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COUNTY OF MAUI

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

In the Matter of a Contested Case
Regarding the Continuation of Revocable
Permits (RPs) for Tax Map Key Nos. (2) 1-
1-001:004 & 050; (2) 2-9-014:001, 005,
011, 012 & 017; (2) 1-1-002:002 (por.) and
(2) 1-2-004:005 & 007 for Water Use on
the Island of Maui to Alexander &
Baldwin, Inc. (A&B) and East Maui
Irrigation Company, LLC (EMI) for the
remainder of the 2021 RPs, if applicable,
and for their continuation through the end
of 2022

DLNR File No.: CCH-LD-21-01

COUNTY OF MAUI'S REPLY BRIEF;
CERTIFICATE OF SERVICE

COUNTY OF MAUI'S REPLY BRIEF

Comes now, COUNTY OF MAUI ("County"), appearing by and through its attorneys,
MOANA M. LUTEY, Corporation Counsel, and CALEB P. ROWE and KRISTIN K.
TARNSTROM, Deputies Corporation Counsel, hereby files its Opening Brief pursuant to
Minute Order No. 10 filed on November 15, 2021.

I. SIERRA CLUB MISTATES THE COUNTY’S DAILY WATER NEