
You see that I do.

3547
03:36:01.360 --> 03:36:03.332
And it requires approximately

3548
03:36:03.332 --> 03:36:06.290
1,000,000 gallons per acre per year.

3549
03:36:06.290 --> 03:36:08.378
You see that.

3550
03:36:08.380 --> 03:36:10.548
I see that text, but I think there's

3551
03:36:10.548 --> 03:36:12.328

a clarifying comment that's more

3552
03:36:12.328 --> 03:36:14.298
applicable to our specific situation.

3553
03:36:14.300 --> 03:36:16.350
Further down in that paragraph,

3554
03:36:16.350 --> 03:36:19.140
because you're you have high salt

3555
03:36:19.140 --> 03:36:21.000
concentrations on your fields.

3556
03:36:21.000 --> 03:36:24.717
No, we're in areas with high temperatures,

3557
03:36:24.720 --> 03:36:26.544
low relative humidities,

3558
03:36:26.544 --> 03:36:28.976
and constantly windy conditions.

3559
03:36:28.980 --> 03:36:30.288
I see a bum.

3560
03:36:30.288 --> 03:36:32.250
Even though although this does say

3561
03:36:32.321 --> 03:36:34.349
the estimated water requirement

3562
03:36:34.349 --> 03:36:36.488
is admittedly high, you see that.

3563
03:36:39.660 --> 03:36:43.127
I mean, yeah, I see the language, yes.

3564
03:36:43.127 --> 03:36:44.438
Well, how much?

3565
03:36:44.438 --> 03:36:47.060
How much does alfalfa require per

3566
03:36:47.142 --> 03:36:49.487
acre that you're not growing?

3567
03:36:49.490 --> 03:36:53.009
So that 66 to 72 acre inches range of

3568
03:36:53.009 --> 03:36:55.760
water requirement for the conditions

3569
03:36:55.760 --> 03:37:00.275
that are most applicable to our farm

3570
03:37:00.275 --> 03:37:04.570
operation results in a per acre.

3571
03:37:04.570 --> 03:37:07.770
Uhm irrigation requirement of I

3572
03:37:07.770 --> 03:37:11.260
believe 4915 gallons per acre per day.

3573
03:37:11.260 --> 03:37:13.843
For a crop, that is takes one of the

3574
03:37:13.843 --> 03:37:16.090
most highest water requirements,

3575
03:37:16.090 --> 03:37:17.826
and when did you make this calculation?

3576
03:37:20.590 --> 03:37:22.798
I'm sorry. What was your previous

3577
03:37:22.798 --> 03:37:24.628
statement? What was your?

3578
03:37:24.628 --> 03:37:28.030

What when did you make this calculation?

3579
03:37:28.030 --> 03:37:29.314
I believe that calculation

3580
03:37:29.314 --> 03:37:30.919
was originally done in 2019.

3581
03:37:33.660 --> 03:37:36.285
OK. Let's look at your

3582
03:37:36.285 --> 03:37:38.320
next exhibit exhibit X24.

3583
03:37:49.620 --> 03:37:51.852
When was the first time you

3584
03:37:51.852 --> 03:37:55.769
read this report? Also in 2019.

3585
03:37:55.770 --> 03:37:57.540
Which data from this report?

3586
03:38:00.240 --> 03:38:02.630
I'm sorry, what's up this?

3587
03:38:02.630 --> 03:38:05.230
Which data from this final

3588
03:38:05.230 --> 03:38:06.785
report did you use to derive

3589
03:38:06.785 --> 03:38:08.140
estimates as to how much water?

3590
03:38:08.140 --> 03:38:11.836
My point it would mean there's a crop

3591
03:38:11.836 --> 03:38:13.980
coefficient further down in this report.

3592
03:38:13.980 --> 03:38:15.690
I believe it's around page 10.

3593
03:38:19.550 --> 03:38:23.326
A PDF 10 or the real page 10.

3594
03:38:23.330 --> 03:38:25.730
Uh. There those tables you

3595
03:38:25.730 --> 03:38:28.620
can scroll up a little bit.

3596
03:38:32.400 --> 03:38:34.276
This is what you used next on.

3597
03:38:39.120 --> 03:38:41.420
Cats are used. No.

3598
03:38:43.690 --> 03:38:45.758
Yes, I'm sorry, that's.

3599
03:38:49.410 --> 03:38:51.818
Yes, that's the ones.

3600
03:38:51.820 --> 03:38:54.704
This is what you use to determine

3601
03:38:54.704 --> 03:38:57.918
how much water your lemon trees need.

3602
03:38:57.920 --> 03:39:00.130
That's correct.

3603
03:39:00.130 --> 03:39:03.065
You know this is a report that

3604
03:39:03.065 --> 03:39:04.740
a company is a software.

3605
03:39:04.740 --> 03:39:05.580

Are you aware of that?

3606
03:39:08.290 --> 03:39:12.538
No, I'm not. You're not aware that this

3607
03:39:12.538 --> 03:39:15.946
this report describes software that is

3608
03:39:15.946 --> 03:39:21.200
used to calculate crop needs. You know,

3609
03:39:21.200 --> 03:39:22.630
I think that might be part of the report,

3610
03:39:22.630 --> 03:39:24.340
but the crop coefficients are

3611
03:39:24.340 --> 03:39:27.190
their crop coefficients, right?

3612
03:39:27.190 --> 03:39:30.193
Well, this is a model that has

3613
03:39:30.193 --> 03:39:33.320
a number of components to it.

3614
03:39:33.320 --> 03:39:35.950
Do you not know that?

3615
03:39:35.950 --> 03:39:40.138
And this this report accompanies software.

3616
03:39:40.140 --> 03:39:41.130
Do you not know that?

3617
03:39:43.770 --> 03:39:47.004
I mean GSP software. I mean yes.

3618
03:39:47.010 --> 03:39:48.485
I mean software is kind

3619
03:39:48.485 --> 03:39:49.370
of prevalent throughout.

3620
03:39:49.370 --> 03:39:50.958
You know most solutions,

3621
03:39:50.958 --> 03:39:53.880
but I think the main point is

3622
03:39:53.880 --> 03:39:56.175
that it provides very relevant

3623
03:39:56.175 --> 03:39:58.640
crop comparisons in those tables.

3624
03:39:58.640 --> 03:40:00.698
Did you guys buy this software

3625
03:40:00.698 --> 03:40:02.070
or use this software?

3626
03:40:02.070 --> 03:40:03.492
We did not buy any software

3627
03:40:03.492 --> 03:40:04.203
from this report.

3628
03:40:06.480 --> 03:40:10.666
So you actually didn't use the model

3629
03:40:10.670 --> 03:40:14.000
that this report summarizes, did you?

3630
03:40:16.900 --> 03:40:20.190
We used the data from that report.

3631
03:40:20.190 --> 03:40:22.574
Which includes crop coefficients.

3632
03:40:22.574 --> 03:40:25.554

That offer valid comparisons between

3633
03:40:25.554 --> 03:40:28.059
crop buyers. Crop water requirements.

3634
03:40:30.890 --> 03:40:32.750
But you didn't use the model.

3635
03:40:32.750 --> 03:40:36.107
You didn't use all the data from the model.

3636
03:40:36.110 --> 03:40:38.455
I mean, I'm not sure if the

3637
03:40:38.455 --> 03:40:40.419
coefficients are part of the model,

3638
03:40:40.420 --> 03:40:42.100
but we did use the coefficients

3639
03:40:42.100 --> 03:40:43.450
from that report, all right?

3640
03:40:45.580 --> 03:40:47.300
What crops are currently grown?

3641
03:40:47.300 --> 03:40:49.351
Are you currently growing on the land

3642
03:40:49.351 --> 03:40:50.829
irrigated from Norway Hall water?

3643
03:40:57.490 --> 03:40:59.058
In West Molly, yes.

3644
03:41:02.190 --> 03:41:03.450
You know it's a pretty

3645
03:41:03.450 --> 03:41:04.458
wide range of crops.

3646
03:41:04.460 --> 03:41:07.480
We have some citrus.

3647
03:41:07.480 --> 03:41:11.460
Uhm? No lemons, limes.

3648
03:41:11.460 --> 03:41:13.428
Uh, some real crops.

3649
03:41:17.510 --> 03:41:18.300
Oranges.

3650
03:41:22.040 --> 03:41:24.049
Sort of similar to the mix of

3651
03:41:24.049 --> 03:41:26.081
crops that are being grown with

3652
03:41:26.081 --> 03:41:28.250
water from East Maui Stream, right?

3653
03:41:31.450 --> 03:41:33.578
In terms of the types of crops,

3654
03:41:33.580 --> 03:41:37.036
but in terms of the proportion of acreage.

3655
03:41:37.040 --> 03:41:39.710
I would say they're different.

3656
03:41:39.710 --> 03:41:41.434
Understood there's different acreage,

3657
03:41:41.434 --> 03:41:44.720
but the same kind of mix of crops.

3658
03:41:44.720 --> 03:41:47.192
I think the mix of crops is heavily

3659
03:41:47.192 --> 03:41:49.646

dependent on the proportion of you know

3660
03:41:49.646 --> 03:41:52.372
the make up of those crop mixes, right?

3661
03:41:52.372 --> 03:41:55.116
So while we do have rowcrop slated

3662
03:41:55.116 --> 03:41:58.595
for East and West Mali, we also have.

3663
03:41:58.595 --> 03:42:01.625
Citrus. As a component in the

3664
03:42:01.625 --> 03:42:04.298
East and West Molly fields.

3665
03:42:04.298 --> 03:42:07.794
You know, I think the percentage

3666
03:42:07.794 --> 03:42:11.418
of those crops in each plan

3667
03:42:11.418 --> 03:42:13.230
is significantly different.

3668
03:42:13.230 --> 03:42:14.034
Which one?

3669
03:42:14.034 --> 03:42:16.446
Which one are you growing more

3670
03:42:16.446 --> 03:42:19.316
of using of a hot water then

3671
03:42:19.316 --> 03:42:21.770
you smelly water all of them?

3672
03:42:21.770 --> 03:42:23.620
Well, if it's a percentage,

3673
03:42:23.620 --> 03:42:26.836
if you can't like we're talking

3674
03:42:26.836 --> 03:42:29.598
about the percent percentage of all,

3675
03:42:29.598 --> 03:42:32.730
let's let's sort of do 6th grade math here.

3676
03:42:32.730 --> 03:42:35.020
If you have 100 acres.

3677
03:42:35.020 --> 03:42:37.174
You can have a percentage you

3678
03:42:37.174 --> 03:42:39.147
know of lemons or percentage

3679
03:42:39.147 --> 03:42:41.895
of orange percent of row crops.

3680
03:42:41.900 --> 03:42:42.782
That is percentage.

3681
03:42:42.782 --> 03:42:45.489
You can also have 100 acres in East Maui.

3682
03:42:45.490 --> 03:42:46.747
It's a percentage,

3683
03:42:46.747 --> 03:42:49.261
so how do those percentages change

3684
03:42:49.261 --> 03:42:51.467
between those two sets of fields?

3685
03:42:51.470 --> 03:42:54.314
What are you growing more of

3686
03:42:54.314 --> 03:42:57.360

percentage wise using the not buy a

3687
03:42:57.360 --> 03:43:00.440
hot water then you are E Molly water.

3688
03:43:00.440 --> 03:43:03.768
I would say that there is a larger

3689
03:43:03.768 --> 03:43:06.200
percentage of that the make up of

3690
03:43:06.200 --> 03:43:08.490
the West Maui field by percent.

3691
03:43:08.490 --> 03:43:11.022
Is more heavily weighted to row

3692
03:43:11.022 --> 03:43:15.380
crops than it is in East Molly.

3693
03:43:15.380 --> 03:43:16.610
Not that it's a majority,

3694
03:43:16.610 --> 03:43:19.242
but it makes up more of the West

3695
03:43:19.242 --> 03:43:21.359
Molly plan and current field

3696
03:43:21.359 --> 03:43:23.654
plantings than the East Molly.

3697
03:43:23.660 --> 03:43:25.772
So what percentage would you say

3698
03:43:25.772 --> 03:43:28.150
real crops for the Navajo Water?

3699
03:43:28.150 --> 03:43:30.586
I would you know that would be.

3700
03:43:30.590 --> 03:43:32.798
I don't know if I'm able to make

3701
03:43:32.798 --> 03:43:34.550
that estimate or guess right now,

3702
03:43:34.550 --> 03:43:37.189
not off the top of my head.

3703
03:43:37.190 --> 03:43:37.560
K.

3704
03:43:41.270 --> 03:43:44.478
OK, let's talk about my partner's water use.

3705
03:43:44.480 --> 03:43:45.650
You're the vice president of

3706
03:43:45.650 --> 03:43:47.945
operations from a hippo, right?

3707
03:43:47.945 --> 03:43:50.746
Correct? How much does it cost my

3708
03:43:50.746 --> 03:43:52.439
Pono for the water it gets now?

3709
03:43:55.710 --> 03:43:58.690
For the water gets null.

3710
03:43:58.690 --> 03:44:01.161
From his smiling no.

3711
03:44:01.161 --> 03:44:02.428
I think it's stated in the permit.

3712
03:44:02.430 --> 03:44:03.672
I don't know exactly the amount

3713
03:44:03.672 --> 03:44:05.017

of the couple. My head no.

3714
03:44:05.017 --> 03:44:07.290
No talk about your total cost of the water,

3715
03:44:07.290 --> 03:44:09.036
you know because A&B near my

3716
03:44:09.036 --> 03:44:10.590
actually delivered to my hippo.

3717
03:44:10.590 --> 03:44:13.464
Know how much are you folks

3718
03:44:13.464 --> 03:44:16.179
paying for the water to ANB?

3719
03:44:16.180 --> 03:44:17.005
Or am I?

3720
03:44:17.005 --> 03:44:19.780
Or how much is that cost to you folks?

3721
03:44:22.760 --> 03:44:25.735
Not exactly sure what that encompass is.

3722
03:44:25.740 --> 03:44:26.748
I wouldn't be able to tell

3723
03:44:26.748 --> 03:44:27.909
you off the top of my head.

3724
03:44:31.590 --> 03:44:33.438
Well, what percentage of my hip owners

3725
03:44:33.438 --> 03:44:34.969
operating budget is spent on water?

3726
03:44:37.530 --> 03:44:39.992
You know, I think that's something I

3727
03:44:39.992 --> 03:44:41.678
wouldn't be able to estimate either.

3728
03:44:41.680 --> 03:44:44.130
Right now you're the vice

3729
03:44:44.130 --> 03:44:45.600
president of operations.

3730
03:44:45.600 --> 03:44:48.519
You don't know if water is a

3731
03:44:48.519 --> 03:44:51.496
small percent or a large percent

3732
03:44:51.496 --> 03:44:54.216
of your operating budget costs.

3733
03:44:54.220 --> 03:45:00.000
I mean, what's a large or small percent, uhm?

3734
03:45:00.000 --> 03:45:03.303
Yeah, it's really up for debate and I don't

3735
03:45:03.303 --> 03:45:06.260
think I'm at this particular point able

3736
03:45:06.260 --> 03:45:09.138
to provide an estimate on that amount.

3737
03:45:09.140 --> 03:45:11.198
Does are you spending more than 10%

3738
03:45:11.200 --> 03:45:13.876
of your operating budget on water?

3739
03:45:13.880 --> 03:45:15.329
Objection Aston answered.

3740
03:45:23.380 --> 03:45:24.720

Go ahead and answer it.

3741
03:45:26.740 --> 03:45:28.476
I'm sorry, can you repeat the question?

3742
03:45:28.480 --> 03:45:29.772
Are you spending more

3743
03:45:29.772 --> 03:45:32.091
than 10% of your budget?

3744
03:45:32.091 --> 03:45:34.876
Your overall costs on water?

3745
03:45:34.880 --> 03:45:36.712
For my pono's operations?

3746
03:45:36.712 --> 03:45:39.460
I wouldn't be able to say.

3747
03:45:39.460 --> 03:45:43.368
Unsure who could say.

3748
03:45:43.370 --> 03:45:45.548
I mean, I guess our accounting.

3749
03:45:48.280 --> 03:45:50.640
Team could figure that out.

3750
03:45:50.640 --> 03:45:52.266
And provided you don't as it

3751
03:45:52.266 --> 03:45:54.030
as a vice president operations,

3752
03:45:54.030 --> 03:45:55.812
you never look at a spreadsheet

3753
03:45:55.812 --> 03:45:57.400
about your budget and costs.

3754
03:45:57.400 --> 03:45:59.176
That's something that you don't do.

3755
03:45:59.180 --> 03:46:01.280
Well, it's not a single line item.

3756
03:46:01.280 --> 03:46:04.155
I think that would quantify

3757
03:46:04.155 --> 03:46:06.455
what you're asking for.

3758
03:46:06.460 --> 03:46:08.458
Yeah, it's a very complex budget

3759
03:46:08.458 --> 03:46:11.451
and I think you know all of the

3760
03:46:11.451 --> 03:46:13.431
cost components of what constitutes

3761
03:46:13.431 --> 03:46:15.288
quote unquote water costs.

3762
03:46:15.290 --> 03:46:17.990
Is a much more complex.

3763
03:46:17.990 --> 03:46:20.190
Analysis, Then you know.

3764
03:46:22.330 --> 03:46:24.178
Finding something in a single line

3765
03:46:24.178 --> 03:46:26.214
on a budget that's not exactly

3766
03:46:26.214 --> 03:46:30.549
how it's calculated. You pay EMI.

3767
03:46:30.550 --> 03:46:32.734

To give EMI any money for the

3768
03:46:32.734 --> 03:46:34.710
water is delivered to my opponent.

3769
03:46:37.720 --> 03:46:44.040
We are partners in the MI in MI so we.

3770
03:46:44.040 --> 03:46:46.596
Yes, I. I mean, we pay for the costs

3771
03:46:46.596 --> 03:46:49.450
incurred by EMI and what does that cost?

3772
03:46:49.450 --> 03:46:50.654
I wouldn't be able to tell you.

3773
03:47:11.650 --> 03:47:13.386
Cool. Do you know how much other

3774
03:47:13.386 --> 03:47:15.240
farmers in the state pay for water?

3775
03:47:17.880 --> 03:47:18.688
No, I do not.

3776
03:47:26.550 --> 03:47:29.979
Do you know how much my opponent is paying?

3777
03:47:29.980 --> 03:47:32.578
For 1000 gallons of water now.

3778
03:47:36.120 --> 03:47:39.270
No, I do not. So you have no information

3779
03:47:39.270 --> 03:47:41.639
that would contradict the information

3780
03:47:41.639 --> 03:47:44.950
in the EIS regarding how much it

3781
03:47:44.950 --> 03:47:47.267
costs my Pono to get its water.

3782
03:47:47.270 --> 03:47:48.562
I don't, I'm sorry.

3783
03:47:48.562 --> 03:47:50.177
Can you repeat that question?

3784
03:47:50.180 --> 03:47:51.845
You have no information to

3785
03:47:51.845 --> 03:47:52.844
contradict the information.

3786
03:47:52.850 --> 03:47:56.840
The EIS regarding how much it costs.

3787
03:47:56.840 --> 03:48:00.638
Have water delivered to Mahi Pono.

3788
03:48:00.640 --> 03:48:03.230
That's correct, I have no information that

3789
03:48:03.230 --> 03:48:05.555
would contradict the EIS, so we should.

3790
03:48:05.555 --> 03:48:08.028
We can rely on that information in the

3791
03:48:08.028 --> 03:48:10.485
appendix to the S that says how much it

3792
03:48:10.552 --> 03:48:13.777
costs my Pono for its water, correct?

3793
03:48:13.777 --> 03:48:15.712
Yes, I believe the information

3794
03:48:15.712 --> 03:48:18.000

in the EIS is accurate.

3795
03:48:18.000 --> 03:48:18.550
Thank you.

3796
03:48:26.870 --> 03:48:28.592
As the courts 25 million gallon

3797
03:48:28.592 --> 03:48:30.369
per day limit create any problems

3798
03:48:30.369 --> 03:48:33.618
for my hippo, no since July 30th.

3799
03:48:33.620 --> 03:48:36.248
Not since you like 30th until current day no.

3800
03:48:39.530 --> 03:48:43.268
You testified Underoath in on August 13th,

3801
03:48:43.270 --> 03:48:45.440
2020 that if a cap of 25

3802
03:48:45.440 --> 03:48:47.290
million gallons was implemented,

3803
03:48:47.290 --> 03:48:49.740
that would have a high detrimental impact

3804
03:48:49.740 --> 03:48:52.430
on the expansion of our farming operations.

3805
03:48:52.430 --> 03:48:54.670
You know it would make it very

3806
03:48:54.670 --> 03:48:56.339
difficult to expand our crops.

3807
03:48:56.340 --> 03:48:58.828
Was that testimony incorrect?

3808
03:48:58.828 --> 03:49:00.400
No, it wasn't.

3809
03:49:00.400 --> 03:49:03.250
That was our estimate and our.

3810
03:49:03.250 --> 03:49:04.418
Conclusion at the time,

3811
03:49:04.418 --> 03:49:06.709
but that estimate has proven to be wrong,

3812
03:49:06.710 --> 03:49:10.676
hasn't. We have been able to,

3813
03:49:10.680 --> 03:49:13.836
you know, manage with 25MG D

3814
03:49:13.840 --> 03:49:16.876
currently up until the present day.

3815
03:49:16.880 --> 03:49:18.938
So it's not that it was inaccurate.

3816
03:49:18.940 --> 03:49:20.990
That really did represent our

3817
03:49:20.990 --> 03:49:23.134
beliefs and our estimates at

3818
03:49:23.134 --> 03:49:25.419
the time of that testimony.

3819
03:49:25.420 --> 03:49:25.872
Thank you,

3820
03:49:25.872 --> 03:49:26.776
have no further questions.

3821
03:49:29.400 --> 03:49:32.544

Hey Mr Road, do you have any questions?

3822
03:49:32.550 --> 03:49:33.866
I have no questions for this witness.

3823
03:49:33.870 --> 03:49:37.740
Thank you in Mr Caughey. Thank you,

3824
03:49:37.740 --> 03:49:41.236
good afternoon Mr Nakoma I just.

3825
03:49:41.236 --> 03:49:44.580
Have some areas that I want to follow

3826
03:49:44.680 --> 03:49:47.746
up on that you discussed with Mr.

3827
03:49:47.750 --> 03:49:50.700
Frankel. So the first is.

3828
03:49:53.180 --> 03:49:56.090
Is there uncertainty in farming

3829
03:49:56.090 --> 03:50:00.030
when it comes to planning there is?

3830
03:50:00.030 --> 03:50:01.948
Does Monkey Pono try to be accurate

3831
03:50:01.948 --> 03:50:03.710
to the best of its ability?

3832
03:50:03.710 --> 03:50:07.278
When making projections always?

3833
03:50:07.280 --> 03:50:09.580
It's multiple node asthma hippona

3834
03:50:09.580 --> 03:50:11.880
try to Ardley artificially inflate

3835
03:50:11.949 --> 03:50:14.245
the amount of water that it needs.

3836
03:50:14.250 --> 03:50:15.210
No, we do not.

3837
03:50:18.540 --> 03:50:22.532
Is so now I I wanna come talk

3838
03:50:22.532 --> 03:50:26.504
about the alfalfa report that Mr.

3839
03:50:26.504 --> 03:50:29.990
Frankel was asking you about and.

3840
03:50:33.420 --> 03:50:37.375
Let me just get the exhibit number

3841
03:50:37.375 --> 03:50:40.620
exhibit X23 for the record.

3842
03:50:40.620 --> 03:50:47.429
So the amount of water that is stated.

3843
03:50:47.430 --> 03:50:51.184
That is needed for alfalfa is that

3844
03:50:51.184 --> 03:50:53.836
the number that makimono is using.

3845
03:50:53.840 --> 03:50:55.596
Uhm? So to clarify.

3846
03:50:55.596 --> 03:50:58.520
So if it says alfalfa needs X,

3847
03:50:58.520 --> 03:50:59.884
MGD is mahi Pono.

3848
03:50:59.884 --> 03:51:01.930

Saying that that same amount is

3849
03:51:02.007 --> 03:51:04.027
needed for mahi pono's crops?

3850
03:51:04.030 --> 03:51:07.766
No, we are not. We adjust that amount.

3851
03:51:07.770 --> 03:51:10.698
And how is that amount adjusted?

3852
03:51:10.700 --> 03:51:13.626
That amount is adjusted based on the

3853
03:51:13.626 --> 03:51:15.952
coefficients in the exhibit that

3854
03:51:15.952 --> 03:51:19.170
follows that basically show water

3855
03:51:19.170 --> 03:51:22.570
requirements relative to other crops.

3856
03:51:22.570 --> 03:51:25.722
So the exhibit exhibit X24 is the one

3857
03:51:25.722 --> 03:51:29.378
with the tables in it that you were

3858
03:51:29.378 --> 03:51:31.910
discussing with Mr Frankel, correct?

3859
03:51:31.910 --> 03:51:36.525
So in that in that report there are

3860
03:51:36.525 --> 03:51:39.770
numbers for specific types of crops.

3861
03:51:39.770 --> 03:51:42.829
Is that what you're saying that is?

3862
03:51:42.830 --> 03:51:46.046
OK, and then what did you do with

3863
03:51:46.046 --> 03:51:48.242
those numbers in that in those

3864
03:51:48.242 --> 03:51:50.658
in X24 and the table index 24?

3865
03:51:50.660 --> 03:51:53.696
So in those tables each crop

3866
03:51:53.696 --> 03:51:55.214
has a coefficient.

3867
03:51:55.220 --> 03:51:57.380
Or several coefficients with which are.

3868
03:51:57.380 --> 03:52:00.607
Then you know, averaged at that point,

3869
03:52:00.610 --> 03:52:04.090
and compared to a known amount,

3870
03:52:04.090 --> 03:52:06.320
which in this case is

3871
03:52:06.320 --> 03:52:08.273
alfalfa's water requirement.

3872
03:52:08.273 --> 03:52:12.220
So the calculation for our individual

3873
03:52:12.220 --> 03:52:15.670
crop water requirements is a.

3874
03:52:15.670 --> 03:52:17.458
You know generally 2 step process.

3875
03:52:17.460 --> 03:52:19.220

Knowing the alfalfa water

3876
03:52:19.220 --> 03:52:21.420
requirement from the first exhibit.

3877
03:52:21.420 --> 03:52:23.513
And then adjusting it based on crop

3878
03:52:23.513 --> 03:52:25.290
coefficients in the second exhibit.

3879
03:52:28.440 --> 03:52:30.888
And so it's so you're not saying that

3880
03:52:30.888 --> 03:52:33.519
the amount of water that alfalfa needs is

3881
03:52:33.519 --> 03:52:36.039
the amount that mahi pono's crops need.

3882
03:52:36.040 --> 03:52:38.000
No, that's just the first

3883
03:52:38.000 --> 03:52:39.960
component which is then adjusted

3884
03:52:40.029 --> 03:52:42.259
heavily for each individual crop.

3885
03:52:42.260 --> 03:52:44.600
OK, thank you. Uhm?

3886
03:52:44.600 --> 03:52:49.609
I want to ask you about the amount

3887
03:52:49.610 --> 03:52:52.109
of the cost of water that Mr.

3888
03:52:52.110 --> 03:52:54.564
Frankel was just asking you about

3889
03:52:54.564 --> 03:52:57.556
and he asked you if you had any

3890
03:52:57.556 --> 03:53:00.108
information to contradict the statement

3891
03:53:00.108 --> 03:53:04.540
in the EIS about the cost of water.

3892
03:53:04.540 --> 03:53:06.756
And you said that you had no information,

3893
03:53:06.760 --> 03:53:07.980
correct, correct?

3894
03:53:07.980 --> 03:53:11.640
Uhm, do you know this number?

3895
03:53:11.640 --> 03:53:13.948
That's in the FEIS?

3896
03:53:13.948 --> 03:53:17.410
Do you know what went into

3897
03:53:17.545 --> 03:53:20.560
calculating that number?

3898
03:53:23.380 --> 03:53:25.564
So let me ask a more specific question.

3899
03:53:25.570 --> 03:53:29.674
Do you know if that number

3900
03:53:29.674 --> 03:53:31.454
included capital costs?

3901
03:53:31.454 --> 03:53:34.736
So in terms of building acquiring,

3902
03:53:34.740 --> 03:53:36.243

maintaining the system.

3903
03:53:36.243 --> 03:53:39.249
Objection 'cause it's a leading question.

3904
03:53:45.070 --> 03:53:46.659
I think you can answer that question.

3905
03:53:49.050 --> 03:53:50.106
You know, after the top of my head,

3906
03:53:50.110 --> 03:53:53.934
I am unsure 'cause I'm unsure exactly what.

3907
03:53:53.940 --> 03:53:56.160
You know figure it is being

3908
03:53:56.160 --> 03:53:57.640
referenced in the EIS.

3909
03:53:57.640 --> 03:54:00.680
There's a lot of figures, uhm?

3910
03:54:00.680 --> 03:54:04.384
I wouldn't be able to say, OK, thank you.

3911
03:54:04.384 --> 03:54:06.924
I have no further questions.

3912
03:54:06.930 --> 03:54:08.890
Right, any further questions?

3913
03:54:08.890 --> 03:54:13.630
I do just a quick one. Uhm?

3914
03:54:13.630 --> 03:54:17.190
And I want to bring up a new

3915
03:54:17.190 --> 03:54:20.088
exhibit A which I'm going to ask,

3916
03:54:20.090 --> 03:54:22.222
well, pushed it this.

3917
03:54:22.222 --> 03:54:24.887
I'm calling it for now.

3918
03:54:24.890 --> 03:54:30.358
Exhibit Y 68. Uhm?

3919
03:54:30.360 --> 03:54:33.888
And bring it up on the screen.

3920
03:54:35.990 --> 03:54:37.500
Tell you what it is.

3921
03:54:40.800 --> 03:54:44.232
So this exhibit, which I hope

3922
03:54:44.232 --> 03:54:47.874
you folks can see is I got it

3923
03:54:47.874 --> 03:54:49.514
from compose front last night.

3924
03:54:49.520 --> 03:54:53.723
It's a statement that was provided in Nova a

3925
03:54:53.723 --> 03:54:57.556
hot hearing by Ali Ferris, doctor Ali Ferris,

3926
03:54:57.556 --> 03:55:01.236
who is the author of the report that Mr.

3927
03:55:01.236 --> 03:55:06.016
Nakama referred to and up this chair case.

3928
03:55:06.016 --> 03:55:07.744
I believe this testimony

3929
03:55:07.744 --> 03:55:09.470

preceded your chair ship.

3930
03:55:09.470 --> 03:55:11.718
At the Water Commission.

3931
03:55:11.718 --> 03:55:13.690
But maybe I'm wrong about that.

3932
03:55:13.690 --> 03:55:15.965
I believe so, and he describes the

3933
03:55:15.965 --> 03:55:18.070
steps taken to calculate water.

3934
03:55:18.070 --> 03:55:19.730
It's a very involved step.

3935
03:55:19.730 --> 03:55:20.386
Mr. McComb.

3936
03:55:20.386 --> 03:55:22.354
Are you familiar with the steps

3937
03:55:22.354 --> 03:55:24.757
that Mr Forrest took to figure out

3938
03:55:24.757 --> 03:55:26.950
how much water sugar cane needed?

3939
03:55:26.950 --> 03:55:27.556
You know,

3940
03:55:27.556 --> 03:55:29.565
I just I'm gonna go ahead sorry

3941
03:55:29.565 --> 03:55:31.420
I'm gonna I'm gonna object from you

3942
03:55:31.477 --> 03:55:33.332
were only showing the first page of

3943
03:55:33.332 --> 03:55:34.993
the report and asking the witness

3944
03:55:34.993 --> 03:55:37.170
to applying as to whether or not he

3945
03:55:37.170 --> 03:55:38.850
understands the entire report and he

3946
03:55:38.850 --> 03:55:41.017
hasn't been given an opportunity to read it.

3947
03:55:41.020 --> 03:55:42.980
So I'm gonna object to

3948
03:55:42.980 --> 03:55:44.548
this line of questioning.

3949
03:55:44.550 --> 03:55:46.250
This is a new exhibit.

3950
03:55:46.250 --> 03:55:47.288
Is this right?

3951
03:55:47.288 --> 03:55:48.326
Mr Frankel yeah,

3952
03:55:48.330 --> 03:55:50.787
as I meant this is this isn't

3953
03:55:50.787 --> 03:55:52.370
response to their reply.

3954
03:55:52.370 --> 03:55:55.520
They submitted the irrigation water

3955
03:55:55.520 --> 03:56:01.570
requirement estimate report on two days ago.

3956
03:56:01.570 --> 03:56:03.730

Which in the reply in support

3957
03:56:03.730 --> 03:56:05.700
of their burden of proof,

3958
03:56:05.700 --> 03:56:07.800
really late in the game.

3959
03:56:07.800 --> 03:56:11.230
And so uhm we had to I had to scramble

3960
03:56:11.325 --> 03:56:14.757
to find information about this report.

3961
03:56:14.760 --> 03:56:17.055
This report that they're talking

3962
03:56:17.055 --> 03:56:19.350
about doesn't tell you anything

3963
03:56:19.431 --> 03:56:21.729
about how much water crops need.

3964
03:56:21.730 --> 03:56:24.570
It is a report that describes a model

3965
03:56:24.570 --> 03:56:27.282
that Mr Ferris built to calculate

3966
03:56:27.282 --> 03:56:30.168
how much crops need for irrigation.

3967
03:56:30.170 --> 03:56:31.180
And it's a really long.

3968
03:56:31.180 --> 03:56:32.976
Process this information was

3969
03:56:32.976 --> 03:56:35.221
provided to the Water Commission

3970
03:56:35.221 --> 03:56:37.603
and for Mr Macoma to say, well.

3971
03:56:37.603 --> 03:56:40.827
We use this report in a way that's

3972
03:56:40.827 --> 03:56:43.927
completely inconsistent to the way Mr Faris.

3973
03:56:43.930 --> 03:56:45.926
Described in his testimony,

3974
03:56:45.926 --> 03:56:47.922
the Water Commission is

3975
03:56:47.922 --> 03:56:48.920
completely inappropriate.

3976
03:56:48.920 --> 03:56:50.426
If you're asking him to apply

3977
03:56:50.426 --> 03:56:52.966
and on a on a on a report that

3978
03:56:52.966 --> 03:56:54.436
you are just introducing now,

3979
03:56:54.440 --> 03:56:56.575
I don't think we can do that.

3980
03:56:56.580 --> 03:56:56.892
OK,

3981
03:56:56.892 --> 03:56:58.764
well we would like to introduce

3982
03:56:58.764 --> 03:57:01.020
this as an exhibit exhibit Y 68

3983
03:57:01.020 --> 03:57:03.439

so you can see chair case how Mr.

3984
03:57:03.440 --> 03:57:06.455
Ferris uses his model significantly

3985
03:57:06.455 --> 03:57:09.470
differently than Mr Nakama does.

3986
03:57:12.110 --> 03:57:13.439
OK, any objection?

3987
03:57:15.940 --> 03:57:17.182
I don't have an objection to

3988
03:57:17.182 --> 03:57:18.400
the admission of the exhibit.

3989
03:57:18.400 --> 03:57:20.398
I do object to counsel's testimony.

3990
03:57:22.920 --> 03:57:25.170
K. Mr. Rowe, the objection I

3991
03:57:25.170 --> 03:57:27.150
don't have any objection, right?

3992
03:57:31.030 --> 03:57:33.580
Any other questions? Mr. Frankel no.

3993
03:57:33.580 --> 03:57:35.484
Are you allowing it to come in?

3994
03:57:35.490 --> 03:57:38.307
Yes, thank you not to not to ask Mr

3995
03:57:38.307 --> 03:57:40.917
comma questions about it right now.

3996
03:57:40.920 --> 03:57:42.688
That's fine. Thank you.

3997
03:57:42.688 --> 03:57:44.014
No further questions.

3998
03:57:44.020 --> 03:57:46.036
OK Mr Nakoma, I think we're done with you.

3999
03:57:46.040 --> 03:57:48.008
Thank you very much for your

4000
03:57:48.008 --> 03:57:50.208
testimony today and all of your time.

4001
03:57:50.210 --> 03:57:51.605
You're welcome to stay up

4002
03:57:51.605 --> 03:57:53.320
for the rest of the day,

4003
03:57:53.320 --> 03:57:56.722
and if you turn off your audio and video

4004
03:57:56.730 --> 03:58:00.080
and with that we will take a 5 minute break.

4005
03:58:00.080 --> 03:58:01.100
OK, thank you turkeys.

4006
03:58:01.100 --> 03:58:01.936
Thank you, everyone,

4007
03:58:01.936 --> 03:58:04.218
thank you and then we when we

4008
03:58:04.218 --> 03:58:06.336
come back from the break we are

4009
03:58:06.340 --> 03:58:09.070
going to hear from Ian Hirakawa.

4010
04:06:56.080 --> 04:06:58.429

Yeah, I think we're just waiting for Mr Rowe.

4011
04:07:39.350 --> 04:07:39.620
OK.

4012
04:07:42.660 --> 04:07:45.684
Mr Rowe, are you back from the break?

4013
04:08:44.110 --> 04:08:45.825
OK, I think we have everyone back.

4014
04:08:45.830 --> 04:08:47.846
We have Mr Caughey, Mr Franco,

4015
04:08:47.850 --> 04:08:50.808
Mr Rowe and Mr Hand here.

4016
04:08:50.810 --> 04:08:53.618
Ochoa is RE and Hirakawa is

4017
04:08:53.618 --> 04:08:57.850
our next witness over AG.

4018
04:08:57.850 --> 04:09:02.528
It is 2:08 PM on December 8th, 2021.

4019
04:09:02.528 --> 04:09:05.223
We're continuing the contested case

4020
04:09:05.223 --> 04:09:08.388
hearing for East Maui Water Arpis.

4021
04:09:08.390 --> 04:09:12.118
And Mr. Huerco will be our last witness

4022
04:09:12.118 --> 04:09:16.266
for today because we will. Hold off and.

4023
04:09:16.266 --> 04:09:18.926
Our other witness until tomorrow.

4024
04:09:18.930 --> 04:09:22.340
Uhm, OK, so Mr Kaegi.

4025
04:09:22.340 --> 04:09:23.126
Do you want to go there?

4026
04:09:23.130 --> 04:09:25.226
Let me let me swear him in first.

4027
04:09:25.230 --> 04:09:28.089
Oh I'm sorry. Thank you Mr here card,

4028
04:09:28.089 --> 04:09:30.410
do you solemnly swear to tell the truth?

4029
04:09:30.410 --> 04:09:32.450
The whole truth and nothing but the truth.

4030
04:09:32.450 --> 04:09:34.670
I do thank you.

4031
04:09:34.670 --> 04:09:38.648
I think actually he's our witness. So.

4032
04:09:38.648 --> 04:09:43.336
Uhm, this is David Frankel, Mr Herrick.

4033
04:09:43.336 --> 04:09:45.676
Iowa you prepared the Staffs

4034
04:09:45.676 --> 04:09:47.394
the medals in 2018-2019.

4035
04:09:47.394 --> 04:09:48.906
In 2020, right?

4036
04:09:48.906 --> 04:09:49.682
Correct, yes,

4037
04:09:49.682 --> 04:09:51.586

I want to ask you about what

4038
04:09:51.586 --> 04:09:53.948
you wrote in the 2020 submittal

4039
04:09:53.948 --> 04:09:56.000
regarding water losses.

4040
04:09:56.000 --> 04:09:57.836
And let's see if I can.

4041
04:09:57.840 --> 04:09:59.888
Share my screen effectively.

4042
04:10:06.930 --> 04:10:11.170
Uhm, can you see on your screen there the UM?

4043
04:10:14.870 --> 04:10:16.570
The Staffs middle portion PG13

4044
04:10:16.570 --> 04:10:18.688
and the Staffs middle yes.

4045
04:10:18.688 --> 04:10:21.720
OK, so you wrote.

4046
04:10:21.720 --> 04:10:24.555
Furthermore, CWR M requested the

4047
04:10:24.555 --> 04:10:26.823
board consider requiring improvements

4048
04:10:26.823 --> 04:10:29.439
in the water delivery systems

4049
04:10:29.439 --> 04:10:31.899
to minimize leakage and waste,

4050
04:10:31.900 --> 04:10:34.126
as well as to provide accurate

4051
04:10:34.126 --> 04:10:36.086
and timely gauging and monitoring

4052
04:10:36.086 --> 04:10:38.486
of all off stream water uses.

4053
04:10:38.490 --> 04:10:40.810
In consideration of the foregoing,

4054
04:10:40.810 --> 04:10:42.534
staff believes that permittee

4055
04:10:42.534 --> 04:10:44.689
should be required to proactively

4056
04:10:44.689 --> 04:10:46.800
address this issue prior to the

4057
04:10:46.800 --> 04:10:48.840
board's conclusion of a water lease.

4058
04:10:48.840 --> 04:10:50.580
Is that what you wrote?

4059
04:10:50.580 --> 04:10:53.688
Yes, and then you recommended that the

4060
04:10:53.688 --> 04:10:56.787
permittee submit to the department a plan.

4061
04:10:56.790 --> 04:10:59.315
For their proposed upgrades to

4062
04:10:59.315 --> 04:11:01.335
the irrigation system intended

4063
04:11:01.335 --> 04:11:03.654
to address CW rooms concerns

4064
04:11:03.654 --> 04:11:06.226

no later than June 30th, 2021.

4065
04:11:06.226 --> 04:11:09.152
This will allow staff to review and

4066
04:11:09.152 --> 04:11:11.792
consult with CWR M to determine whether the

4067
04:11:11.792 --> 04:11:14.239
plan is sufficient and included for boards.

4068
04:11:14.240 --> 04:11:15.072
Future review.

4069
04:11:15.072 --> 04:11:16.320
Is that right?

4070
04:11:16.320 --> 04:11:16.756
Yes.

4071
04:11:16.756 --> 04:11:19.372
Now when you say staff which

4072
04:11:19.372 --> 04:11:21.371
staff members developed this

4073
04:11:21.371 --> 04:11:23.819
recommendation other than yourself.

4074
04:11:25.990 --> 04:11:27.880
It was a miracle action is.

4075
04:11:27.880 --> 04:11:30.540
It's a pretty dumb as we engage

4076
04:11:30.540 --> 04:11:32.380
quite a bit of staff in this one.

4077
04:11:32.380 --> 04:11:35.348
I believe it was mainly between myself

4078
04:11:35.350 --> 04:11:38.154
representing land division and.

4079
04:11:38.154 --> 04:11:43.424
C warm OK who would soon see warm up?

4080
04:11:43.430 --> 04:11:45.462
I recall Aaron Stroud.

4081
04:11:45.462 --> 04:11:48.140
Being in the conversation, perhaps D.

4082
04:11:48.140 --> 04:11:50.380
No, no. I I don't recall I.

4083
04:11:50.380 --> 04:11:52.102
I know they were both involved, but I

4084
04:11:52.102 --> 04:11:53.985
don't remember who I spoke to specifically.

4085
04:11:53.985 --> 04:11:55.840
It might have been both of them.

4086
04:11:55.840 --> 04:11:58.619
OK, what was the reason that you

4087
04:11:58.619 --> 04:12:01.369
decided to propose this new condition?

4088
04:12:01.370 --> 04:12:03.968
Uh, my recollection is that because.

4089
04:12:03.970 --> 04:12:07.592
Concerns were we raised about, you know,

4090
04:12:07.592 --> 04:12:10.333
the alleged waste of water and, uh?

4091
04:12:10.333 --> 04:12:13.231

The other issue was it was

4092
04:12:13.231 --> 04:12:15.670
actually raised in the 2018.

4093
04:12:15.670 --> 04:12:18.350
C warm order that the.

4094
04:12:18.350 --> 04:12:20.198
That was one of the you know, UM?

4095
04:12:20.198 --> 04:12:23.438
Issues raised in that order.

4096
04:12:23.440 --> 04:12:25.012
And when you made this recommendation

4097
04:12:25.012 --> 04:12:26.939
in terms of getting some kind of plan,

4098
04:12:26.940 --> 04:12:27.906
what were you hoping to get?

4099
04:12:30.690 --> 04:12:32.810
Uh, something that I think

4100
04:12:32.810 --> 04:12:34.930
addressed what we had written.

4101
04:12:34.930 --> 04:12:36.570
You know, something that

4102
04:12:36.570 --> 04:12:37.800
addressed those points.

4103
04:12:37.800 --> 04:12:39.536
OK, so let me show you the

4104
04:12:39.536 --> 04:12:40.970
plan that you folks got.

4105
04:12:54.560 --> 04:12:56.640
Uhm, this is the plan that you got.

4106
04:12:56.640 --> 04:12:58.172
You do recognize this.

4107
04:12:58.172 --> 04:12:59.704
Have you seen this?

4108
04:12:59.710 --> 04:13:04.340
Ah yes, I I recall them submitting it to us.

4109
04:13:04.340 --> 04:13:06.131
And it's only one page, right?

4110
04:13:06.131 --> 04:13:08.836
I believe it was yes.

4111
04:13:08.840 --> 04:13:10.898
Does this include all the information

4112
04:13:10.898 --> 04:13:13.074
you expected when you made that

4113
04:13:13.074 --> 04:13:17.169
recommendation to the board? I mean it.

4114
04:13:17.170 --> 04:13:18.390
It includes what it includes.

4115
04:13:18.390 --> 04:13:22.230
I'm not sure if I would say it's what?

4116
04:13:22.230 --> 04:13:24.008
I'm not sure what my expectations were,

4117
04:13:24.010 --> 04:13:26.658
I guess. I mean, it's what it is.

4118
04:13:26.660 --> 04:13:27.476

Right, it is what it is.

4119
04:13:27.480 --> 04:13:29.748
But you had a reason for proposing

4120
04:13:29.748 --> 04:13:31.400
for requiring this does this.

4121
04:13:31.400 --> 04:13:33.086
Does the plan that was submitted

4122
04:13:33.086 --> 04:13:34.210
come close to achieving

4123
04:13:34.264 --> 04:13:35.569
what you were looking for?

4124
04:13:41.710 --> 04:13:46.600
I mean, I don't. I think. Personally, II.

4125
04:13:46.600 --> 04:13:48.520
I don't know if I can answer yes

4126
04:13:48.578 --> 04:13:50.219
or no on that. I would have.

4127
04:13:50.219 --> 04:13:52.097
Ultimately, if I can explain it.

4128
04:13:52.100 --> 04:13:54.755
If the submittal had gone back to the board

4129
04:13:54.755 --> 04:13:57.308
for consideration as it normally would,

4130
04:13:57.310 --> 04:13:59.375
we would have consulted with

4131
04:13:59.375 --> 04:14:01.150
C worm and you know,

4132
04:14:01.150 --> 04:14:03.005
discussed it in the boards of middle.

4133
04:14:03.010 --> 04:14:05.166
But you know, since there's a contested

4134
04:14:05.166 --> 04:14:07.269
case that hasn't that hasn't occurred.

4135
04:14:07.269 --> 04:14:09.627
Well, did you forward a copy

4136
04:14:09.627 --> 04:14:11.660
of the plan to see worm?

4137
04:14:14.520 --> 04:14:16.518
You know, I I don't recall if I did.

4138
04:14:20.990 --> 04:14:22.586
Oh, I don't think I did.

4139
04:14:22.590 --> 04:14:24.638
I don't recall though.

4140
04:14:24.640 --> 04:14:26.764
OK, So what has my opponent

4141
04:14:26.764 --> 04:14:28.696
done according to this plan

4142
04:14:28.696 --> 04:14:31.276
to reduce waste and leakage?

4143
04:14:34.510 --> 04:14:35.820
I mean, I'm not sure.

4144
04:14:40.150 --> 04:14:42.033
I mean, I'm not sure if they've

4145
04:14:42.033 --> 04:14:43.160

done anything beyond this.

4146
04:14:43.160 --> 04:14:45.368
Whatever is in it, and it's.

4147
04:14:45.370 --> 04:14:47.106
I mean, I'm that's why I'm other

4148
04:14:47.106 --> 04:14:48.490
than what's on this paper.

4149
04:14:51.710 --> 04:14:53.110
Well, you've worked at Dylan

4150
04:14:53.110 --> 04:14:54.510
R for several years now.

4151
04:14:54.510 --> 04:14:56.533
Have you ever seen a plan that

4152
04:14:56.533 --> 04:14:57.970
consists entirely of one page?

4153
04:15:02.920 --> 04:15:04.240
I mean, we've had.

4154
04:15:04.240 --> 04:15:05.560
I would see this.

4155
04:15:05.560 --> 04:15:07.876
I mean, we've when we've requested

4156
04:15:07.876 --> 04:15:11.188
information or further actions from.

4157
04:15:11.190 --> 04:15:12.678
From eddies lessees, I mean it.

4158
04:15:12.680 --> 04:15:15.460
We've got a variety of.

4159
04:15:15.460 --> 04:15:18.050
Different responses.

4160
04:15:18.050 --> 04:15:19.602
Does this response satisfactory

4161
04:15:19.602 --> 04:15:21.154
respond to your concerns

4162
04:15:21.154 --> 04:15:22.890
and your recommendation?

4163
04:15:36.340 --> 04:15:41.050
I think we would have definitely, I think.

4164
04:15:41.050 --> 04:15:42.810
Discussed it further and if like I said

4165
04:15:42.810 --> 04:15:44.707
if this were brought before the board,

4166
04:15:44.710 --> 04:15:48.186
I think we would discuss it further and

4167
04:15:48.186 --> 04:15:51.147
I would probably note that you know.

4168
04:15:51.150 --> 04:15:54.413
Perhaps? Maybe some additional

4169
04:15:54.413 --> 04:15:56.057
information should be included,

4170
04:15:56.060 --> 04:15:58.706
but differ ultimately to the board on

4171
04:15:58.706 --> 04:16:01.217
whether to accept what was being had.

4172
04:16:01.220 --> 04:16:03.320

What has been provided is sufficient.

4173
04:16:03.320 --> 04:16:04.975
I understand you made the

4174
04:16:04.975 --> 04:16:05.968
staff recommendation though,

4175
04:16:05.970 --> 04:16:07.706
So what other information do you think would

4176
04:16:07.706 --> 04:16:09.387
be useful to have in the plan like this?

4177
04:16:16.380 --> 04:16:21.698
I think. I think what would have been.

4178
04:16:21.700 --> 04:16:25.410
May be provided more helpful if from.

4179
04:16:25.410 --> 04:16:26.510
And I understand, you know,

4180
04:16:26.510 --> 04:16:29.254
given the context that these are month

4181
04:16:29.254 --> 04:16:32.226
to month revocable permits, so you know,

4182
04:16:32.226 --> 04:16:34.970
without a long term lease in place,

4183
04:16:34.970 --> 04:16:37.370
if there was concern about.

4184
04:16:37.370 --> 04:16:42.014
Maybe? Investing more time and

4185
04:16:42.014 --> 04:16:45.594
resources into more significant uh?

4186
04:16:45.600 --> 04:16:48.253
More significant. Work,

4187
04:16:48.253 --> 04:16:52.117
then perhaps explain why that is an issue.

4188
04:16:52.120 --> 04:16:55.180
So if you found out as we headed earlier

4189
04:16:55.180 --> 04:16:58.043
today that my opponent spent more than

4190
04:16:58.043 --> 04:17:02.470
$10 million on planting its citrus crops,

4191
04:17:02.470 --> 04:17:04.465
those are investments and I think you

4192
04:17:04.465 --> 04:17:06.962
probably know as well as anybody that you

4193
04:17:06.962 --> 04:17:08.970
don't start producing lemons within a year.

4194
04:17:08.970 --> 04:17:10.848
It's a multi year investment right?

4195
04:17:10.850 --> 04:17:13.538
So given that they've spent more

4196
04:17:13.538 --> 04:17:15.880
than $10 million planting crops?

4197
04:17:20.040 --> 04:17:22.350
Uhm, wouldn't you want to know

4198
04:17:22.350 --> 04:17:25.079
how much more it would cost them

4199
04:17:25.079 --> 04:17:26.678

to put in various efficiency

4200
04:17:26.678 --> 04:17:28.520
measures so you have some context.

4201
04:17:31.400 --> 04:17:33.906
Well, I think that would be helpful

4202
04:17:33.906 --> 04:17:35.549
information and about any any.

4203
04:17:35.550 --> 04:17:38.721
My view is I guess any additional

4204
04:17:38.721 --> 04:17:41.179
information with regards to improving.

4205
04:17:41.180 --> 04:17:43.220
Efficiency of the system

4206
04:17:43.220 --> 04:17:44.750
would be appreciated.

4207
04:17:44.750 --> 04:17:47.648
And they haven't just, so there's there's.

4208
04:17:47.650 --> 04:17:52.110
Line here future upgrades uhm?

4209
04:17:52.110 --> 04:17:54.614
Of the first bullet bottom of the page,

4210
04:17:54.620 --> 04:17:56.312
future lining of reservoirs

4211
04:17:56.312 --> 04:17:58.004
to reduce seepage losses.

4212
04:17:58.010 --> 04:18:00.190
Pending the completion of an

4213
04:18:00.190 --> 04:18:02.370
ongoing analysis of the operational

4214
04:18:02.438 --> 04:18:04.550
significance of all reservoirs.

4215
04:18:04.550 --> 04:18:07.856
Uhm? Any idea when this UM

4216
04:18:07.856 --> 04:18:11.119
analysis is going to be done?

4217
04:18:11.120 --> 04:18:15.620
I do not know. Uhm?

4218
04:18:15.620 --> 04:18:17.270
Any information about how much

4219
04:18:17.270 --> 04:18:19.310
it would cost in this plan?

4220
04:18:19.310 --> 04:18:20.200
Not that I'm aware of,

4221
04:18:20.200 --> 04:18:22.480
no any information about how much

4222
04:18:22.480 --> 04:18:25.488
money has been spent on this suspicion

4223
04:18:25.488 --> 04:18:27.376
on these efficiency upgrades.

4224
04:18:29.890 --> 04:18:31.740
I don't recall if I've,

4225
04:18:31.740 --> 04:18:32.620
you know I off hand.

4226
04:18:32.620 --> 04:18:35.119

I don't recall if that was ever

4227
04:18:35.119 --> 04:18:37.219
disclosed outside of this document.

4228
04:18:37.220 --> 04:18:40.040
Uh-huh any UM?

4229
04:18:40.040 --> 04:18:41.568
Information about how much

4230
04:18:41.568 --> 04:18:43.096
efficiencies have been gained

4231
04:18:43.096 --> 04:18:45.412
so far through the measures you

4232
04:18:45.412 --> 04:18:47.267
identified in this quote plan.

4233
04:18:51.380 --> 04:18:54.556
Other than what is reported in the court,

4234
04:18:54.560 --> 04:18:57.548
you know the water usage reports.

4235
04:18:57.550 --> 04:18:59.702
No, no, but it doesn't. I mean,

4236
04:18:59.702 --> 04:19:01.004
there's nothing in the water usage reports.

4237
04:19:01.010 --> 04:19:03.858
It tells you how much efficiency has been

4238
04:19:03.858 --> 04:19:07.060
gained through their upgrades is a. I don't.

4239
04:19:07.060 --> 04:19:10.510
I don't recall there being anything.

4240
04:19:10.510 --> 04:19:11.980
I'm not sure. I mean if someone

4241
04:19:11.980 --> 04:19:13.258
if someone can point it out,

4242
04:19:13.260 --> 04:19:14.802
but I don't recall there being

4243
04:19:14.802 --> 04:19:16.220
anything just more like I said,

4244
04:19:16.220 --> 04:19:19.265
indicator of the amount of water used.

4245
04:19:19.270 --> 04:19:21.688
So the last line talks about

4246
04:19:21.688 --> 04:19:22.897
remote gate installations.

4247
04:19:22.900 --> 04:19:24.490
What's remote gate installations and what

4248
04:19:24.490 --> 04:19:26.448
does that have to do with efficiency?

4249
04:19:29.390 --> 04:19:31.287
I'm sorry. What are you referring to?

4250
04:19:31.290 --> 04:19:32.510
Well, I guess several

4251
04:19:32.510 --> 04:19:34.035
places are a couple places.

4252
04:19:34.040 --> 04:19:36.416
It talks the third bullet up towards the

4253
04:19:36.416 --> 04:19:39.063

top of the page looking installed remote

4254
04:19:39.063 --> 04:19:41.558
gate technology in the bottom second

4255
04:19:41.558 --> 04:19:43.768
phase of remote gate installations.

4256
04:19:43.770 --> 04:19:45.060
Does that tell you anything

4257
04:19:45.060 --> 04:19:45.834
about water efficiency?

4258
04:19:48.530 --> 04:19:50.220
Well, not I. I don't.

4259
04:19:50.220 --> 04:19:51.740
Based on that statement alone.

4260
04:19:51.740 --> 04:19:55.196
I'm not sure I. I mean I can.

4261
04:19:55.200 --> 04:19:56.199
Make me presumption,

4262
04:19:56.199 --> 04:19:58.197
but I don't know for sure,

4263
04:19:58.200 --> 04:20:00.076
so this plan could be far more

4264
04:20:00.076 --> 04:20:01.982
robust if it's going to give

4265
04:20:01.982 --> 04:20:03.712
the border land and natural

4266
04:20:03.712 --> 04:20:05.180
resources useful information,

4267
04:20:05.180 --> 04:20:06.440
couldn't it? I'm sorry,

4268
04:20:06.440 --> 04:20:08.015
can you repeat that question?

4269
04:20:08.020 --> 04:20:10.750
The plan could or should be far

4270
04:20:10.750 --> 04:20:13.508
more robust or detailed in order

4271
04:20:13.508 --> 04:20:16.508
to give the border land natural

4272
04:20:16.508 --> 04:20:18.710
resources useful information.

4273
04:20:18.710 --> 04:20:20.726
I would defer that to the board if

4274
04:20:20.726 --> 04:20:22.549
this ever came before the board,

4275
04:20:22.550 --> 04:20:25.320
the board could you know?

4276
04:20:25.320 --> 04:20:27.152
Make that determination whether

4277
04:20:27.152 --> 04:20:28.526
it's sufficiently sufficient

4278
04:20:28.526 --> 04:20:30.370
for their decision making.

4279
04:20:30.370 --> 04:20:31.418
I understand that Mr.

4280
04:20:31.418 --> 04:20:33.354

Herrick all but you made the staff

4281
04:20:33.354 --> 04:20:35.196
recommendation to have such a plan.

4282
04:20:37.330 --> 04:20:39.388
And you've already talked about how

4283
04:20:39.388 --> 04:20:41.390
little information is in this plan.

4284
04:20:41.390 --> 04:20:43.940
Wouldn't it be useful to you?

4285
04:20:43.940 --> 04:20:46.754
In in determining what kind of

4286
04:20:46.754 --> 04:20:49.574
recommendation to the board if Mahi

4287
04:20:49.574 --> 04:20:52.148
Pono provided a more robust and

4288
04:20:52.148 --> 04:20:55.028
detailed plan for efficiency upgrades.

4289
04:20:55.030 --> 04:20:57.286
Oh, I think I've said it previously that,

4290
04:20:57.290 --> 04:20:59.680
you know, we we appreciate.

4291
04:20:59.680 --> 04:21:02.476
Getting more information just on any,

4292
04:21:02.480 --> 04:21:03.980
not just this issue, but anything.

4293
04:21:03.980 --> 04:21:04.740
And like I said,

4294
04:21:04.740 --> 04:21:06.738
if we were to take this before the board,

4295
04:21:06.740 --> 04:21:09.040
I think we would have.

4296
04:21:09.040 --> 04:21:10.536
Put it in the context of a submittal,

4297
04:21:10.540 --> 04:21:13.000
what where we would have, you know,

4298
04:21:13.000 --> 04:21:14.380
we would have further discussed it,

4299
04:21:14.380 --> 04:21:15.540
reviewed it and said OK.

4300
04:21:15.540 --> 04:21:17.480
Well, what more information would

4301
04:21:17.480 --> 04:21:19.746
we have wanted to? What extent?

4302
04:21:19.746 --> 04:21:21.484
If that's the case, bouncing?

4303
04:21:21.484 --> 04:21:23.104
Yeah, we would have done

4304
04:21:23.104 --> 04:21:24.630
a thorough analysis of it.

4305
04:21:24.630 --> 04:21:26.891
I think what's the most useful piece

4306
04:21:26.891 --> 04:21:28.639
of information that's in this plan?

4307
04:21:33.730 --> 04:21:37.460

Well, I would say that the, uh.

4308
04:21:37.460 --> 04:21:39.260
To the extent that it's the most useful,

4309
04:21:39.260 --> 04:21:41.745
I guess would be the currently undertaken,

4310
04:21:41.750 --> 04:21:43.718
because that's what's being done now.

4311
04:21:43.720 --> 04:21:45.264
I mean future upgrades,

4312
04:21:45.264 --> 04:21:48.526
I guess ultimately are speculative, right so?

4313
04:21:48.526 --> 04:21:51.386
And what does the currently

4314
04:21:51.386 --> 04:21:53.900
being undertaken tell you about?

4315
04:21:53.900 --> 04:21:56.990
What's actually being done to reduce

4316
04:21:56.990 --> 04:21:59.050
or increase water efficiency?

4317
04:21:59.050 --> 04:22:01.234
It doesn't tell you how much water efficiency

4318
04:22:01.234 --> 04:22:03.076
is gained by any of these measures.

4319
04:22:03.080 --> 04:22:04.502
How much has been spent when

4320
04:22:04.502 --> 04:22:05.750
they're going to be done.

4321
04:22:07.860 --> 04:22:09.486
I mean, I don't see it

4322
04:22:09.486 --> 04:22:10.299
providing those specifics.

4323
04:22:10.300 --> 04:22:12.465
I think from reading the

4324
04:22:12.465 --> 04:22:14.308
the the what they provided,

4325
04:22:14.308 --> 04:22:16.420
it seems to be you know,

4326
04:22:16.420 --> 04:22:19.276
pointing at a more efficient use.

4327
04:22:19.280 --> 04:22:21.320
That's what it appears to be.

4328
04:22:21.320 --> 04:22:23.018
Appears, yeah, OK,

4329
04:22:23.018 --> 04:22:24.716
let's switch subjects.

4330
04:22:27.160 --> 04:22:30.070
Uhm, will talk about the

4331
04:22:30.070 --> 04:22:31.210
for lack of a better word.

4332
04:22:31.210 --> 04:22:34.130
The rental amount in October,

4333
04:22:34.130 --> 04:22:36.476
the board voted to approve a

4334
04:22:36.476 --> 04:22:38.040

guidance to appraisers regarding

4335
04:22:38.106 --> 04:22:40.026
the upset Rep for water leaks.

4336
04:22:40.030 --> 04:22:41.738
You recall that, yes?

4337
04:22:41.738 --> 04:22:43.446
And in doing so,

4338
04:22:43.450 --> 04:22:45.095
it rejected using the revocable

4339
04:22:45.095 --> 04:22:47.140
permit price as a starting point.

4340
04:22:47.140 --> 04:22:48.656
You remember that, yes?

4341
04:22:48.656 --> 04:22:50.930
And why did the board reject

4342
04:22:51.010 --> 04:22:52.730
using the revocable permit

4343
04:22:52.730 --> 04:22:54.880
price as a starting point?

4344
04:22:54.880 --> 04:22:56.310
Objection relevance.

4345
04:22:59.020 --> 04:22:59.350
I'm.

4346
04:23:06.170 --> 04:23:08.852
Uh, Mr Frank, where are you going with this?

4347
04:23:08.860 --> 04:23:11.443
I'm trying to help you determine what

4348
04:23:11.443 --> 04:23:13.742
the rental amount should be for 2022,

4349
04:23:13.742 --> 04:23:15.758
but there needs to be a basis upon

4350
04:23:15.758 --> 04:23:17.827
which we determined the rental amount.

4351
04:23:25.900 --> 04:23:27.328
Alright, go ahead.

4352
04:23:27.328 --> 04:23:31.265
So why did the board reject using the

4353
04:23:31.265 --> 04:23:34.863
VOCABLE permit price as a starting point?

4354
04:23:34.870 --> 04:23:37.962
You know, I I don't recall in, you know.

4355
04:23:37.962 --> 04:23:40.230
I haven't reviewed the audio so I

4356
04:23:40.230 --> 04:23:42.010
don't recall the specific reasons.

4357
04:23:42.010 --> 04:23:43.246
If it was discussed,

4358
04:23:43.246 --> 04:23:46.019
but I do remember that you know several.

4359
04:23:46.020 --> 04:23:49.919
Testifiers raised that as an issue so.

4360
04:23:49.920 --> 04:23:51.700
You know, I mean.

4361
04:23:51.700 --> 04:23:53.470

It was raised as an issue

4362
04:23:53.470 --> 04:23:54.718
and the board addressed it,

4363
04:23:54.718 --> 04:23:56.990
but I I I'm not Privy to exactly why,

4364
04:23:56.990 --> 04:23:59.370
unless again, it's in the.

4365
04:23:59.370 --> 04:24:01.788
It's in the the record, but I don't I.

4366
04:24:01.788 --> 04:24:04.058
I haven't reviewed it so I don't recall

4367
04:24:04.058 --> 04:24:06.320
offhand if they specifically just why.

4368
04:24:06.320 --> 04:24:08.060
But they they felt that that

4369
04:24:08.060 --> 04:24:09.859
was the the price paid for.

4370
04:24:09.860 --> 04:24:13.840
Revokable permits was not an adequate basis.

4371
04:24:13.840 --> 04:24:16.540
Other value to be used for

4372
04:24:16.540 --> 04:24:20.150
the lease appraisal, correct?

4373
04:24:20.150 --> 04:24:21.608
I will, I would think so,

4374
04:24:21.610 --> 04:24:24.038
but I would also note that that's what

4375
04:24:24.038 --> 04:24:25.606
we said in the submittal as well.

4376
04:24:25.610 --> 04:24:27.066
You know, that's but.

4377
04:24:27.066 --> 04:24:29.230
I think there was a agreement

4378
04:24:29.230 --> 04:24:31.186
even by staff on that right,

4379
04:24:31.186 --> 04:24:32.466
and I would add sorry,

4380
04:24:32.470 --> 04:24:34.954
can I just clarify do that even though

4381
04:24:34.954 --> 04:24:36.610
they didn't use it as a starting point,

4382
04:24:36.610 --> 04:24:38.215
the the amendment approval as

4383
04:24:38.215 --> 04:24:40.936
amended was that it would be a factor

4384
04:24:40.936 --> 04:24:42.686
that the appraiser could consider

4385
04:24:42.686 --> 04:24:44.348
in determining the rent, right?

4386
04:24:44.348 --> 04:24:46.556
So what's the basis upon which

4387
04:24:46.556 --> 04:24:48.389
these revocable permits are valued?

4388
04:24:50.950 --> 04:24:53.630

I'm I'm I'm not really clear on my.

4389
04:24:53.630 --> 04:24:55.694
My understanding is that it was

4390
04:24:55.694 --> 04:24:57.600
based on what it's based somewhat

4391
04:24:57.600 --> 04:24:59.630
on what the rents were and the

4392
04:24:59.689 --> 04:25:01.619
previous long term leases that

4393
04:25:01.619 --> 04:25:03.163
were in existence beforehand,

4394
04:25:03.170 --> 04:25:04.520
and what were those based on?

4395
04:25:07.120 --> 04:25:08.920
Uh, you know I.

4396
04:25:08.920 --> 04:25:12.100
I would say that they were at the

4397
04:25:12.100 --> 04:25:14.276
time they were initially awarded.

4398
04:25:14.276 --> 04:25:17.116
They were probably appraise somehow.

4399
04:25:17.120 --> 04:25:18.632
By now you know they were

4400
04:25:18.632 --> 04:25:19.640
done by appraisal I.

4401
04:25:19.640 --> 04:25:21.440
I don't think that has.

4402
04:25:21.440 --> 04:25:22.792
Really change so, however,

4403
04:25:22.792 --> 04:25:25.140
whatever the appraiser thought at the time,

4404
04:25:25.140 --> 04:25:26.536
you're guessing an appraiser

4405
04:25:26.536 --> 04:25:28.630
was used back when the leases

4406
04:25:28.700 --> 04:25:30.569
were issued 80 years or so ago.

4407
04:25:32.590 --> 04:25:34.750
You know, I? I mean I, I don't know.

4408
04:25:34.750 --> 04:25:36.130
I mean from what my research,

4409
04:25:36.130 --> 04:25:37.486
I haven't gone that far back,

4410
04:25:37.490 --> 04:25:40.386
but I've we've seen other for newer leases.

4411
04:25:40.390 --> 04:25:41.722
We've seen, you know,

4412
04:25:41.722 --> 04:25:44.390
appraisers trying to come up with a value I,

4413
04:25:44.390 --> 04:25:45.803
I mean, I guess I'm saying I'm not sure.

4414
04:25:45.810 --> 04:25:48.258
I'm just kind of presuming some

4415
04:25:48.258 --> 04:25:50.310

attempt that evaluation was made.

4416
04:25:50.310 --> 04:25:52.070
Back back at the time

4417
04:25:52.070 --> 04:25:53.478
the leases were awarded.

4418
04:25:53.480 --> 04:25:56.660
Do you recall them back then?

4419
04:25:56.660 --> 04:25:58.958
Decades and decades and decades ago,

4420
04:25:58.960 --> 04:26:01.165
using a percentage based on

4421
04:26:01.165 --> 04:26:03.830
how much of the water was.

4422
04:26:03.830 --> 04:26:05.685
Public water and how much was it?

4423
04:26:05.690 --> 04:26:08.258
I'm using air quotes here for the transcript.

4424
04:26:08.260 --> 04:26:12.442
Private water. I I don't know.

4425
04:26:12.442 --> 04:26:13.696
You don't, you know?

4426
04:26:13.696 --> 04:26:15.694
Remember ever seeing that I not?

4427
04:26:15.694 --> 04:26:18.346
Not offhand, unless like I said,

4428
04:26:18.350 --> 04:26:19.820
if you have something I can,

4429
04:26:19.820 --> 04:26:21.956
but I don't recall that offhand.

4430
04:26:21.960 --> 04:26:22.722
OK.

4431
04:26:22.722 --> 04:26:25.008
Other revocable permits

4432
04:26:25.008 --> 04:26:27.294
currently valued appropriately.

4433
04:26:27.300 --> 04:26:28.050
These four.

4434
04:26:33.310 --> 04:26:38.669
I. I don't know, I don't know.

4435
04:26:38.670 --> 04:26:40.252
Are you convinced the state's getting the

4436
04:26:40.252 --> 04:26:41.960
fair value of these local governments?

4437
04:27:00.740 --> 04:27:03.524
I'm gonna say I don't know because that's

4438
04:27:03.524 --> 04:27:05.834
a very broad, broadly worded question,

4439
04:27:05.834 --> 04:27:08.042
so I'll say I don't know.

4440
04:27:08.050 --> 04:27:09.646
Well, I think we are trying.

4441
04:27:09.650 --> 04:27:11.394
I would say this.

4442
04:27:11.394 --> 04:27:14.010

We are trying to achieve that.

4443
04:27:14.010 --> 04:27:16.327
With given the best with the information

4444
04:27:16.327 --> 04:27:18.234
we have right now, we're trying.

4445
04:27:18.234 --> 04:27:20.990
That's what we're trying to get and like I

4446
04:27:20.990 --> 04:27:23.230
said that's why we've adjusted for the CPI.

4447
04:27:23.230 --> 04:27:25.102
Is it what what I'm trying to say is,

4448
04:27:25.110 --> 04:27:27.196
is it a fair market value that

4449
04:27:27.196 --> 04:27:28.950
an appraiser would come up with?

4450
04:27:28.950 --> 04:27:32.180
I don't know if that would be the the number.

4451
04:27:32.180 --> 04:27:34.439
So you don't know if the state is getting

4452
04:27:34.439 --> 04:27:37.025
a fair value for these revocable permits.

4453
04:27:37.030 --> 04:27:39.740
Well, like I said and I'll say I don't know,

4454
04:27:39.740 --> 04:27:41.906
because ultimately that when I think

4455
04:27:41.906 --> 04:27:44.889
of a fair value or fair market value,

4456
04:27:44.890 --> 04:27:48.178
that's what a an appraiser would value it at.

4457
04:27:48.178 --> 04:27:50.646
And I don't know if this is what an

4458
04:27:50.646 --> 04:27:52.488
appraiser would value the permits at.

4459
04:27:52.490 --> 04:27:55.340
Ah, but in your Staffs, the middles for 2000.

4460
04:27:57.620 --> 04:28:01.250
1819 and 20. You proposed suggested

4461
04:28:01.250 --> 04:28:05.160
rental amounts, correct? Yes.

4462
04:28:05.160 --> 04:28:07.480
Even though you don't know.

4463
04:28:07.480 --> 04:28:09.430
What the fair market value should

4464
04:28:09.430 --> 04:28:11.260
be for these revocable permits?

4465
04:28:13.970 --> 04:28:15.850
Yes, we don't, yes.

4466
04:28:15.850 --> 04:28:17.720
OK, in any case your practice

4467
04:28:17.720 --> 04:28:19.689
system has been to call for a

4468
04:28:19.689 --> 04:28:21.201
bump in the previous years read

4469
04:28:21.201 --> 04:28:23.307

by the Consumer Price index right?

4470
04:28:23.310 --> 04:28:25.569
Yes, and just so for the record so we

4471
04:28:25.569 --> 04:28:28.050
can get this right in the eventual

4472
04:28:28.050 --> 04:28:29.989
findings of fact conclusions of law.

4473
04:28:29.990 --> 04:28:32.675
What should be the CPI

4474
04:28:32.675 --> 04:28:35.360
adjustment be for this year?

4475
04:28:35.360 --> 04:28:37.286
Uhm, I would have recommended consisting

4476
04:28:37.286 --> 04:28:39.568
what we're doing for the other permits,

4477
04:28:39.570 --> 04:28:43.254
which is, I think, approximately 6.4.

4478
04:28:43.254 --> 04:28:45.258
Percent roughly around there is what

4479
04:28:45.258 --> 04:28:47.749
we did for the other ones though.

4480
04:28:47.750 --> 04:28:49.298
For Hawaii and Hawaii,

4481
04:28:49.298 --> 04:28:52.060
so I would have recommended the same.

4482
04:28:52.060 --> 04:28:53.131
OK, thank you.

4483
04:28:53.131 --> 04:28:55.273
And Mr here called what precisely

4484
04:28:55.273 --> 04:28:58.008
do the revocable permits authorized?

4485
04:29:02.230 --> 04:29:07.086
I believe it's the the the use of.

4486
04:29:07.090 --> 04:29:08.294
You know the use of the water.

4487
04:29:08.300 --> 04:29:10.304
Plus it's also the.

4488
04:29:10.304 --> 04:29:12.198
The license area, right?

4489
04:29:12.198 --> 04:29:14.526
The control of the license areas.

4490
04:29:14.530 --> 04:29:16.770
That's how they were

4491
04:29:16.770 --> 04:29:19.010
before local permits are.

4492
04:29:19.010 --> 04:29:20.074
Are sort of defined,

4493
04:29:20.074 --> 04:29:21.940
so there's a land component to him.

4494
04:29:25.090 --> 04:29:30.697
Uhm? So. Let me see if I can come.

4495
04:29:33.440 --> 04:29:38.018
Praying up. And this is the

4496
04:29:38.018 --> 04:29:40.307

revocable permits themselves.

4497
04:29:40.310 --> 04:29:43.516
And this this is a trial exhibit.

4498
04:29:43.520 --> 04:29:45.120
It's a joint exhibit,

4499
04:29:45.120 --> 04:29:47.950
will just bring up one, UM.

4500
04:29:51.410 --> 04:29:54.245
J1 and I think all the parties

4501
04:29:54.250 --> 04:29:57.388
acknowledge that the language and the

4502
04:29:57.388 --> 04:30:00.610
permits are identical for the location

4503
04:30:00.610 --> 04:30:05.130
and acreage and dollar amounts. Uhm?

4504
04:30:05.130 --> 04:30:08.298
So, can you see Revokable permit

4505
04:30:10.490 --> 04:30:12.638
S7263 which is exhibit J1 from

4506
04:30:12.638 --> 04:30:18.200
our trial you see that? Yes so.

4507
04:30:18.200 --> 04:30:22.197
Uh. It says here in the first.

4508
04:30:22.200 --> 04:30:26.456
Well, under a one it gives the

4509
04:30:26.456 --> 04:30:28.658
permittee the right to occupy

4510
04:30:28.658 --> 04:30:31.642
and use the premises for the

4511
04:30:31.642 --> 04:30:34.426
following specified purposes only.

4512
04:30:34.430 --> 04:30:35.805
It's the right, privilege and

4513
04:30:35.805 --> 04:30:36.905
authority for the development,

4514
04:30:36.910 --> 04:30:39.906
diversion and use of water is that

4515
04:30:39.906 --> 04:30:42.446
your understanding of what these

4516
04:30:42.446 --> 04:30:45.410
revocable permits authorized? Yes.

4517
04:30:45.410 --> 04:30:47.328
Did the revocable permits give and BMI

4518
04:30:47.328 --> 04:30:49.307
the right to exclude personnel from

4519
04:30:49.307 --> 04:30:51.497
the division of Forestry and wildlife?

4520
04:30:55.770 --> 04:30:59.424
Uhm, I. I think, well,

4521
04:30:59.424 --> 04:31:01.152
I would say this and without

4522
04:31:01.152 --> 04:31:02.568
looking through the permit.

4523
04:31:02.570 --> 04:31:06.198

I mean I believe as the as the.

4524
04:31:06.198 --> 04:31:10.206
Permit tour I. I don't believe that

4525
04:31:10.206 --> 04:31:12.420
you know can be necessarily excluded.

4526
04:31:12.420 --> 04:31:13.904
I mean the the division of Fortune.

4527
04:31:13.910 --> 04:31:16.136
All life is part of the.

4528
04:31:16.140 --> 04:31:17.712
The you know the department run

4529
04:31:17.712 --> 04:31:19.419
by the board and you know I.

4530
04:31:19.420 --> 04:31:22.036
I mean I, it's not necessarily.

4531
04:31:22.040 --> 04:31:24.490
I don't believe it's come.

4532
04:31:24.490 --> 04:31:25.380
Without limitation,

4533
04:31:25.380 --> 04:31:29.320
but you know there's the permit or like any.

4534
04:31:29.320 --> 04:31:31.126
You know, as we function as a

4535
04:31:31.126 --> 04:31:32.778
less or permit or a landlord.

4536
04:31:32.780 --> 04:31:35.860
We do have rights of access under conditions

4537
04:31:35.860 --> 04:31:39.209
of the in these dispositions to inspect.

4538
04:31:39.210 --> 04:31:40.701
OK, no and and enter the property

4539
04:31:40.701 --> 04:31:42.130
and inspect and would have these.

4540
04:31:42.130 --> 04:31:43.446
So I would think that it yeah.

4541
04:31:43.450 --> 04:31:45.986
I mean you can't just blatantly exclude.

4542
04:31:45.986 --> 04:31:48.890
And in fact I can assure you Mr.

4543
04:31:48.890 --> 04:31:50.474
Hair color there actually is language

4544
04:31:50.474 --> 04:31:52.260
to that effect in the permanent.

4545
04:31:52.260 --> 04:31:54.440
However, it gets more complicated,

4546
04:31:54.440 --> 04:31:57.188
gets more complicated because.

4547
04:31:57.190 --> 04:31:59.507
In order to access a lot of

4548
04:31:59.507 --> 04:32:00.920
the revocable permit area,

4549
04:32:00.920 --> 04:32:03.776
you actually have to go through MI Land,

4550
04:32:03.780 --> 04:32:06.650

which they have gates on with locks.

4551
04:32:06.650 --> 04:32:08.726
So my question to you is,

4552
04:32:08.730 --> 04:32:11.226
is there a specific provision in

4553
04:32:11.226 --> 04:32:13.762
these revocable permits that require?

4554
04:32:13.762 --> 04:32:16.967
Alexander and Baldwin and EMI

4555
04:32:16.970 --> 04:32:18.705
to allow personnel from the

4556
04:32:18.705 --> 04:32:20.440
division of Forestry in Life.

4557
04:32:20.440 --> 04:32:22.204
Wildlife to crossover MI.

4558
04:32:22.204 --> 04:32:24.850
Landon Gates to access state land.

4559
04:32:27.020 --> 04:32:29.634
I don't believe so unless unless you,

4560
04:32:29.634 --> 04:32:30.816
you can point it to me.

4561
04:32:30.820 --> 04:32:31.860
I don't believe there is.

4562
04:32:31.860 --> 04:32:33.924
I mean you tell me access to me.

4563
04:32:33.930 --> 04:32:34.866
Privately owned land.

4564
04:32:34.866 --> 04:32:36.738
Is that what you're I mean?

4565
04:32:36.740 --> 04:32:38.484
I understand that yeah,

4566
04:32:38.484 --> 04:32:41.880
to cross EMI's land to get to the RP area.

4567
04:32:41.880 --> 04:32:43.798
So my question to you then Mr.

4568
04:32:43.800 --> 04:32:45.075
Here, 'cause don't you think

4569
04:32:45.075 --> 04:32:46.680
it would be a good idea?

4570
04:32:46.680 --> 04:32:49.336
Kind of actually a quid pro quo that

4571
04:32:49.336 --> 04:32:52.454
if we are going to allow you Alexander

4572
04:32:52.454 --> 04:32:55.229
involved in MI to use this land,

4573
04:32:55.230 --> 04:32:58.686
you have to let us use your land,

4574
04:32:58.690 --> 04:33:01.018
cross your land to get to our parcel.

4575
04:33:01.020 --> 04:33:04.436
Wouldn't that make a little bit of sense?

4576
04:33:04.440 --> 04:33:07.296
Well, I don't know if that's I mean.

4577
04:33:07.300 --> 04:33:09.617

I think on that on can speaking

4578
04:33:09.617 --> 04:33:11.060
conceptually I would agree,

4579
04:33:11.060 --> 04:33:12.653
but I don't know if that's been an issue.

4580
04:33:12.660 --> 04:33:13.635
I've, you know,

4581
04:33:13.635 --> 04:33:14.935
discussed this with dofo

4582
04:33:14.935 --> 04:33:16.519
over a number of years.

4583
04:33:16.520 --> 04:33:17.264
These permits,

4584
04:33:17.264 --> 04:33:19.868
and that's never I mean they've never

4585
04:33:19.868 --> 04:33:22.104
raised that as an issue that somehow

4586
04:33:22.104 --> 04:33:24.584
their access to the the license

4587
04:33:24.584 --> 04:33:26.768
areas were were limited in any way.

4588
04:33:26.770 --> 04:33:28.490
It's never been a concern race to me,

4589
04:33:28.490 --> 04:33:31.129
so you've never heard that Fern Duvall

4590
04:33:31.129 --> 04:33:33.557
was prohibited from going onto RP area.

4591
04:33:33.560 --> 04:33:34.112
Because I am,

4592
04:33:34.112 --> 04:33:34.848
I wouldn't let him.

4593
04:33:37.010 --> 04:33:40.277
No, I like I said I've every year we.

4594
04:33:40.277 --> 04:33:43.360
When we bring bring the revokable from back,

4595
04:33:43.360 --> 04:33:45.286
you know I touched base with

4596
04:33:45.286 --> 04:33:47.330
we touch base with alpha and.

4597
04:33:47.330 --> 04:33:48.842
I've never heard this.

4598
04:33:48.842 --> 04:33:50.281
I mean I I would.

4599
04:33:50.281 --> 04:33:53.110
I guess I would say that I know Dolphin has

4600
04:33:53.110 --> 04:33:55.450
wanted to has discussed the potentially,

4601
04:33:55.450 --> 04:33:57.730
you know, reducing the license areas,

4602
04:33:57.730 --> 04:33:59.956
but I've never heard specific issues

4603
04:33:59.956 --> 04:34:02.078
of dolphus staff not being able

4604
04:34:02.078 --> 04:34:04.366

to access it or let me from them.

4605
04:34:04.370 --> 04:34:06.190
I've never heard of that.

4606
04:34:06.190 --> 04:34:08.046
Let's just assume for the sake of argument,

4607
04:34:08.050 --> 04:34:10.110
it's just a theoretical concern.

4608
04:34:10.110 --> 04:34:11.430
Wouldn't it make sense, however,

4609
04:34:11.430 --> 04:34:13.398
to have a provision of local

4610
04:34:13.398 --> 04:34:14.942
permits that required that to

4611
04:34:14.942 --> 04:34:16.760
make sure it's not a problem?

4612
04:34:20.140 --> 04:34:21.376
I mean I, I would think

4613
04:34:21.376 --> 04:34:22.740
that would be a positive.

4614
04:34:22.740 --> 04:34:24.329
Ultimately it's up to the board and

4615
04:34:24.329 --> 04:34:26.197
I think you know Dofe would have to

4616
04:34:26.197 --> 04:34:27.819
be involved in terms of you know,

4617
04:34:27.820 --> 04:34:30.095
discussing this, but it's it sounds like

4618
04:34:30.095 --> 04:34:33.680
a a reasonable you know domain right now.

4619
04:34:33.680 --> 04:34:36.165
Did the revocable permits give and VMI

4620
04:34:36.165 --> 04:34:39.194
the right to exclude Hawaiians engaging

4621
04:34:39.194 --> 04:34:42.110
in traditional customer activities on

4622
04:34:42.110 --> 04:34:46.108
the revocable permit parcels? I'm.

4623
04:34:46.108 --> 04:34:49.512
I don't, I don't. I don't think so.

4624
04:34:49.512 --> 04:34:50.650
I mean, I'm I.

4625
04:34:50.650 --> 04:34:53.510
I don't think that would be allowed.

4626
04:34:55.520 --> 04:34:57.375
Uh, I want you to take this.

4627
04:34:57.380 --> 04:34:58.706
I want you to think about

4628
04:34:58.706 --> 04:35:00.010
your answer for a second.

4629
04:35:00.010 --> 04:35:02.236
There are some Supreme Court decisions

4630
04:35:02.236 --> 04:35:04.466
that you probably a little bit

4631
04:35:04.466 --> 04:35:06.486

aware of the past decision Chi,

4632
04:35:06.486 --> 04:35:09.820
so I want to think about it a little bit.

4633
04:35:09.820 --> 04:35:12.475
Are you telling us that Amy has the right

4634
04:35:12.475 --> 04:35:15.355
to exclude Hawaiians from engaging in

4635
04:35:15.355 --> 04:35:17.870
traditional customary practices on state

4636
04:35:17.942 --> 04:35:20.090
land on these revocable permit parcels?

4637
04:35:20.090 --> 04:35:24.090
No, I mean like any, they would have to, I'm.

4638
04:35:24.090 --> 04:35:25.707
You know they would have to allow

4639
04:35:25.707 --> 04:35:27.560
access as that is consistent with law.

4640
04:35:27.560 --> 04:35:29.996
I mean, I don't are revocable permit

4641
04:35:29.996 --> 04:35:32.399
or any other disposition can't.

4642
04:35:32.400 --> 04:35:34.680
You know, over, I guess like you know,

4643
04:35:34.680 --> 04:35:36.279
Trump what is.

4644
04:35:36.279 --> 04:35:39.180
Alright, so that that's not, yeah,

4645
04:35:39.180 --> 04:35:40.560
that's what I'm trying to say.

4646
04:35:40.560 --> 04:35:42.070
Would it make sense? Sorry,

4647
04:35:42.070 --> 04:35:43.910
I misunderstood your statement earlier.

4648
04:35:43.910 --> 04:35:45.160
Would it make sense, however,

4649
04:35:45.160 --> 04:35:47.512
to have an explicit provision about

4650
04:35:47.512 --> 04:35:49.700
this in the revocable permits?

4651
04:35:49.700 --> 04:35:51.788
I I mean.

4652
04:35:51.790 --> 04:35:54.058
If the permits were to be redrafted,

4653
04:35:54.060 --> 04:35:54.960
I mean sure.

4654
04:35:54.960 --> 04:35:56.555
I mean, I don't think, regardless of

4655
04:35:56.555 --> 04:35:58.120
whether we put it in there or not,

4656
04:35:58.120 --> 04:36:01.408
it it's the law, so I don't, you know.

4657
04:36:01.408 --> 04:36:02.691
But like I said, sure,

4658
04:36:02.691 --> 04:36:04.728

if their apartments were to be redone.

4659
04:36:04.730 --> 04:36:06.278
Well, even if they're not redone, Mr.

4660
04:36:06.278 --> 04:36:08.364
He'll call you know that each year

4661
04:36:08.364 --> 04:36:10.670
the board appears to add different

4662
04:36:10.670 --> 04:36:12.314
conditions and they somehow,

4663
04:36:12.320 --> 04:36:13.478
like you, know they add up,

4664
04:36:13.480 --> 04:36:14.668
and so even though they're not

4665
04:36:14.668 --> 04:36:15.460
in the original permit,

4666
04:36:15.460 --> 04:36:16.668
their conditions,

4667
04:36:16.668 --> 04:36:19.428
and in fact at the end of

4668
04:36:19.428 --> 04:36:20.376
this contested case hearing,

4669
04:36:20.380 --> 04:36:21.790
it's very likely.

4670
04:36:21.790 --> 04:36:22.730
The board.

4671
04:36:22.730 --> 04:36:25.054
Will I mean we can all see

4672
04:36:25.054 --> 04:36:26.939
the inevitability the board is

4673
04:36:26.939 --> 04:36:28.979
going to probably allow these

4674
04:36:28.979 --> 04:36:30.900
revocable permits to continue,

4675
04:36:30.900 --> 04:36:32.465
but they'll add conditions or

4676
04:36:32.465 --> 04:36:34.030
the board will add conditions.

4677
04:36:34.030 --> 04:36:35.620
Wouldn't that be a condition

4678
04:36:35.620 --> 04:36:37.520
that would make sense to add?

4679
04:36:37.520 --> 04:36:40.607
Sure, I mean if if the board were to.

4680
04:36:40.610 --> 04:36:42.310
Continue or keep, you know,

4681
04:36:42.310 --> 04:36:43.715
keep these permits going for

4682
04:36:43.715 --> 04:36:44.839
lack of a better.

4683
04:36:44.840 --> 04:36:45.910
Or yeah, I mean I,

4684
04:36:45.910 --> 04:36:48.130
I think that's certainly a.

4685
04:36:48.130 --> 04:36:49.702

Uh, a reasonable,

4686
04:36:49.702 --> 04:36:52.846
you know inclusion for a requirement.

4687
04:36:52.850 --> 04:36:54.750
No.

4688
04:36:54.750 --> 04:36:56.158
To the revocable permits,

4689
04:36:56.158 --> 04:36:59.425
give A and B&MI the right to exclude

4690
04:36:59.425 --> 04:37:01.790
hikers from the revocable permit parcels.

4691
04:37:06.710 --> 04:37:08.408
And you, you're you're taking your

4692
04:37:08.408 --> 04:37:10.815
side and I don't mean to ask you

4693
04:37:10.815 --> 04:37:12.330
about your specific you're spent,

4694
04:37:12.330 --> 04:37:14.208
you're just making them distinct from

4695
04:37:14.208 --> 04:37:16.150
someone engaging in a traditional,

4696
04:37:16.150 --> 04:37:19.380
customary practice under the law.

4697
04:37:19.380 --> 04:37:22.413
Well, I mean, I can say that our revocable

4698
04:37:22.413 --> 04:37:27.370
permits give the Permittee exclusive.

4699
04:37:27.370 --> 04:37:28.994
Control some exclusivity over

4700
04:37:28.994 --> 04:37:31.430
the whatever land area they you

4701
04:37:31.501 --> 04:37:33.894
know the permit applies to, so.

4702
04:37:33.894 --> 04:37:36.270
I mean, I think.

4703
04:37:36.270 --> 04:37:38.326
That is something yeah that I I can

4704
04:37:38.326 --> 04:37:40.420
say that would probably be allowed.

4705
04:37:40.420 --> 04:37:41.530
I mean our other revoked.

4706
04:37:41.530 --> 04:37:43.594
I'm again treating it as all

4707
04:37:43.594 --> 04:37:44.970
our other revocable permits.

4708
04:37:44.970 --> 04:37:48.176
Unless there is provisions to allow for.

4709
04:37:48.180 --> 04:37:51.080
On public access, they're usually

4710
04:37:51.080 --> 04:37:53.980
considered of an exclusive nature.

4711
04:37:53.980 --> 04:37:55.940
And have you chatted with the foot?

4712
04:37:55.940 --> 04:37:57.956

Well, I guess you don't have a person

4713
04:37:57.956 --> 04:37:59.638
in charge of Natale these days,

4714
04:37:59.640 --> 04:38:01.476
but over the past few years,

4715
04:38:01.480 --> 04:38:04.105
have you had an opportunity to talk

4716
04:38:04.105 --> 04:38:07.144
to Allie about concerns they may have

4717
04:38:07.144 --> 04:38:09.892
about restricted access to trails that

4718
04:38:09.970 --> 04:38:12.748
are within the revocable permit area?

4719
04:38:12.750 --> 04:38:13.422
Not not,

4720
04:38:13.422 --> 04:38:15.438
not excuse me not not Allah.

4721
04:38:15.440 --> 04:38:17.380
Hallie specifically like I said,

4722
04:38:17.380 --> 04:38:18.572
I've consulted with Dofo,

4723
04:38:18.572 --> 04:38:20.360
which I believe you know not,

4724
04:38:20.360 --> 04:38:22.960
not Holly is a part of and that's

4725
04:38:22.960 --> 04:38:25.170
never been an issue brought up.

4726
04:38:27.250 --> 04:38:28.545
Well, I don't recall that being an

4727
04:38:28.545 --> 04:38:32.428
issue brought up, I should say. OK.

4728
04:38:32.430 --> 04:38:36.177
Would it make sense? As a condition.

4729
04:38:36.177 --> 04:38:39.460
To allow controlled access and I want

4730
04:38:39.550 --> 04:38:43.180
precise word controlled access to hikers.

4731
04:38:43.180 --> 04:38:47.468
To use this. To use the trails,

4732
04:38:47.468 --> 04:38:48.856
access to streams within

4733
04:38:48.856 --> 04:38:50.350
the revocable permit area.

4734
04:38:57.520 --> 04:39:01.486
I think maybe as opposed to.

4735
04:39:01.490 --> 04:39:04.760
Because I can understand concerns of.

4736
04:39:04.760 --> 04:39:07.224
Liability on the part of the permittee?

4737
04:39:07.230 --> 04:39:09.814
I think maybe that's a better a discussion

4738
04:39:09.814 --> 04:39:12.733
we had is what is the license area or

4739
04:39:12.733 --> 04:39:14.848

what constitutes the license area?

4740
04:39:14.850 --> 04:39:16.458
I think that might be a

4741
04:39:16.458 --> 04:39:17.530
more from my perspective.

4742
04:39:17.530 --> 04:39:19.874
I should say that's maybe a more appropriate.

4743
04:39:22.200 --> 04:39:24.000
I'm confused by your confusion.

4744
04:39:24.000 --> 04:39:26.640
You know where the revocable permit area is?

4745
04:39:26.640 --> 04:39:28.432
I mean, you've got these nice maps I

4746
04:39:28.432 --> 04:39:30.432
can bring up a map if you want, no, no.

4747
04:39:30.432 --> 04:39:31.848
What I'm trying to say is

4748
04:39:31.848 --> 04:39:32.800
what constitutes the area.

4749
04:39:32.800 --> 04:39:35.233
So is it versus, you know, a larger acreage.

4750
04:39:35.233 --> 04:39:38.012
Should it be a smaller one and

4751
04:39:38.012 --> 04:39:40.700
therefore opening right more,

4752
04:39:40.700 --> 04:39:43.200
essentially reducing the license area

4753
04:39:43.200 --> 04:39:46.240
and opening more to public access?

4754
04:39:46.240 --> 04:39:47.992
You know, I think that maybe

4755
04:39:47.992 --> 04:39:49.500
is not conceptually the more.

4756
04:39:49.500 --> 04:39:50.770
Appropriate approach.

4757
04:39:52.830 --> 04:39:54.640
So do you know I?

4758
04:39:54.640 --> 04:39:56.677
I know you're familiar with Chapter 171.

4759
04:39:56.677 --> 04:39:58.519
Are you familiar with the provisions

4760
04:39:58.519 --> 04:40:00.790
of talk about prior land disposition?

4761
04:40:00.790 --> 04:40:03.310
Ensure access to mountains,

4762
04:40:03.310 --> 04:40:04.900
hunting areas, etc.

4763
04:40:04.900 --> 04:40:07.210
Are you familiar with that for sure?

4764
04:40:07.210 --> 04:40:10.626
Which which section are you referring to?

4765
04:40:10.630 --> 04:40:11.786
Well, I have to.

4766
04:40:11.786 --> 04:40:13.830

See if I can bring it up.

4767
04:40:16.190 --> 04:40:20.840
I don't know if I have that. Ability.

4768
04:40:20.840 --> 04:40:22.668
Yeah, actually you clarified.

4769
04:40:25.040 --> 04:40:27.560
Taking some time. It's useful.

4770
04:40:36.180 --> 04:40:39.940
So it's 171 dash 26.

4771
04:40:39.940 --> 04:40:42.320
Let's read prior to the

4772
04:40:42.320 --> 04:40:44.700
disposition of any public lands.

4773
04:40:44.700 --> 04:40:47.059
The Board of Land and Natural Resources

4774
04:40:47.059 --> 04:40:49.271
shall lay out and establish over

4775
04:40:49.271 --> 04:40:51.527
across such lands a reasonable number

4776
04:40:51.527 --> 04:40:53.943
of rights of way from established

4777
04:40:53.943 --> 04:40:55.918
highways to the Public Beaches,

4778
04:40:55.920 --> 04:40:57.408
Day management areas,

4779
04:40:57.408 --> 04:41:00.100
public hunting areas, and public forests,

4780
04:41:00.100 --> 04:41:03.786
and forest reserves in order to the right of

4781
04:41:03.786 --> 04:41:06.614
the people to utilize the public beaches,

4782
04:41:06.620 --> 04:41:07.613
game management areas,

4783
04:41:07.613 --> 04:41:08.606
public hunting areas,

4784
04:41:08.610 --> 04:41:11.420
and public forests and forest

4785
04:41:11.420 --> 04:41:13.668
reserves shall be protected.

4786
04:41:13.670 --> 04:41:15.080
Are you familiar with that

4787
04:41:15.080 --> 04:41:16.572
section of the law information?

4788
04:41:16.572 --> 04:41:19.468
No, I I I'm not not not with

4789
04:41:19.468 --> 04:41:21.409
that particular section,

4790
04:41:21.410 --> 04:41:22.826
would it make sense for you

4791
04:41:22.826 --> 04:41:24.325
folks to give that a little

4792
04:41:24.325 --> 04:41:25.831
bit more thought prior to the

4793
04:41:25.831 --> 04:41:27.518

renewal of the revocable permits?

4794
04:41:31.170 --> 04:41:33.810
Well, I believe we we have

4795
04:41:33.810 --> 04:41:36.600
given it thought and attention.

4796
04:41:36.600 --> 04:41:40.709
Like I said, the license areas are

4797
04:41:40.709 --> 04:41:43.492
under the management of division and

4798
04:41:43.492 --> 04:41:45.598
Forestry and wildlife and like I

4799
04:41:45.598 --> 04:41:48.268
say we regularly consult with them.

4800
04:41:48.270 --> 04:41:50.470
About you know the permits,

4801
04:41:50.470 --> 04:41:54.510
and like the potential.

4802
04:41:54.510 --> 04:41:56.886
Reductions or revisions,

4803
04:41:56.886 --> 04:42:00.846
reductions to the license area.

4804
04:42:00.850 --> 04:42:03.130
And, uhm, I would defer to.

4805
04:42:03.130 --> 04:42:05.002
I mean, I honestly I would

4806
04:42:05.002 --> 04:42:06.910
defer to them as to what.

4807
04:42:06.910 --> 04:42:11.327
They believe is appropriate for them to.

4808
04:42:11.330 --> 04:42:12.860
You know, return to their

4809
04:42:12.860 --> 04:42:14.390
management outside of the permit.

4810
04:42:14.390 --> 04:42:16.060
Alright.

4811
04:42:16.060 --> 04:42:17.506
Also, now let's go back to

4812
04:42:17.506 --> 04:42:18.989
the Staffs in middle for 2020.

4813
04:42:21.080 --> 04:42:27.700
Me. Which. He's why 22 I believe.

4814
04:42:46.180 --> 04:42:50.396
Do you see? Uh, with zibet that's titled.

4815
04:42:50.400 --> 04:42:53.496
November 13, 2020. Field hard yes.

4816
04:42:53.500 --> 04:42:57.580
OK, so you also wrote in your Staffs.

4817
04:42:57.580 --> 04:43:00.340
Middle Staff also recommends that the

4818
04:43:00.340 --> 04:43:04.040
board also mend its previous requirements,

4819
04:43:04.040 --> 04:43:06.276
prohibiting the waste of

4820
04:43:06.276 --> 04:43:08.512

water to specifically exclude

4821
04:43:08.512 --> 04:43:11.030
system losses and evaporation.

4822
04:43:11.030 --> 04:43:12.545
Just sent last sentence of

4823
04:43:12.545 --> 04:43:13.757
this paragraph down here.

4824
04:43:13.760 --> 04:43:16.230
Do you see that? Yes?

4825
04:43:16.230 --> 04:43:17.945
Which staff members developed this

4826
04:43:17.945 --> 04:43:19.317
recommendation other than yourself?

4827
04:43:26.540 --> 04:43:27.030
I.

4828
04:43:30.180 --> 04:43:31.636
I you know, I don't recall space.

4829
04:43:31.640 --> 04:43:33.496
I think we had a larger group discussion.

4830
04:43:33.500 --> 04:43:36.356
I, you know, we had several

4831
04:43:36.356 --> 04:43:38.260
discussions with that included.

4832
04:43:38.260 --> 04:43:40.416
Multiple divisions I I don't know if

4833
04:43:40.416 --> 04:43:42.874
it I can't remember if the rationale

4834
04:43:42.874 --> 04:43:45.470
was to make it more consistent with.

4835
04:43:47.750 --> 04:43:49.070
I'll see warm looks at it.

4836
04:43:49.070 --> 04:43:50.898
I mean, I don't.

4837
04:43:50.898 --> 04:43:52.726
I don't recall exactly.

4838
04:43:52.730 --> 04:43:54.430
So you don't remember anyone

4839
04:43:54.430 --> 04:43:55.450
actually suggesting this

4840
04:43:55.450 --> 04:43:56.520
specific language to you.

4841
04:43:59.970 --> 04:44:04.760
In I would say this it might have. Excuse me

4842
04:44:06.850 --> 04:44:08.430
it might have either been,

4843
04:44:08.430 --> 04:44:11.356
I would say it came up in

4844
04:44:11.356 --> 04:44:12.610
discussions with either.

4845
04:44:12.610 --> 04:44:17.276
C warm staff that the chair or the AG's.

4846
04:44:17.276 --> 04:44:18.420
I don't remember specifically

4847
04:44:18.420 --> 04:44:20.260

who at this point who did it?

4848
04:44:22.460 --> 04:44:24.838
When you say the chair, the Suzanne case,

4849
04:44:24.838 --> 04:44:27.874
yeah, the BLNR she warms chair,

4850
04:44:27.880 --> 04:44:29.545
so she might have recommended

4851
04:44:29.545 --> 04:44:30.877
this language to you.

4852
04:44:30.880 --> 04:44:33.196
Uhm, I yeah, I can't remember.

4853
04:44:33.200 --> 04:44:34.356
Like I said those,

4854
04:44:34.356 --> 04:44:36.739
I'm trying to remember who was in the

4855
04:44:36.739 --> 04:44:38.804
discussions when we talked about this and

4856
04:44:38.804 --> 04:44:41.336
I don't recall who specifically did it.

4857
04:44:41.340 --> 04:44:43.951
And now you don't know what the

4858
04:44:43.951 --> 04:44:45.989
rationale behind this language is.

4859
04:44:45.990 --> 04:44:47.766
No, like I said my recollection

4860
04:44:47.766 --> 04:44:50.122
from why we thought of it was it

4861
04:44:50.122 --> 04:44:52.166
was more consistent with. What how?

4862
04:44:52.166 --> 04:44:57.438
I think I and I think it's how we see worm.

4863
04:44:57.440 --> 04:44:59.978
Contemplates his waist.

4864
04:44:59.980 --> 04:45:04.047
OK, so this is your staff recommendation.

4865
04:45:04.050 --> 04:45:06.114
Uhm, what's the difference

4866
04:45:06.114 --> 04:45:08.694
between system loss and waste?

4867
04:45:08.700 --> 04:45:10.908
I think waste would be something

4868
04:45:10.908 --> 04:45:12.380
like if you know.

4869
04:45:12.380 --> 04:45:16.588
You're just dumping the water in a gulcher.

4870
04:45:16.590 --> 04:45:17.598
Not making any.

4871
04:45:21.290 --> 04:45:22.770
You know, some obviously I,

4872
04:45:22.770 --> 04:45:24.820
I think maybe. Non productive

4873
04:45:24.820 --> 04:45:28.190
use of it I think with this one.

4874
04:45:28.190 --> 04:45:31.496

System losses are inherent in every.

4875
04:45:31.500 --> 04:45:33.164
I mean, I, I think it's fair to

4876
04:45:33.164 --> 04:45:34.764
say that some level of system

4877
04:45:34.764 --> 04:45:36.179
loss are inherent with every

4878
04:45:36.180 --> 04:45:38.490
irrigation system out there, so.

4879
04:45:40.530 --> 04:45:41.466
And you're familiar with

4880
04:45:41.466 --> 04:45:42.168
the Water Commission.

4881
04:45:42.170 --> 04:45:47.401
Said that, I think, was 22.7% of

4882
04:45:47.401 --> 04:45:51.390
the total water diverted was and up.

4883
04:45:51.390 --> 04:45:54.006
An appropriate level of system loss,

4884
04:45:54.010 --> 04:45:57.475
but that level should decrease is that

4885
04:45:57.475 --> 04:46:00.766
fair that matches with my recollection now.

4886
04:46:00.770 --> 04:46:03.980
So uhm, system lost in your

4887
04:46:03.980 --> 04:46:06.120
mind are things like.

4888
04:46:06.120 --> 04:46:11.848
Evaporation seepage accidents you might have.

4889
04:46:11.848 --> 04:46:13.608
Is that a fair characterization?

4890
04:46:13.610 --> 04:46:15.761
Yes, I and if I can say I think

4891
04:46:15.761 --> 04:46:17.559
maybe the difference in leaf.

4892
04:46:17.560 --> 04:46:20.395
In my mind, what I would say is that.

4893
04:46:20.400 --> 04:46:22.004
They are whether we.

4894
04:46:22.004 --> 04:46:24.009
Whether people agree with this,

4895
04:46:24.010 --> 04:46:26.965
but there appears to be some level

4896
04:46:26.965 --> 04:46:29.730
of what is like we had mentioned.

4897
04:46:29.730 --> 04:46:30.870
Acceptable system loss.

4898
04:46:30.870 --> 04:46:33.932
You know some level just due to the

4899
04:46:33.932 --> 04:46:36.604
nature of the how this works, but.

4900
04:46:36.604 --> 04:46:40.020
Arguably there should be maybe no

4901
04:46:40.020 --> 04:46:41.980

acceptance of what we would call waste.

4902
04:46:41.980 --> 04:46:42.740
You know, I can't see.

4903
04:46:42.740 --> 04:46:44.628
Like I said, if.

4904
04:46:44.630 --> 04:46:46.853
Water is being pumped into a Gulch and just,

4905
04:46:46.860 --> 04:46:47.836
you know, work that.

4906
04:46:47.836 --> 04:46:49.620
Why would we accept any of that?

4907
04:46:49.620 --> 04:46:52.239
So I think that's the distinction in my mind

4908
04:46:52.239 --> 04:46:54.577
where you know maybe waste is more like.

4909
04:46:54.580 --> 04:46:56.976
Maybe not quite zero tolerance, but closer to

4910
04:46:56.976 --> 04:46:59.830
it than what we would consider system losses.

4911
04:46:59.830 --> 04:47:02.242
I understand I think so now

4912
04:47:02.242 --> 04:47:05.499
if I dump a glass of water.

4913
04:47:05.500 --> 04:47:06.262
Onto the ground.

4914
04:47:06.262 --> 04:47:08.378
And you know that water is going to

4915
04:47:08.378 --> 04:47:10.064
seep into the ground and evaporate.

4916
04:47:10.070 --> 04:47:10.979
Some of it.

4917
04:47:10.979 --> 04:47:12.797
Does that mean I've wasted it?

4918
04:47:18.230 --> 04:47:19.728
I I would, I wouldn't say it

4919
04:47:19.728 --> 04:47:20.909
if you accidentally dropped it.

4920
04:47:20.910 --> 04:47:25.068
No, I mean, I mean I I.

4921
04:47:25.070 --> 04:47:27.562
Could it? I mean, no. I mean I,

4922
04:47:27.562 --> 04:47:29.645
I was not in on in the context

4923
04:47:29.645 --> 04:47:31.706
where it's preventable. I mean,

4924
04:47:31.706 --> 04:47:33.686
if you just accidentally dropped it, OK?

4925
04:47:33.686 --> 04:47:37.130
What if I actually take my water glass,

4926
04:47:37.130 --> 04:47:39.155
pour it onto the ground?

4927
04:47:39.160 --> 04:47:40.068
Is that a waste?

4928
04:47:44.510 --> 04:47:47.910

I mean, I would say this if if you if you.

4929
04:47:49.990 --> 04:47:51.446
Just poured it on the ground and

4930
04:47:51.446 --> 04:47:53.120
it's a concrete like I'm not getting

4931
04:47:53.120 --> 04:47:54.626
trying to work with this hypothetical

4932
04:47:54.676 --> 04:47:56.779
here you can, you just evaporated.

4933
04:47:56.779 --> 04:47:59.344
I I don't see necessarily.

4934
04:47:59.350 --> 04:48:01.905
There's any. Good reason to do that.

4935
04:48:04.270 --> 04:48:06.782
So all the wall OK pouring it onto

4936
04:48:06.782 --> 04:48:08.642
the concrete. Not a good idea.

4937
04:48:08.642 --> 04:48:11.898
What if I you know, take my tap water?

4938
04:48:11.900 --> 04:48:13.796
Take it and then I'm walking

4939
04:48:13.796 --> 04:48:15.915
outside on the bare ground and

4940
04:48:15.915 --> 04:48:17.890
justice poured onto the ground.

4941
04:48:17.890 --> 04:48:19.186
And I'm not at it, by the way.

4942
04:48:19.186 --> 04:48:20.034
I'm not growing anything,

4943
04:48:20.040 --> 04:48:21.678
I'm just pouring into the ground

4944
04:48:21.678 --> 04:48:23.150
without a waste of water,

4945
04:48:23.150 --> 04:48:23.898
even though it's going

4946
04:48:23.898 --> 04:48:24.833
to seep into the ground.

4947
04:48:27.850 --> 04:48:28.680
I mean, I don't think.

4948
04:48:32.290 --> 04:48:32.862
Yeah, I don't know.

4949
04:48:32.862 --> 04:48:34.350
I mean like I said to use your analogy,

4950
04:48:34.350 --> 04:48:35.897
I will when I dump all water

4951
04:48:35.897 --> 04:48:37.672
something I try to always put it

4952
04:48:37.672 --> 04:48:38.987
where like plants are growing.

4953
04:48:38.990 --> 04:48:42.748
So I mean not not to make light of it,

4954
04:48:42.748 --> 04:48:44.255
but that's what I do so I

4955
04:48:44.255 --> 04:48:45.450

don't think I'm wasting it.

4956
04:48:45.450 --> 04:48:46.890
But I don't just you know,

4957
04:48:46.890 --> 04:48:48.395
dump it on the concrete if I

4958
04:48:48.395 --> 04:48:49.866
see like a plant growing up

4959
04:48:49.866 --> 04:48:51.810
poor in there you know so right?

4960
04:48:51.810 --> 04:48:53.810
Well I'm trying to understand.

4961
04:48:53.810 --> 04:48:56.830
No, your prohibition against waste.

4962
04:48:56.830 --> 04:48:59.820
And we, I think at one point you said, Uhm?

4963
04:48:59.820 --> 04:49:03.420
Well if it's going to know if it's

4964
04:49:03.420 --> 04:49:04.872
nonproductive, that's a waste.

4965
04:49:04.872 --> 04:49:08.090
And if my pouring the water on the ground,

4966
04:49:08.090 --> 04:49:10.208
bare soil, I'm not doing anything.

4967
04:49:10.210 --> 04:49:11.980
I don't have a green thumb.

4968
04:49:11.980 --> 04:49:13.240
I'm wasting water, OK?

4969
04:49:17.190 --> 04:49:22.870
I think are you trying, I mean. I'm sorry.

4970
04:49:22.870 --> 04:49:24.238
Having trouble with the analogy of

4971
04:49:24.238 --> 04:49:25.860
how you trying to grow something,

4972
04:49:25.860 --> 04:49:27.948
or you just pouring it out for no reason.

4973
04:49:27.950 --> 04:49:30.006
I mean, I, I guess it depends on

4974
04:49:30.006 --> 04:49:32.380
why you why you're doing this. K.

4975
04:49:34.760 --> 04:49:42.083
Let's say between 2.9 million and 20 million.

4976
04:49:42.083 --> 04:49:44.396
Gallons of water.

4977
04:49:44.400 --> 04:49:49.248
Are dumped into reservoirs. Every day.

4978
04:49:49.250 --> 04:49:52.856
And that water is not used.

4979
04:49:52.860 --> 04:49:55.370
Some of it is going to seep into the ground,

4980
04:49:55.370 --> 04:49:57.050
some of it's going to evaporate,

4981
04:49:57.050 --> 04:50:00.458
but that water is not used.

4982
04:50:00.460 --> 04:50:03.508

Is that waste or system loss?

4983
04:50:08.350 --> 04:50:10.849
I guess if it's stored in the

4984
04:50:10.849 --> 04:50:12.671
irrigation system or some

4985
04:50:12.671 --> 04:50:14.390
infrastructure reservoir right,

4986
04:50:14.390 --> 04:50:16.990
I would more attribute that

4987
04:50:16.990 --> 04:50:19.526
to system loss, but again.

4988
04:50:19.526 --> 04:50:20.990
That being said,

4989
04:50:20.990 --> 04:50:24.126
I think steps can be taken to,

4990
04:50:24.130 --> 04:50:25.906
as we noted, right and the

4991
04:50:25.906 --> 04:50:27.340
order notes to reduce it.

4992
04:50:31.570 --> 04:50:33.730
But I would attribute that to system loss,

4993
04:50:33.730 --> 04:50:35.294
even though there's no

4994
04:50:35.294 --> 04:50:37.249
productive use of that water.

4995
04:50:37.250 --> 04:50:40.982
You are, it's just going into

4996
04:50:40.982 --> 04:50:44.170
reservoirs and not being used.

4997
04:50:44.170 --> 04:50:48.468
More than 20 million gallons a day.

4998
04:50:48.470 --> 04:50:51.270
You're gonna call that system

4999
04:50:51.270 --> 04:50:54.816
loss and not waste. I guess.

5000
04:50:54.816 --> 04:50:57.428
Planter that would be.

5001
04:50:57.430 --> 04:50:59.950
My I would presume if you're

5002
04:50:59.950 --> 04:51:02.690
placing it in a reservoir.

5003
04:51:02.690 --> 04:51:05.084
That is somewhat of a productive use.

5004
04:51:05.090 --> 04:51:07.770
I mean, you're storing it for some other use.

5005
04:51:07.770 --> 04:51:08.550
I mean otherwise,

5006
04:51:08.550 --> 04:51:10.680
why would you keep it there?

5007
04:51:10.680 --> 04:51:11.676
That's a great question.

5008
04:51:11.676 --> 04:51:13.610
I'd love to know the answer to that,

5009
04:51:13.610 --> 04:51:16.880

but if, UM?

5010
04:51:16.880 --> 04:51:18.335
If you take.

5011
04:51:18.335 --> 04:51:21.245
Yeah, my Mark Watts testimony this

5012
04:51:21.245 --> 04:51:24.559
earlier earlier today in which he said.

5013
04:51:24.560 --> 04:51:27.596
Almost all the water that they're

5014
04:51:27.596 --> 04:51:29.620
putting in these reservoirs.

5015
04:51:29.620 --> 04:51:31.016
He's not being used,

5016
04:51:31.016 --> 04:51:34.191
and if you look at the quarterly reports

5017
04:51:34.191 --> 04:51:38.159
in AMB and EMF submitted to the department.

5018
04:51:38.160 --> 04:51:39.348
And you see.

5019
04:51:39.348 --> 04:51:42.120
That the water in the category they

5020
04:51:42.203 --> 04:51:44.712
call reservoir, evaporation seepage,

5021
04:51:44.712 --> 04:51:46.620
Fire Protection descontrol

5022
04:51:46.620 --> 04:51:49.800
that water is not used.

5023
04:51:49.800 --> 04:51:52.758
If they don't use that water.

5024
04:51:52.760 --> 04:51:55.164
And it's not needed.

5025
04:51:55.164 --> 04:51:58.770
Is that system loss or waste?

5026
04:51:58.770 --> 04:52:01.269
I object to the mischaracterization of Mr.

5027
04:52:01.270 --> 04:52:02.434
Vads testimony earlier,

5028
04:52:02.434 --> 04:52:04.870
as well as to counsel's testimony.

5029
04:52:04.870 --> 04:52:07.168
Yeah I I agree, Mr Frankel,

5030
04:52:07.168 --> 04:52:09.051
I think you need to keep it

5031
04:52:09.051 --> 04:52:10.987
to questions to Mr Hirakawa.

5032
04:52:10.990 --> 04:52:13.876
I did ask him a question.

5033
04:52:13.880 --> 04:52:17.574
That was a a long reiteration of

5034
04:52:17.574 --> 04:52:19.884
your view of earlier testimony.

5035
04:52:22.560 --> 04:52:24.630
Wow, that's so try it again.

5036
04:52:24.630 --> 04:52:27.710

Go right ahead I I'm very troubled.

5037
04:52:27.710 --> 04:52:30.370
If you don't think you heard Mr Bot say that

5038
04:52:30.437 --> 04:52:32.797
water is not used in the last category.

5039
04:52:32.800 --> 04:52:34.498
If you have a direct question

5040
04:52:34.498 --> 04:52:37.220
for Mr Hiraoka, go ahead.

5041
04:52:37.220 --> 04:52:39.944
Yes, Mr Hirkaler if more than

5042
04:52:39.944 --> 04:52:42.220
20 million gallons a day,

5043
04:52:42.220 --> 04:52:45.470
every single day on average.

5044
04:52:45.470 --> 04:52:48.930
Are dumped into reservoirs.

5045
04:52:48.930 --> 04:52:52.570
And that water is not then used.

5046
04:52:52.570 --> 04:52:55.600
But actually just seeps into

5047
04:52:55.600 --> 04:52:58.024
the ground and evaporates.

5048
04:52:58.030 --> 04:53:00.736
Is that waste or system loss?

5049
04:53:04.340 --> 04:53:09.629
Based on. Based on my.

5050
04:53:09.630 --> 04:53:10.674
Experience and again,

5051
04:53:10.674 --> 04:53:12.301
I'm not trying to be.

5052
04:53:12.301 --> 04:53:13.456
I'm not an expert on.

5053
04:53:13.460 --> 04:53:15.896
I want to qualify not expert on

5054
04:53:15.896 --> 04:53:17.550
irrigation and water systems.

5055
04:53:17.550 --> 04:53:18.780
But based on what I've seen,

5056
04:53:18.780 --> 04:53:22.119
just as issues we've dealt that deal and are,

5057
04:53:22.120 --> 04:53:24.868
I think the idea of even.

5058
04:53:24.870 --> 04:53:26.460
Putting the water in the

5059
04:53:26.460 --> 04:53:27.732
reservoir and then yeah,

5060
04:53:27.740 --> 04:53:29.290
you yeah, there's some system.

5061
04:53:29.290 --> 04:53:31.887
I would call IT system losses because

5062
04:53:31.890 --> 04:53:33.778
I guess what I'm saying is and again,

5063
04:53:33.780 --> 04:53:36.294

I'm not trying to but from

5064
04:53:36.294 --> 04:53:37.970
my understanding is that.

5065
04:53:37.970 --> 04:53:40.880
Even placing it and storing

5066
04:53:40.880 --> 04:53:43.095
water in a reservoir could

5067
04:53:43.095 --> 04:53:44.867
potentially he's potentially be

5068
04:53:44.867 --> 04:53:46.668
considered a use of it because.

5069
04:53:46.670 --> 04:53:48.518
And I'm speaking from our experiences,

5070
04:53:48.520 --> 04:53:51.085
land managers that you know when if you just.

5071
04:53:51.090 --> 04:53:52.500
Have the reservoir and you

5072
04:53:52.500 --> 04:53:55.490
have it empty it basically.

5073
04:53:55.490 --> 04:53:57.457
I think doesn't help to maintain it.

5074
04:53:57.460 --> 04:53:58.080
You know what I'm saying?

5075
04:53:58.080 --> 04:53:59.178
Like you have the you know,

5076
04:53:59.180 --> 04:54:00.526
vegetation growth,

5077
04:54:00.526 --> 04:54:03.218
potentially deteriorating the reservoirs.

5078
04:54:03.220 --> 04:54:04.336
So I think there's some need,

5079
04:54:04.340 --> 04:54:05.584
even if you're not.

5080
04:54:05.584 --> 04:54:07.139
Actively using it somewhere else,

5081
04:54:07.140 --> 04:54:09.300
at least keep it.

5082
04:54:09.300 --> 04:54:13.160
Water in there to keep the IT as a viable.

5083
04:54:13.160 --> 04:54:13.715
Facility.

5084
04:54:13.715 --> 04:54:18.566
So, do you know that my Pono has

5085
04:54:18.566 --> 04:54:22.718
approximately 40 reservoirs on this land?

5086
04:54:22.720 --> 04:54:23.408
I I don't know,

5087
04:54:23.408 --> 04:54:25.050
so I mean I don't recall specifically.

5088
04:54:25.050 --> 04:54:26.794
I mean, I'm sure it was in the.

5089
04:54:26.800 --> 04:54:28.282
It's been, but I don't recall

5090
04:54:28.282 --> 04:54:29.540

specifically how many they have,

5091
04:54:29.540 --> 04:54:30.888
and approximately nine of

5092
04:54:30.888 --> 04:54:32.910
them have water in them now.

5093
04:54:32.910 --> 04:54:34.968
We heard that testimony earlier today.

5094
04:54:34.970 --> 04:54:37.000
So is your testimony that they have

5095
04:54:37.000 --> 04:54:39.413
to have water in all these other

5096
04:54:39.413 --> 04:54:41.258
reservoirs which currently are empty.

5097
04:54:41.260 --> 04:54:42.585
They're not being used in

5098
04:54:42.585 --> 04:54:43.645
order to maintain them.

5099
04:54:43.650 --> 04:54:46.116
Well, I'm not saying they have to have water,

5100
04:54:46.120 --> 04:54:47.850
or that's that's a decision

5101
04:54:47.850 --> 04:54:49.234
they need to make.

5102
04:54:49.240 --> 04:54:49.608
I mean,

5103
04:54:49.608 --> 04:54:50.528
that's not what I'm saying.

5104
04:54:50.530 --> 04:54:53.382
What I'm saying is that I think if you.

5105
04:54:53.382 --> 04:54:55.600
Don't have water in them.

5106
04:54:55.600 --> 04:54:57.125
You could you know it,

5107
04:54:57.130 --> 04:54:58.718
it could create potential.

5108
04:54:58.718 --> 04:55:01.100
Maintenance issues that that in and

5109
04:55:01.166 --> 04:55:03.596
of itself creates a maintenance issue,

5110
04:55:03.600 --> 04:55:06.456
at least from what we've seen now.

5111
04:55:06.460 --> 04:55:08.578
I'm not seeing as to what.

5112
04:55:08.580 --> 04:55:09.948
My hip owners should or shouldn't

5113
04:55:09.948 --> 04:55:11.450
do or what that's their asset.

5114
04:55:11.450 --> 04:55:14.397
They manage it as he sees fit.

5115
04:55:14.400 --> 04:55:17.019
Has my opponent ever told you in any way,

5116
04:55:17.020 --> 04:55:18.043
shape or form?

5117
04:55:18.043 --> 04:55:20.430

But they need to keep water in

5118
04:55:20.506 --> 04:55:22.822
approximately 9 reservoirs out of their

5119
04:55:22.822 --> 04:55:26.187
40 or so in order to maintain them?

5120
04:55:26.190 --> 04:55:27.210
No, no, I'm just.

5121
04:55:27.210 --> 04:55:29.096
I'm like I said I'm what I'm

5122
04:55:29.096 --> 04:55:31.119
basing it is what I've observed on

5123
04:55:31.120 --> 04:55:32.830
reservoirs on state owned land,

5124
04:55:32.830 --> 04:55:35.054
which again where a lot of them were

5125
04:55:35.054 --> 04:55:37.252
subjected dam safety requirements and

5126
04:55:37.252 --> 04:55:38.836
certain maintenance requirements.

5127
04:55:38.840 --> 04:55:41.600
OK, so.

5128
04:55:41.600 --> 04:55:42.692
We know that let's,

5129
04:55:42.692 --> 04:55:44.900
let's assume for the sake of argument,

5130
04:55:44.900 --> 04:55:45.199
Mr.

5131
04:55:45.199 --> 04:55:47.292
Here comma that my opponent is not

5132
04:55:47.292 --> 04:55:49.449
said that they need to keep water.

5133
04:55:49.450 --> 04:55:51.260
These reservoirs for the purposes

5134
04:55:51.260 --> 04:55:51.984
of maintenance.

5135
04:55:51.990 --> 04:55:54.075
They've never said that's never

5136
04:55:54.075 --> 04:55:57.440
been a rationale provided so.

5137
04:55:57.440 --> 04:55:59.386
We know that they're using a product

5138
04:55:59.386 --> 04:56:01.319
at the most between 12 between

5139
04:56:01.320 --> 04:56:04.536
48,000 and 100,000 gallons per day.

5140
04:56:04.540 --> 04:56:06.129
Actually, one might bring up this chart.

5141
04:56:45.070 --> 04:56:46.930
OK, have you seen the quarterly

5142
04:56:46.930 --> 04:56:48.860
reports that you might provide it?

5143
04:56:48.860 --> 04:56:50.687
Uh, yeah, I've seen the way I

5144
04:56:50.687 --> 04:56:52.300

review them as they come in.

5145
04:56:52.300 --> 04:56:54.495
Great, so there's this last

5146
04:56:54.495 --> 04:56:56.251
category here called reservoir

5147
04:56:56.251 --> 04:56:58.439
Fire Protection of Operation,

5148
04:56:58.440 --> 04:57:00.045
Dust control hydroelectric.

5149
04:57:00.045 --> 04:57:02.185
You see that yes.

5150
04:57:04.410 --> 04:57:08.396
Uhm? So Mark, what gave us some

5151
04:57:08.396 --> 04:57:09.920
information about dust control?

5152
04:57:09.920 --> 04:57:11.705
It's approximately between

5153
04:57:11.705 --> 04:57:15.275
48,000 and 100,000 gallons a day.

5154
04:57:15.280 --> 04:57:17.356
He also told us the hydroelectric,

5155
04:57:17.360 --> 04:57:19.280
the water doesn't disappear after

5156
04:57:19.280 --> 04:57:21.640
it goes to the hydroelectric plant.

5157
04:57:21.640 --> 04:57:25.888
If it goes through, it's used for irrigation.

5158
04:57:25.890 --> 04:57:29.270
Uhm? We have no idea.

5159
04:57:29.270 --> 04:57:32.630
How much is used on a daily basis,

5160
04:57:32.630 --> 04:57:35.062
monthly basis or yearly

5161
04:57:35.062 --> 04:57:37.494
basis for Fire Protection?

5162
04:57:37.500 --> 04:57:41.315
Uhm, no data at all. Uhm,

5163
04:57:41.315 --> 04:57:45.620
Mrva testified that in these months January,

5164
04:57:45.620 --> 04:57:49.100
February, March 2021.

5165
04:57:49.100 --> 04:57:51.320
So for the dust control.

5166
04:57:51.320 --> 04:57:53.985
Comma that water in that

5167
04:57:53.985 --> 04:57:56.650
last column was not used.

5168
04:57:56.650 --> 04:58:00.330
Are you describing that all a system loss?

5169
04:58:00.330 --> 04:58:02.002
Objection to the mischaracterization

5170
04:58:02.002 --> 04:58:04.092
of Mr Bob's earlier testimony

5171
04:58:04.092 --> 04:58:05.152

to council's testimony,

5172
04:58:05.152 --> 04:58:07.078
and this is cumulative and argumentative.

5173
04:58:16.380 --> 04:58:17.996
Come Mr Frankel, again,

5174
04:58:17.996 --> 04:58:20.983
I would like you to ask a

5175
04:58:20.983 --> 04:58:23.348
direct question of Mr Hirokawa.

5176
04:58:23.350 --> 04:58:25.414
I did, I asked him whether

5177
04:58:25.414 --> 04:58:27.539
this is system lost or waste.

5178
04:58:33.550 --> 04:58:36.580
Great go ahead Mr Hero power.

5179
04:58:36.580 --> 04:58:39.348
I. I don't know if it's either,

5180
04:58:39.350 --> 04:58:40.766
I mean like I said, I attribute

5181
04:58:40.766 --> 04:58:42.704
that to what's in the chart.

5182
04:58:45.920 --> 04:58:47.486
I don't think I can without.

5183
04:58:49.620 --> 04:58:51.258
But then, what other than what we?

5184
04:58:51.260 --> 04:58:52.418
I guess you said right here.

5185
04:58:52.420 --> 04:58:54.548
I don't think I would classify it as

5186
04:58:54.548 --> 04:58:56.409
either unless we had more information.

5187
04:58:56.410 --> 04:58:59.650
What information would you need?

5188
04:58:59.650 --> 04:59:01.092
Well, I'd like to hear why I'm

5189
04:59:01.092 --> 04:59:02.623
at and I apologize 'cause I

5190
04:59:02.623 --> 04:59:04.345
wasn't in the hearing when Mr.

5191
04:59:04.350 --> 04:59:06.278
Vault was testifying but.

5192
04:59:06.278 --> 04:59:09.388
I, I mean, I would think we would need to

5193
04:59:09.388 --> 04:59:12.254
know why it would be should be considered.

5194
04:59:12.260 --> 04:59:15.630
Either one of those. So.

5195
04:59:17.810 --> 04:59:18.670
Uhm?

5196
04:59:21.780 --> 04:59:25.440
Do you acknowledge that dust control

5197
04:59:25.440 --> 04:59:27.330
is a consumptive use of water

5198
04:59:27.330 --> 04:59:29.499

once you use it? That's it, right?

5199
04:59:31.820 --> 04:59:34.060
Well, it's a consumptive use in the sense

5200
04:59:34.060 --> 04:59:36.110
that it's not being returned to the.

5201
04:59:36.110 --> 04:59:37.834
It's point of origin,

5202
04:59:37.834 --> 04:59:40.690
so I mean all of it comes from all of it.

5203
04:59:40.690 --> 04:59:42.650
I should say in this case everything

5204
04:59:42.650 --> 04:59:44.362
is consumptive use well, but you have.

5205
04:59:44.362 --> 04:59:45.670
Then you got a pretty broad

5206
04:59:45.718 --> 04:59:47.110
definition of consumptive use.

5207
04:59:47.110 --> 04:59:49.034
You're saying that evaporation

5208
04:59:49.034 --> 04:59:49.996
consumptive use.

5209
04:59:53.300 --> 04:59:55.830
No, I mean, I wait, I'm I.

5210
04:59:55.830 --> 04:59:57.405
I need to excuse me.

5211
04:59:57.410 --> 04:59:59.894
What I'm saying is that the uses that are.

5212
04:59:59.900 --> 05:00:01.628
Outlined in the chart,

5213
05:00:01.628 --> 05:00:04.690
I would think are all consumptive uses.

5214
05:00:04.690 --> 05:00:05.858
And like I said,

5215
05:00:05.858 --> 05:00:07.026
hydroelectric is generally not,

5216
05:00:07.030 --> 05:00:08.948
but I would still consider it consumptive

5217
05:00:08.948 --> 05:00:11.063
in the sense that the water is not

5218
05:00:11.063 --> 05:00:12.870
being returned to the point of origin.

5219
05:00:12.870 --> 05:00:14.595
It's not like a hydro

5220
05:00:14.595 --> 05:00:16.320
plant that's on the river,

5221
05:00:16.320 --> 05:00:17.745
takes the water and immediately

5222
05:00:17.745 --> 05:00:19.550
turns it back into the river.

5223
05:00:19.550 --> 05:00:20.670
Except in this case,

5224
05:00:20.670 --> 05:00:21.790
my opponent actually uses

5225
05:00:21.790 --> 05:00:23.240

that water irrigated fields,

5226
05:00:23.240 --> 05:00:25.058
which is then a consumptive use.

5227
05:00:25.060 --> 05:00:27.480
You can't double count the water, yes.

5228
05:00:30.750 --> 05:00:32.362
Are you telling me that, UM,

5229
05:00:32.362 --> 05:00:34.370
reservoirs, or consumptive use?

5230
05:00:37.030 --> 05:00:38.566
Again, if yeah, if you're diverting

5231
05:00:38.566 --> 05:00:40.168
water from a point and you're

5232
05:00:40.168 --> 05:00:41.488
moving it to somewhere else,

5233
05:00:41.490 --> 05:00:43.986
and the water doesn't return to its source.

5234
05:00:43.990 --> 05:00:45.789
I mean, that's how I would look

5235
05:00:45.789 --> 05:00:47.730
at what is a consumptive use,

5236
05:00:47.730 --> 05:00:48.972
and what good is the putting

5237
05:00:48.972 --> 05:00:50.310
the water in the reservoir.

5238
05:00:50.310 --> 05:00:51.120
What good does it do?

5239
05:00:54.440 --> 05:00:56.324
One was I would think it

5240
05:00:56.324 --> 05:00:58.659
would be used to for whatever.

5241
05:00:58.660 --> 05:01:00.226
Approved purposes later,

5242
05:01:00.226 --> 05:01:02.836
so if like you have.

5243
05:01:02.840 --> 05:01:03.730
Agricultural uses,

5244
05:01:03.730 --> 05:01:06.400
and I mean I think it's.

5245
05:01:06.400 --> 05:01:07.828
Pretty common that if you could

5246
05:01:07.828 --> 05:01:09.373
store the water for times when

5247
05:01:09.373 --> 05:01:10.738
you have less water available,

5248
05:01:10.740 --> 05:01:12.708
you have that water to use.

5249
05:01:12.710 --> 05:01:17.866
So in January of 2020 one 3.91 million

5250
05:01:17.866 --> 05:01:20.456
gallons were used for agriculture.

5251
05:01:20.460 --> 05:01:21.744
In this last category,

5252
05:01:21.744 --> 05:01:23.028

reservoir and other things

5253
05:01:25.100 --> 05:01:26.860
21.33 millions were deposited.

5254
05:01:26.860 --> 05:01:33.529
Do you see that? Yes. That's like. Uhm?

5255
05:01:33.530 --> 05:01:37.346
Six Times Now, not quite 65 times more.

5256
05:01:40.290 --> 05:01:45.078
Five times more water that wasn't used.

5257
05:01:45.080 --> 05:01:47.280
Look at the next month.

5258
05:01:47.280 --> 05:01:48.568
And the next month.

5259
05:01:48.568 --> 05:01:50.500
That's a lot of water sitting

5260
05:01:50.567 --> 05:01:52.667
in reservoirs that's never used.

5261
05:01:57.480 --> 05:01:59.576
Is that system loss or is that waste?

5262
05:02:02.190 --> 05:02:04.200
Objection cumulative.

5263
05:02:23.730 --> 05:02:27.246
OK, so Mr. Franco, you're asking for Mr.

5264
05:02:27.246 --> 05:02:29.310
Hiroko's opinion about whether

5265
05:02:29.310 --> 05:02:31.374
seepage losses in evaporation

5266
05:02:31.374 --> 05:02:34.050
or waste versus system uses I.

5267
05:02:34.050 --> 05:02:36.918
I think he has answered that.

5268
05:02:36.920 --> 05:02:39.088
Would you like him to answer it again?

5269
05:02:39.090 --> 05:02:40.854
I said that was not my question.

5270
05:02:40.860 --> 05:02:43.868
My question was the water that's not used.

5271
05:02:43.870 --> 05:02:45.760
It's put in the reservoirs.

5272
05:02:45.760 --> 05:02:49.210
Is that system loss or waste?

5273
05:02:49.210 --> 05:02:51.550
It's not used right. Mr here.

5274
05:02:51.550 --> 05:02:53.656
Call why don't you answer it?

5275
05:02:53.660 --> 05:02:56.340
Whether it's again or not?

5276
05:02:56.340 --> 05:02:58.748
OK, if I'm making sure I understand if

5277
05:02:58.748 --> 05:03:00.833
you're asking me whether water that is

5278
05:03:00.833 --> 05:03:02.950
stored in a reservoir is considered.

5279
05:03:05.050 --> 05:03:08.098

Just buy that. That's not used.

5280
05:03:08.100 --> 05:03:09.396
That's not used in a store.

5281
05:03:09.400 --> 05:03:11.920
Is system loss or I guess I wouldn't.

5282
05:03:11.920 --> 05:03:14.332
Consider it either given that the

5283
05:03:14.332 --> 05:03:16.750
limit to that question. I mean I,

5284
05:03:16.750 --> 05:03:18.640
if I think more information is needed,

5285
05:03:18.640 --> 05:03:20.698
but I wouldn't consider it either.

5286
05:03:20.700 --> 05:03:22.530
Either system loss or waste.

5287
05:03:26.850 --> 05:03:28.854
Was your going back to your

5288
05:03:28.854 --> 05:03:30.190
language and your Staffs?

5289
05:03:30.190 --> 05:03:32.085
The middle staff also recommends

5290
05:03:32.085 --> 05:03:33.980
that the board also mend

5291
05:03:34.047 --> 05:03:35.709
its previous requirement,

5292
05:03:35.710 --> 05:03:37.858
prohibiting the waste of

5293
05:03:37.858 --> 05:03:40.006
water to specifically exclude

5294
05:03:40.006 --> 05:03:42.269
system losses of apparation.

5295
05:03:42.270 --> 05:03:44.442
Was your intent in any way

5296
05:03:44.442 --> 05:03:46.390
with this language to reduce

5297
05:03:46.390 --> 05:03:48.465
the amount of system loss?

5298
05:03:54.060 --> 05:03:56.125
I think the intent overall is to

5299
05:03:56.125 --> 05:03:57.959
reduce the amount of system loss,

5300
05:03:57.960 --> 05:04:00.268
because again, we're cognizant.

5301
05:04:00.268 --> 05:04:04.000
Of the sea worm order.

5302
05:04:04.000 --> 05:04:08.160
Which says 22.7%, correct?

5303
05:04:08.160 --> 05:04:10.880
I. Yeah, I believe he was.

5304
05:04:10.880 --> 05:04:11.880
That's that's the number.

5305
05:04:11.880 --> 05:04:13.729
Has the board of Land and Natural

5306
05:04:13.729 --> 05:04:15.224

Resources said anything about how

5307
05:04:15.224 --> 05:04:17.010
much system loss is acceptable?

5308
05:04:19.690 --> 05:04:22.430
Not that I can recall.

5309
05:04:22.430 --> 05:04:24.025
Has Dylan are included any

5310
05:04:24.025 --> 05:04:25.301
condition intended to require

5311
05:04:25.301 --> 05:04:26.999
a reduction system losses?

5312
05:04:31.350 --> 05:04:33.387
Not in the revocable as of yet.

5313
05:04:33.390 --> 05:04:35.245
I don't. I don't recall if there

5314
05:04:35.245 --> 05:04:37.025
was anything that the board approved

5315
05:04:37.025 --> 05:04:38.873
in the revocable permit approval in

5316
05:04:38.873 --> 05:04:40.780
the in the renewal of the revolt.

5317
05:04:40.780 --> 05:04:43.706
Excuse me, I don't recall if the

5318
05:04:43.706 --> 05:04:46.110
board had approved any condition

5319
05:04:46.110 --> 05:04:48.486
in the renewable renewal of the

5320
05:04:48.486 --> 05:04:50.470
revocable permits to address that.

5321
05:04:50.470 --> 05:04:51.160
I don't recall.

5322
05:04:55.180 --> 05:05:00.780
Uhm? Water that is not used.

5323
05:05:04.560 --> 05:05:07.550
You've already, it's not used.

5324
05:05:07.550 --> 05:05:09.314
Is it fair to say water

5325
05:05:09.314 --> 05:05:11.050
that's not used is wasted?

5326
05:05:17.750 --> 05:05:20.102
Uh. I wouldn't take that as

5327
05:05:20.102 --> 05:05:22.730
an absolute statement, but.

5328
05:05:22.730 --> 05:05:25.349
I mean, in cases it could be that could

5329
05:05:25.349 --> 05:05:28.824
apply depending on the circumstances.

5330
05:05:28.824 --> 05:05:32.175
K. Come and let's just do a quick

5331
05:05:32.175 --> 05:05:35.181
math exercise here in January 2021,

5332
05:05:35.181 --> 05:05:39.332
A and B was depositing 21.33 million

5333
05:05:39.332 --> 05:05:42.218

gallons a day into its reservoirs.

5334
05:05:42.220 --> 05:05:44.488
If you multiply that by 30.

5335
05:05:46.530 --> 05:05:48.130
30 days of problems 31.

5336
05:05:48.130 --> 05:05:50.615
Let's say make the math easier and

5337
05:05:50.615 --> 05:05:53.169
will say it's 20 million gallons.

5338
05:05:53.170 --> 05:05:55.570
20 million gallons a day, times 30.

5339
05:05:55.570 --> 05:05:58.070
IS 600 million gallons that

5340
05:05:58.070 --> 05:06:00.420
could be stored correct?

5341
05:06:03.040 --> 05:06:06.857
That sounds right. 600 million gallons.

5342
05:06:06.857 --> 05:06:09.720
Do you know what the capacity of

5343
05:06:09.800 --> 05:06:12.040
all hambeasts reservoirs are?

5344
05:06:12.040 --> 05:06:16.125
No, I do not. You don't know if they

5345
05:06:16.125 --> 05:06:18.220
even reach 600 million gallons.

5346
05:06:18.220 --> 05:06:20.010
I I do not know.

5347
05:06:20.010 --> 05:06:23.306
And if it's less than 600 million gallons.

5348
05:06:23.310 --> 05:06:25.885
If their total reservoir capacity

5349
05:06:25.885 --> 05:06:29.260
is less than 600 million gallons.

5350
05:06:29.260 --> 05:06:30.820
Where would all that water go?

5351
05:06:32.860 --> 05:06:35.370
I don't know. OK.

5352
05:06:40.250 --> 05:06:46.330
Yes, that water goes nowhere and is lost.

5353
05:06:46.330 --> 05:06:48.246
Through seepage or evaporation

5354
05:06:48.246 --> 05:06:51.120
is that system loss or waste?

5355
05:06:51.120 --> 05:06:55.020
Objection asked and answered cumulative.

5356
05:06:55.020 --> 05:06:58.580
I agree Mr Franco.

5357
05:06:58.580 --> 05:07:03.616
We have spent a lot of time on this point.

5358
05:07:03.620 --> 05:07:05.648
And it has been asked and

5359
05:07:05.648 --> 05:07:06.662
answered several times.

5360
05:07:06.670 --> 05:07:08.600

And having asked you this

5361
05:07:08.600 --> 05:07:10.628
question in different ways, Mr.

5362
05:07:10.628 --> 05:07:11.106
Hirkaler.

5363
05:07:11.106 --> 05:07:13.974
Do you have better recollection now?

5364
05:07:13.980 --> 05:07:16.026
Who proposed this language to you?

5365
05:07:20.710 --> 05:07:22.780
I I can't say for sure.

5366
05:07:22.780 --> 05:07:24.607
I know you can't say for sure.

5367
05:07:24.610 --> 05:07:25.528
Wasn't chair case.

5368
05:07:25.528 --> 05:07:27.364
Who asked you to insert this

5369
05:07:27.364 --> 05:07:28.490
sentence in the Staffs.

5370
05:07:28.490 --> 05:07:30.698
The middle that says staff also

5371
05:07:30.698 --> 05:07:33.063
recommends the board also amend its

5372
05:07:33.063 --> 05:07:34.302
previous requirement prohibiting

5373
05:07:34.302 --> 05:07:36.985
the waste of water to specifically

5374
05:07:36.985 --> 05:07:39.730
exclude system losses and evaporation.

5375
05:07:39.730 --> 05:07:41.872
Well, I think I I what I said earlier

5376
05:07:41.872 --> 05:07:43.967
is that it might have been because

5377
05:07:43.967 --> 05:07:45.750
I recall when this was discussed

5378
05:07:45.750 --> 05:07:48.118
we had a a pretty we we were in

5379
05:07:48.118 --> 05:07:49.820
a group discussion and it wasn't.

5380
05:07:49.820 --> 05:07:50.438
It wasn't like.

5381
05:07:52.720 --> 05:07:54.076
Just the chair and I talking

5382
05:07:54.076 --> 05:07:54.980
or anything like that.

5383
05:07:54.980 --> 05:07:56.654
I would call it being in groups so again,

5384
05:07:56.660 --> 05:07:58.081
I you know the fact that you're

5385
05:07:58.081 --> 05:07:59.180
asking me with certainty.

5386
05:07:59.180 --> 05:08:01.764
I don't think I can say with certainty.

5387
05:08:01.770 --> 05:08:03.370

But it sounds probably right.

5388
05:08:03.370 --> 05:08:06.180
It sounds familiar to you.

5389
05:08:06.180 --> 05:08:07.867
Well, I think like I said it,

5390
05:08:07.870 --> 05:08:09.830
it could have been because I remember

5391
05:08:09.830 --> 05:08:11.759
that there was a group discussion.

5392
05:08:11.760 --> 05:08:12.832
And like I said,

5393
05:08:12.832 --> 05:08:14.983
I believe they concluded the chair C worm

5394
05:08:14.983 --> 05:08:17.230
and the attorney general's like I don't.

5395
05:08:17.230 --> 05:08:18.750
I can't say like.

5396
05:08:18.750 --> 05:08:21.690
I don't recall or can't say for

5397
05:08:21.690 --> 05:08:23.610
certainty who specifically said it,

5398
05:08:23.610 --> 05:08:24.426
but like I said,

5399
05:08:24.426 --> 05:08:25.930
I'm not saying it could have been,

5400
05:08:25.930 --> 05:08:27.865
and what was the rationale

5401
05:08:27.865 --> 05:08:29.413
for including this language?

5402
05:08:31.900 --> 05:08:34.072
I think I what I explained

5403
05:08:34.072 --> 05:08:35.158
previously was that.

5404
05:08:35.160 --> 05:08:36.940
System losses and waste,

5405
05:08:36.940 --> 05:08:39.165
at least from our perspective,

5406
05:08:39.170 --> 05:08:42.428
are two different.

5407
05:08:42.430 --> 05:08:43.426
Two different things.

5408
05:08:43.426 --> 05:08:44.754
I think I mean,

5409
05:08:44.760 --> 05:08:47.497
I think I explained that earlier work.

5410
05:08:47.500 --> 05:08:48.766
And let him what I've testified.

5411
05:08:51.650 --> 05:08:54.140
And that was the only reason

5412
05:08:54.140 --> 05:08:55.800
the language was included.

5413
05:08:55.800 --> 05:08:57.060
I mean, what, what,

5414
05:08:57.060 --> 05:08:59.560

what larger purpose is served by doing so?

5415
05:08:59.560 --> 05:09:01.925
You already have a limitation

5416
05:09:01.925 --> 05:09:04.008
of 22.7% of system loss.

5417
05:09:04.008 --> 05:09:06.420
You want to reduce system loss.

5418
05:09:06.420 --> 05:09:08.100
You don't want to have any waste.

5419
05:09:08.100 --> 05:09:08.926
So what?

5420
05:09:08.926 --> 05:09:10.991
What purpose larger purpose is

5421
05:09:10.991 --> 05:09:13.249
advanced by including this language.

5422
05:09:16.920 --> 05:09:18.288
Well, I think like I said,

5423
05:09:18.290 --> 05:09:21.962
I would echo what I said earlier in that.

5424
05:09:21.970 --> 05:09:25.508
There is a acceptable level of system loss,

5425
05:09:25.508 --> 05:09:27.104
right? And we have the sea

5426
05:09:27.104 --> 05:09:28.790
worm order that like you say,

5427
05:09:28.790 --> 05:09:32.440
and I believe it is 22.7%.

5428
05:09:32.440 --> 05:09:36.374
And but yet, with the with the.

5429
05:09:36.380 --> 05:09:39.536
Sort of desire to reduce that.

5430
05:09:39.540 --> 05:09:41.670
I don't think we would.

5431
05:09:41.670 --> 05:09:43.278
Say waste is synonymous with that

5432
05:09:43.278 --> 05:09:44.901
because I don't think it would

5433
05:09:44.901 --> 05:09:46.475
be appropriate to say, well,

5434
05:09:46.475 --> 05:09:51.200
you can waste 22.7% of the water you divert.

5435
05:09:51.200 --> 05:09:53.562
So I like I go back to their conceptual,

5436
05:09:53.562 --> 05:09:55.008
factual and conceptual.

5437
05:09:55.008 --> 05:09:56.936
They're two different things.

5438
05:09:56.940 --> 05:09:59.588
So do you think this this this sense?

5439
05:09:59.590 --> 05:10:01.734
Is the purpose is to reduce system loss?

5440
05:10:04.940 --> 05:10:05.976
Purpose of this sentence,

5441
05:10:05.976 --> 05:10:08.470

and I think it's to give clarity on what

5442
05:10:08.470 --> 05:10:10.535
are considered system losses and what are

5443
05:10:10.592 --> 05:10:12.770
considered what could be considered waste.

5444
05:10:12.770 --> 05:10:16.199
So again, so there's no motive behind this to

5445
05:10:16.199 --> 05:10:19.217
either reduce system loss or reduce waste.

5446
05:10:19.220 --> 05:10:22.888
That's not the reason for this language.

5447
05:10:22.890 --> 05:10:24.647
I think it's a point of clarification.

5448
05:10:24.650 --> 05:10:27.594
I don't think the the the sentence itself

5449
05:10:27.594 --> 05:10:30.118
makes any statement about. Reducing,

5450
05:10:30.118 --> 05:10:34.024
I think in context with the submittal.

5451
05:10:34.030 --> 05:10:35.162
I think there's a.

5452
05:10:35.162 --> 05:10:37.681
A point that you know AMD has two or

5453
05:10:37.681 --> 05:10:39.898
excuse me and be in my mind, Pono.

5454
05:10:39.898 --> 05:10:42.188
Have to or, you know,

5455
05:10:42.190 --> 05:10:43.960
should take efforts to reduce

5456
05:10:43.960 --> 05:10:45.376
system losses as well.

5457
05:10:48.320 --> 05:10:51.368
Do you disagree with this statement?

5458
05:10:51.370 --> 05:10:54.306
Waste. You don't want to be running water

5459
05:10:54.306 --> 05:10:57.116
through the system that's not being used.

5460
05:11:09.870 --> 05:11:11.274
I mean, I think it's a

5461
05:11:11.274 --> 05:11:11.976
pretty broad statement,

5462
05:11:11.980 --> 05:11:13.450
but I think generally yeah.

5463
05:11:13.450 --> 05:11:15.368
I mean, I in the sense that.

5464
05:11:15.370 --> 05:11:16.818
You're diverting water that.

5465
05:11:20.200 --> 05:11:22.930
Is just being sort of lost.

5466
05:11:22.930 --> 05:11:25.318
OK, Mr. Franco, first of all,

5467
05:11:25.320 --> 05:11:28.338
waste was covered in the trial.

5468
05:11:28.340 --> 05:11:30.602

And you have spent quite a

5469
05:11:30.602 --> 05:11:33.400
bit of time on this already.

5470
05:11:33.400 --> 05:11:36.814
So I'm going to say we've about exhausted

5471
05:11:36.814 --> 05:11:40.126
any new evidence on this topic.

5472
05:11:42.960 --> 05:11:44.904
So you were at ordering me to stop

5473
05:11:44.904 --> 05:11:46.313
asking questions about this, correct?

5474
05:11:46.313 --> 05:11:48.714
I'm saying if you've spent about 45

5475
05:11:48.714 --> 05:11:50.883
minutes on this topic and you're

5476
05:11:50.883 --> 05:11:53.013
getting repeat questions on a topic

5477
05:11:53.081 --> 05:11:54.770
that was already covered in the trial,

5478
05:11:54.770 --> 05:11:57.608
yes, that's enough.

5479
05:11:57.610 --> 05:12:01.060
Let's talk about water use in.

5480
05:12:05.090 --> 05:12:08.685
Uhm? I guess I should bring

5481
05:12:08.685 --> 05:12:10.120
this well, I'll bring this up.

5482
05:12:12.170 --> 05:12:13.178
Where's my stuff?

5483
05:12:18.290 --> 05:12:20.610
I'm gonna bring up why 21.

5484
05:12:38.590 --> 05:12:44.150
This is your stats in middle from 2019. Yes.

5485
05:12:53.110 --> 05:12:55.558
You wrote the board should impose

5486
05:12:55.558 --> 05:12:57.598
reporting requirements regarding the use

5487
05:12:57.598 --> 05:12:59.650
of water under the revocable permits.

5488
05:12:59.650 --> 05:13:02.354
It is an essential component of the board

5489
05:13:02.354 --> 05:13:04.335
stewardship of the water resources to

5490
05:13:04.335 --> 05:13:06.949
understand how much water is being diverted.

5491
05:13:06.950 --> 05:13:10.490
You remember that. Yes.

5492
05:13:10.490 --> 05:13:19.378
So let's look at exhibit Y OPS. To the Y1.

5493
05:13:31.470 --> 05:13:32.510
Speaker.

5494
05:13:35.460 --> 05:13:37.700
You see the exhibit one?

5495
05:13:37.700 --> 05:13:39.940

Yes, so this is a summary of

5496
05:13:39.940 --> 05:13:43.540
how water has been used. Hum.

5497
05:13:43.540 --> 05:13:44.920
So this is category here.

5498
05:13:44.920 --> 05:13:46.972
Historic industrial uses and

5499
05:13:46.972 --> 05:13:49.203
is all 1.1 million gallons

5500
05:13:49.203 --> 05:13:51.609
a day all the way across.

5501
05:13:51.610 --> 05:13:53.536
Is this water in this category

5502
05:13:53.536 --> 05:13:54.499
being used reasonably?

5503
05:14:04.070 --> 05:14:05.002
I don't think well,

5504
05:14:05.002 --> 05:14:06.167
I I would say this.

5505
05:14:06.170 --> 05:14:08.890
I don't know of any.

5506
05:14:08.890 --> 05:14:12.010
Anything to the contrary.

5507
05:14:12.010 --> 05:14:14.140
But again, I'm not, I mean.

5508
05:14:16.720 --> 05:14:19.928
Are you saying are you saying that historical

5509
05:14:19.928 --> 05:14:22.317
industrial uses are are not reasonable?

5510
05:14:22.320 --> 05:14:23.478
I mean, I, I'm I'm sorry.

5511
05:14:23.480 --> 05:14:25.412
I'm a little unclear.

5512
05:14:25.412 --> 05:14:29.562
So well, you do the staff simmentals you.

5513
05:14:29.562 --> 05:14:32.372
Have talked about the importance

5514
05:14:32.372 --> 05:14:37.210
of the reporting requirements and.

5515
05:14:37.210 --> 05:14:41.236
In fact, in. In November 2020,

5516
05:14:41.240 --> 05:14:44.084
he wrote staff believes the PERMITTEE

5517
05:14:44.084 --> 05:14:46.495
must provide further information on

5518
05:14:46.495 --> 05:14:48.695
historical industrial uses of water.

5519
05:14:48.700 --> 05:14:50.115
Again, so let me break

5520
05:14:50.115 --> 05:14:51.247
this down into components.

5521
05:14:51.250 --> 05:14:52.798
Do you see how this is

5522
05:14:52.800 --> 05:14:53.960

1.1 million gallons a day,

5523
05:14:53.960 --> 05:14:56.609
every month you notice that yes,

5524
05:14:56.609 --> 05:14:58.403
regardless of the number of days

5525
05:14:58.403 --> 05:15:02.039
of the month, you see that.

5526
05:15:02.040 --> 05:15:03.868
Regardless of the weather.

5527
05:15:08.030 --> 05:15:08.819
You see that.

5528
05:15:10.960 --> 05:15:14.744
Yes. Uhm, and this is for the past.

5529
05:15:14.750 --> 05:15:19.250
Not quite two years, uhm?

5530
05:15:19.250 --> 05:15:22.701
Did you know that in this historic

5531
05:15:22.701 --> 05:15:24.938
industrial use category 8,

5532
05:15:24.938 --> 05:15:27.970
Cindy was using approximately

5533
05:15:27.970 --> 05:15:30.310
250,000 gallons of water a day,

5534
05:15:30.310 --> 05:15:31.876
but has stopped using the water?

5535
05:15:34.690 --> 05:15:36.498
I don't believe so.

5536
05:15:36.498 --> 05:15:38.955
OK, have you been provided any

5537
05:15:38.955 --> 05:15:40.960
information that lead allows you

5538
05:15:41.036 --> 05:15:43.514
to conclude that the water in this

5539
05:15:43.514 --> 05:15:46.551
category has been and is being used in

5540
05:15:46.551 --> 05:15:48.456
a reasonable and beneficial manner?

5541
05:15:50.500 --> 05:15:52.761
Excuse me, based on what were when

5542
05:15:52.761 --> 05:15:55.834
I reviewed the report, said. Yeah,

5543
05:15:55.834 --> 05:15:57.226
I would say that it appeared to be.

5544
05:15:59.760 --> 05:16:01.434
If you don't mind if you have the report

5545
05:16:01.434 --> 05:16:04.470
handy, I think they did detail some.

5546
05:16:04.470 --> 05:16:07.494
Uses that were sort of AG tenants

5547
05:16:07.500 --> 05:16:09.050
aside from the industrial uses,

5548
05:16:09.050 --> 05:16:11.258
so could they describe how the how much

5549
05:16:11.258 --> 05:16:13.337

water was being used by each tenant?

5550
05:16:17.050 --> 05:16:18.586
Not having the report in front of me,

5551
05:16:18.590 --> 05:16:19.448
I don't recall.

5552
05:16:19.448 --> 05:16:21.690
I believe it listed who is using it.

5553
05:16:21.690 --> 05:16:23.490
I don't recall if it.

5554
05:16:23.490 --> 05:16:25.604
I don't recall that it broke down.

5555
05:16:25.610 --> 05:16:29.180
Specifically who was using how much.

5556
05:16:29.180 --> 05:16:29.955
Alright, I'm not going to

5557
05:16:29.955 --> 05:16:31.039
give you a hard time on this.

5558
05:16:31.040 --> 05:16:32.714
I already gave listen to comma

5559
05:16:32.714 --> 05:16:34.524
hard time so we don't have

5560
05:16:34.524 --> 05:16:36.084
to beat that horse again.

5561
05:16:36.090 --> 05:16:38.076
But let's look at this category.

5562
05:16:38.080 --> 05:16:40.780
Red Reservoir Fire Protection of Operation,

5563
05:16:40.780 --> 05:16:42.625
Dust control, hydroelectric,

5564
05:16:42.625 --> 05:16:43.240
hydroelectric,

5565
05:16:43.240 --> 05:16:45.085
and system losses.

5566
05:16:49.100 --> 05:16:51.818
Has this. Is this category being

5567
05:16:51.818 --> 05:16:53.994
used reasonably? If you have enough

5568
05:16:53.994 --> 05:16:55.258
information to draw conclusion?

5569
05:17:03.780 --> 05:17:08.273
I think if. I think if there is an in

5570
05:17:08.273 --> 05:17:10.500
well I would say this. I mean I think if.

5571
05:17:13.890 --> 05:17:16.767
Parties would assert that it is not.

5572
05:17:16.770 --> 05:17:18.294
More information would be

5573
05:17:18.294 --> 05:17:20.199
required to make a determination.

5574
05:17:22.220 --> 05:17:23.530
What information would you need?

5575
05:17:25.950 --> 05:17:28.435
I'm sorry, what information would you need?

5576
05:17:31.340 --> 05:17:33.340

Well, as a starting point it would be.

5577
05:17:33.340 --> 05:17:35.874
I think it would be helpful to.

5578
05:17:35.880 --> 05:17:37.131
Breakdowns you know

5579
05:17:37.131 --> 05:17:38.799
specifically within those types,

5580
05:17:38.800 --> 05:17:40.384
if they could provide.

5581
05:17:40.384 --> 05:17:42.724
You know, divvy up the the

5582
05:17:42.724 --> 05:17:44.268
uses within those types.

5583
05:17:46.560 --> 05:17:48.096
Or the amount excuse me not to use,

5584
05:17:48.100 --> 05:17:50.908
I mean DVD amounts of divide and then

5585
05:17:50.908 --> 05:17:53.570
report him as per the type of use and

5586
05:17:53.570 --> 05:17:55.190
would investigations have you done so

5587
05:17:55.190 --> 05:17:57.450
far to ensure that the water in this

5588
05:17:57.450 --> 05:17:58.850
category is being used reasonably?

5589
05:18:02.770 --> 05:18:04.989
We have not done any investors well.

5590
05:18:04.990 --> 05:18:06.220
We have not gone out there,

5591
05:18:06.220 --> 05:18:09.460
done any investigation beyond we have,

5592
05:18:09.460 --> 05:18:11.320
you know when we provide,

5593
05:18:11.320 --> 05:18:12.445
when we've provided the reports

5594
05:18:12.445 --> 05:18:13.952
to the Sierra Club and they've

5595
05:18:13.952 --> 05:18:15.288
submitted questions or comments,

5596
05:18:15.290 --> 05:18:17.510
we followed up to.

5597
05:18:17.510 --> 05:18:19.730
With the permittees too.

5598
05:18:19.730 --> 05:18:23.006
To get answers and relate them.

5599
05:18:23.010 --> 05:18:25.360
OK, let's talk about fire.

5600
05:18:29.300 --> 05:18:32.926
Come in November 2020 feeling are approved.

5601
05:18:32.930 --> 05:18:35.058
The condition that reads and let me

5602
05:18:35.058 --> 05:18:37.528
know if you want me to bring it up.

5603
05:18:37.530 --> 05:18:39.318

Permittee is to work with the

5604
05:18:39.318 --> 05:18:40.921
Maui Fire Department to determine

5605
05:18:40.921 --> 05:18:42.656
what their exact needs are.

5606
05:18:42.660 --> 05:18:43.686
Do you remember that or should

5607
05:18:43.686 --> 05:18:44.530
I bring up the no?

5608
05:18:44.530 --> 05:18:46.630
I remember that I remember that.

5609
05:18:46.630 --> 05:18:49.850
As A and B or am I?

5610
05:18:49.850 --> 05:18:51.422
Or even malipo know,

5611
05:18:51.422 --> 05:18:53.387
provided you information as to

5612
05:18:53.387 --> 05:18:56.080
how much water the fire the fire

5613
05:18:56.080 --> 05:18:58.430
department needs in its reservoirs.

5614
05:18:58.430 --> 05:19:01.826
I did recall they provided information.

5615
05:19:01.830 --> 05:19:04.030
So let's look at that one piece of

5616
05:19:04.030 --> 05:19:05.500
information they provided to you.

5617
05:19:17.860 --> 05:19:20.698
You are familiar with this report.

5618
05:19:20.700 --> 05:19:23.229
His letter, rather.

5619
05:19:23.230 --> 05:19:25.033
I believe that was forwarded to us, yes.

5620
05:19:25.033 --> 05:19:26.611
That and when you said that

5621
05:19:26.611 --> 05:19:28.160
you got some information,

5622
05:19:28.160 --> 05:19:30.920
this is all the information you

5623
05:19:30.920 --> 05:19:33.740
received from A&B or Mahi Pono.

5624
05:19:33.740 --> 05:19:36.908
Or EMI regarding.

5625
05:19:36.910 --> 05:19:40.258
The exact needs of the Molly

5626
05:19:40.258 --> 05:19:41.932
Fire Department correct?

5627
05:19:41.940 --> 05:19:44.052
You know, I'm gonna say I believe so

5628
05:19:44.052 --> 05:19:46.017
I don't recall receiving anything more

5629
05:19:46.017 --> 05:19:49.114
but I'm I I'd have to like verify to

5630
05:19:49.114 --> 05:19:52.140

be sure of that but I don't recall.

5631
05:19:52.140 --> 05:19:57.810
Has an BEMI or my Pono? Uhm?

5632
05:20:00.650 --> 05:20:02.426
Well, they actually already answered that.

5633
05:20:02.430 --> 05:20:06.342
So does exhibit Y 12 here help you

5634
05:20:06.342 --> 05:20:09.326
determine how much water needs to be

5635
05:20:09.326 --> 05:20:11.078
stored in reservoirs to fight fires.

5636
05:20:16.640 --> 05:20:18.866
I mean, I think it can be.

5637
05:20:18.870 --> 05:20:23.778
Come provide some assistance, I mean.

5638
05:20:23.780 --> 05:20:25.700
I don't know if it's I don't know if well,

5639
05:20:25.700 --> 05:20:28.517
I would say this. I don't know if it.

5640
05:20:28.520 --> 05:20:29.174
Is comprehensive,

5641
05:20:29.174 --> 05:20:31.463
but I'm not sure if that's something

5642
05:20:31.463 --> 05:20:33.629
that can be answered comprehensively.

5643
05:20:33.630 --> 05:20:35.605
Is 100,000 gallons of water

5644
05:20:35.605 --> 05:20:37.185
going to be enough?

5645
05:20:37.190 --> 05:20:39.848
I would defer that to the

5646
05:20:39.848 --> 05:20:41.177
the fire department.

5647
05:20:41.180 --> 05:20:43.205
I mean, they kind of tell you how much

5648
05:20:43.205 --> 05:20:47.270
they they need on a on a unit basis, but.

5649
05:20:47.270 --> 05:20:48.850
I I'm not even sure if they could tell you,

5650
05:20:48.850 --> 05:20:49.786
but I I did.

5651
05:20:49.786 --> 05:20:51.765
Like I said, I think that a question

5652
05:20:51.765 --> 05:20:53.810
for them as to a cumulative.

5653
05:20:53.810 --> 05:20:56.778
So you know you the condition the

5654
05:20:56.778 --> 05:20:59.630
board imposed was for the permittee.

5655
05:20:59.630 --> 05:21:02.598
To work with the my fire department

5656
05:21:02.598 --> 05:21:04.900
to determine their exact needs.

5657
05:21:04.900 --> 05:21:07.800

Has that happened yet?

5658
05:21:07.800 --> 05:21:10.608
Do you know, given the information

5659
05:21:10.608 --> 05:21:13.100
the PERMITTEE has provided to you,

5660
05:21:13.100 --> 05:21:16.404
how much water the fire department needs

5661
05:21:16.410 --> 05:21:20.204
stored in its reservoirs to fight fires?

5662
05:21:20.210 --> 05:21:23.732
I don't know the answer that

5663
05:21:23.732 --> 05:21:25.493
specific question though.

5664
05:21:25.500 --> 05:21:28.620
Thank you, no further questions.

5665
05:21:28.620 --> 05:21:30.270
You want to stop sharing screen.

5666
05:21:36.170 --> 05:21:41.480
Hey miss kaegi. Uhm yes. Before I begin,

5667
05:21:41.480 --> 05:21:43.109
I don't know where we are in a break.

5668
05:21:45.470 --> 05:21:48.848
Let's take a 5 minute break. OK, thank you.

5669
05:27:08.220 --> 05:27:10.050
OK, I think everybody is back.

5670
05:27:10.050 --> 05:27:15.200
It is 3:26 PM on December 8th,

5671
05:27:15.200 --> 05:27:17.210
2021 continuing the.

5672
05:27:17.210 --> 05:27:21.949
You smelly RP water RP contested case.

5673
05:27:21.950 --> 05:27:24.416
I just wanna remind you it's

5674
05:27:24.416 --> 05:27:26.976
pretty late in the day. Mr.

5675
05:27:26.976 --> 05:27:29.356
Hiroko is not available tomorrow,

5676
05:27:29.360 --> 05:27:31.640
so we're going to have to finish up.

5677
05:27:31.640 --> 05:27:34.943
So let's keep an eye on on the time.

5678
05:27:34.950 --> 05:27:38.058
Everyone, please thank you.

5679
05:27:38.060 --> 05:27:38.966
I'd like to.

5680
05:27:38.966 --> 05:27:42.210
I'd like to note that there is A and from.

5681
05:27:48.310 --> 05:27:50.842
There's a question from the court

5682
05:27:50.842 --> 05:27:52.108
reporter regarding spellings.

5683
05:27:52.110 --> 05:27:53.854
I'm thinking Mr Caughey.

5684
05:27:53.854 --> 05:27:55.598

You're going to provide

5685
05:27:55.598 --> 05:27:58.000
her with a look at oh, OK.

5686
05:28:00.410 --> 05:28:02.398
April I will send you an email

5687
05:28:02.398 --> 05:28:08.100
after we're done. OK, and. And dumb.

5688
05:28:08.100 --> 05:28:10.179
We will go after 4:00 o'clock if

5689
05:28:10.179 --> 05:28:14.090
we're not done with Mr. Hirakawa.

5690
05:28:14.090 --> 05:28:15.554
OK, we're going to try really

5691
05:28:15.554 --> 05:28:17.460
hard to be done by 4:00 o'clock.

5692
05:28:17.460 --> 05:28:19.889
OK, I don't wanna hurt you anymore

5693
05:28:19.889 --> 05:28:22.000
than a hurried Mr Frankel so.

5694
05:28:24.770 --> 05:28:26.774
Good afternoon Mr hirokawa.

5695
05:28:26.774 --> 05:28:28.778
I am Trisha cocky.

5696
05:28:28.780 --> 05:28:31.069
I think we might have met last

5697
05:28:31.069 --> 05:28:34.050
year but I represent Eunbi and EMI.

5698
05:28:34.050 --> 05:28:36.647
Just a couple of questions for you.

5699
05:28:36.650 --> 05:28:39.632
So Mr. Frankel showed you exhibit Y

5700
05:28:39.632 --> 05:28:43.184
22 which is the stack submittal that

5701
05:28:43.184 --> 05:28:46.428
you prepared for the November 13th,

5702
05:28:46.428 --> 05:28:47.982
2020 board meeting.

5703
05:28:47.982 --> 05:28:50.572
Do you recall that document?

5704
05:28:50.580 --> 05:28:53.300
Yes, I do and OK and so in

5705
05:28:53.300 --> 05:28:55.389
preparing this steps in middle,

5706
05:28:55.390 --> 05:28:57.718
you collaborated with other

5707
05:28:57.718 --> 05:29:00.559
divisions in DLNR correct, yes?

5708
05:29:00.559 --> 05:29:03.613
OK, and so you collaborated with

5709
05:29:03.613 --> 05:29:06.970
the division of Aquatic resources.

5710
05:29:06.970 --> 05:29:10.729
Yes, the division of Forestry and wildlife,

5711
05:29:10.730 --> 05:29:11.198

yes.

5712
05:29:11.198 --> 05:29:14.006
And a Commission on water resource

5713
05:29:14.006 --> 05:29:17.059
management for water resource management.

5714
05:29:19.270 --> 05:29:21.154
And there was consensus amongst the

5715
05:29:21.154 --> 05:29:22.796
divisions in reaching the recommendations

5716
05:29:22.796 --> 05:29:25.320
in the stacks of metal, correct? Yes.

5717
05:29:25.320 --> 05:29:28.720
And we I would note that we included

5718
05:29:28.809 --> 05:29:32.260
comments that in the feedback provided by

5719
05:29:32.260 --> 05:29:37.550
the divisions in the submittal. Thank you.

5720
05:29:37.550 --> 05:29:42.310
Mr. Frankel had asked you about, UM.

5721
05:29:42.310 --> 05:29:45.670
Adding a number of conditions to the

5722
05:29:45.670 --> 05:29:49.182
revocable permits, such as about come.

5723
05:29:49.182 --> 05:29:52.372
Allowing access for hikers allowing

5724
05:29:52.372 --> 05:29:54.290
access for Native Hawaiian practices.

5725
05:29:54.290 --> 05:29:56.849
Do you remember him asking you about that?

5726
05:29:56.850 --> 05:30:00.962
Yes. OK, is it possible to add in

5727
05:30:00.962 --> 05:30:05.103
a condition to address every single

5728
05:30:05.103 --> 05:30:08.848
theoretical issue that could arise?

5729
05:30:08.850 --> 05:30:13.834
I II I don't believe so I mean.

5730
05:30:13.840 --> 05:30:16.315
Like we can't foresee everything and I and I,

5731
05:30:16.320 --> 05:30:18.776
I think I would, I would note is.

5732
05:30:18.780 --> 05:30:19.692
We're addressing it,

5733
05:30:19.692 --> 05:30:22.158
at least what we're trying to do is

5734
05:30:22.158 --> 05:30:24.069
address the issues that we know of.

5735
05:30:24.070 --> 05:30:27.450
So you know if if it's brought to us then.

5736
05:30:27.450 --> 05:30:28.246
You know it will.

5737
05:30:28.246 --> 05:30:30.120
We'll try to address it in the submittal.

5738
05:30:30.120 --> 05:30:32.745

I don't think I can't necessarily foresee

5739
05:30:32.745 --> 05:30:35.037
things that haven't been raised to us.

5740
05:30:35.040 --> 05:30:35.584
Thank you,

5741
05:30:35.584 --> 05:30:36.944
I have no further questions.

5742
05:30:40.490 --> 05:30:42.392
Mr. Rowe. I don't have any

5743
05:30:42.392 --> 05:30:43.660
questions for this witness,

5744
05:30:43.660 --> 05:30:47.908
thank you. Great Mr Franco.

5745
05:30:47.910 --> 05:30:50.968
I haven't looked good up Mr.

5746
05:30:50.968 --> 05:30:54.556
Hair color. You talked about consensus.

5747
05:30:54.560 --> 05:30:56.850
I'm sorry, what was that you talked about?

5748
05:30:56.850 --> 05:30:58.550
You were asked about consensus?

5749
05:30:58.550 --> 05:30:59.420
Oh yes, yes.

5750
05:31:01.800 --> 05:31:04.662
Who in the division of aquatic

5751
05:31:04.662 --> 05:31:06.036
resources said that they were

5752
05:31:06.036 --> 05:31:07.156
happy with the staff submittal?

5753
05:31:09.720 --> 05:31:11.911
I think, uh, I believe the administrator

5754
05:31:11.911 --> 05:31:14.038
was included when we we discussed this.

5755
05:31:14.040 --> 05:31:15.372
I can't remember the.

5756
05:31:15.372 --> 05:31:17.037
That all the dark stuff,

5757
05:31:17.040 --> 05:31:18.993
but I I'm pretty sure we included

5758
05:31:18.993 --> 05:31:20.829
Brian Nielsen who's the administrator,

5759
05:31:20.830 --> 05:31:23.458
I I recall him being in the meetings so.

5760
05:31:27.030 --> 05:31:28.728
And I said they provided us.

5761
05:31:28.730 --> 05:31:30.305
We asked for comments, they provided it,

5762
05:31:30.310 --> 05:31:34.420
and I included it pretty much

5763
05:31:34.420 --> 05:31:36.130
verbatim in the submittal,

5764
05:31:36.130 --> 05:31:37.748
because, again, I'm not.

5765
05:31:37.748 --> 05:31:39.624

Technically I have no

5766
05:31:39.624 --> 05:31:41.500
knowledge of the scientific.

5767
05:31:41.500 --> 05:31:43.946
Issue so I didn't want to risk repeating

5768
05:31:43.946 --> 05:31:46.176
them or restating them incorrectly,

5769
05:31:46.180 --> 05:31:48.460
so I recall I just copied and pasted

5770
05:31:48.460 --> 05:31:50.526
what they said for the most part.

5771
05:31:52.910 --> 05:31:55.710
Uhm, right. They called phorum.

5772
05:31:55.710 --> 05:31:58.860
Uh, restoring a bunch of streams.

5773
05:32:01.220 --> 05:32:02.724
Does the Staffs middle

5774
05:32:02.724 --> 05:32:04.228
recommend restoring any streams?

5775
05:32:06.350 --> 05:32:09.388
Uhm, no. I don't believe we did.

5776
05:32:09.390 --> 05:32:11.740
So. You'd nevertheless you describe

5777
05:32:11.740 --> 05:32:14.090
it as the consensus recommendation.

5778
05:32:16.220 --> 05:32:18.090
We even know you disagreed.

5779
05:32:18.090 --> 05:32:19.653
Your recommendation didn't

5780
05:32:19.653 --> 05:32:22.258
include with the division of

5781
05:32:22.258 --> 05:32:24.090
Aquatic resources asked for.

5782
05:32:24.090 --> 05:32:25.490
That's not consensus, is it?

5783
05:32:28.660 --> 05:32:32.250
Well, I would say this, not every.

5784
05:32:32.250 --> 05:32:33.786
Every time there's agreement,

5785
05:32:33.786 --> 05:32:36.090
but I guess I would say

5786
05:32:36.168 --> 05:32:38.198
consensus in the sense that.

5787
05:32:38.200 --> 05:32:40.470
You know it's what we're

5788
05:32:40.470 --> 05:32:42.286
proceeding on is acceptable.

5789
05:32:42.290 --> 05:32:43.916
Well, except the division of aquatic

5790
05:32:43.916 --> 05:32:45.946
resources said it for all the streams

5791
05:32:45.946 --> 05:32:47.436
were high priority for restoration.

5792
05:32:50.770 --> 05:32:53.560

Yes they did. That's not consensus, is it?

5793
05:32:53.560 --> 05:32:57.780
When you don't remember, recommend anything.

5794
05:32:57.780 --> 05:33:01.244
For those streams, well, I would if if

5795
05:33:01.244 --> 05:33:04.200
division of aquatic resources felt.

5796
05:33:04.200 --> 05:33:06.387
Strongly of that it should have been in a

5797
05:33:06.387 --> 05:33:08.120
condition of the permit to restore them.

5798
05:33:08.120 --> 05:33:10.379
They could have said so at the board meeting.

5799
05:33:10.380 --> 05:33:13.844
I mean that we that's happened before were.

5800
05:33:13.850 --> 05:33:15.518
You know we collect or other

5801
05:33:15.518 --> 05:33:16.850
divisions or same with us,

5802
05:33:16.850 --> 05:33:19.468
another division as a normal procedure we.

5803
05:33:19.470 --> 05:33:24.970
Get feedback from for some metals and if.

5804
05:33:24.970 --> 05:33:26.566
You know, even if the recommendations

5805
05:33:26.566 --> 05:33:28.493
are such that where we we don't agree

5806
05:33:28.493 --> 05:33:31.738
with them at all, we were free to.

5807
05:33:31.740 --> 05:33:35.310
Provide our comments to the board.

5808
05:33:35.310 --> 05:33:36.670
And say, you know we should you know,

5809
05:33:36.670 --> 05:33:37.702
and they could have.

5810
05:33:37.702 --> 05:33:38.992
They were afforded the opportunity

5811
05:33:38.992 --> 05:33:39.659
to do that.

5812
05:33:39.660 --> 05:33:43.020
So whether III can't say

5813
05:33:43.020 --> 05:33:45.036
that they ultimately.

5814
05:33:45.040 --> 05:33:45.994
Strongly disagreed with

5815
05:33:45.994 --> 05:33:47.266
our recommendation or not.

5816
05:33:49.890 --> 05:33:53.530
Uhm, were you at the board meeting?

5817
05:33:53.530 --> 05:33:56.118
Well, I wanna say.

5818
05:33:56.120 --> 05:33:58.040
2-3 years ago when I think

5819
05:33:58.040 --> 05:34:00.119

her name is Katie hers back,

5820
05:34:00.120 --> 05:34:03.340
I might have her name wrong and

5821
05:34:03.340 --> 05:34:05.659
Scott frets Dr Fretz talked

5822
05:34:05.659 --> 05:34:07.633
about the money that Dofa could

5823
05:34:07.633 --> 05:34:09.770
use to manage invasive species.

5824
05:34:12.420 --> 05:34:13.524
I don't recall specifically,

5825
05:34:13.524 --> 05:34:15.180
I know that's a constant issue,

5826
05:34:15.180 --> 05:34:17.586
but I don't recall the specific

5827
05:34:17.586 --> 05:34:19.190
meaning you're talking about.

5828
05:34:19.190 --> 05:34:20.506
Uhm, but your staff,

5829
05:34:20.506 --> 05:34:22.875
the middle doesn't call for any uh,

5830
05:34:22.875 --> 05:34:26.035
as a condition that ANV contribute in some

5831
05:34:26.035 --> 05:34:29.290
way with manual labor or through money.

5832
05:34:29.290 --> 05:34:31.978
The management of invasive species in

5833
05:34:31.978 --> 05:34:34.871
the East Valley watershed doesn't no.

5834
05:34:34.871 --> 05:34:37.526
So there's not really consensus.

5835
05:34:37.530 --> 05:34:41.695
You operated as a filter for comments,

5836
05:34:41.700 --> 05:34:43.820
and in fact there are no specific comments

5837
05:34:43.820 --> 05:34:46.057
in your staff submittal from the division

5838
05:34:46.057 --> 05:34:48.080
of Forestry and wildlife are there.

5839
05:34:52.440 --> 05:34:54.610
I'm sorry repeat that question.

5840
05:34:54.610 --> 05:34:56.392
There are no specific comments from

5841
05:34:56.392 --> 05:34:58.175
the division of Forestry and wildlife

5842
05:34:58.175 --> 05:34:59.807
in your Staffs in middle order.

5843
05:34:59.810 --> 05:35:01.970
Didn't they provide something you know?

5844
05:35:01.970 --> 05:35:04.595
I might be misremembering it, but I thought

5845
05:35:04.595 --> 05:35:06.605
they had concerns about the mosquitoes.

5846
05:35:06.610 --> 05:35:07.888

Or is that a different one?

5847
05:35:07.890 --> 05:35:09.955
I'm sorry, I thought I thought they

5848
05:35:09.955 --> 05:35:11.628
did provide feedback on that issue.

5849
05:35:11.630 --> 05:35:12.430
I'm sure they did,

5850
05:35:12.430 --> 05:35:13.630
but it's not in your staff.

5851
05:35:13.630 --> 05:35:15.724
Cement you typed in division of

5852
05:35:15.724 --> 05:35:17.740
forestry and wildlife are dofollow.

5853
05:35:17.740 --> 05:35:21.275
You can't find any comments from them.

5854
05:35:21.280 --> 05:35:24.108
Uhm? No further questions.

5855
05:35:27.250 --> 05:35:30.940
Free are we done everything else?

5856
05:35:30.940 --> 05:35:33.250
I have nothing further, Mr Rowe.

5857
05:35:35.260 --> 05:35:37.228
I have no questions, thank you.

5858
05:35:37.230 --> 05:35:40.142
OK, Mr Hiroko, I thank you for

5859
05:35:40.142 --> 05:35:42.862
your testimony and your time today.

5860
05:35:42.862 --> 05:35:45.350
Appreciate it very much

5861
05:35:45.350 --> 05:35:47.838
and everyone for your.

5862
05:35:47.840 --> 05:35:51.578
Time and attention and we will continue.

5863
05:35:51.580 --> 05:35:53.470
We're going to wrap up today. It is.

5864
05:35:55.830 --> 05:35:59.015
3:34 PM and we will see you

5865
05:35:59.015 --> 05:36:01.300
again tomorrow at 9:00 AM.

5866
05:36:01.300 --> 05:36:03.562
Kannum, Linda, or someone sent us

5867
05:36:03.562 --> 05:36:06.358
an email and the audio is posted.

5868
05:36:06.360 --> 05:36:08.656
Yeah, we can have somebody send you email

5869
05:36:08.656 --> 05:36:10.720
when the audio is posted. Thank you.

5870
05:36:12.760 --> 05:36:15.350
Uh, wait, a second, uh,

5871
05:36:15.350 --> 05:36:17.758
Mr Howe is here. We can start him.

5872
05:36:17.760 --> 05:36:22.960
Do you want to start him? No.

5873
05:36:22.960 --> 05:36:24.946

I think it's better to just

5874
05:36:24.946 --> 05:36:27.910
wait until tomorrow, right?

5875
05:36:27.910 --> 05:36:29.814
OK, will see you all at 9

5876
05:36:29.814 --> 05:36:31.998
then thank you thank you.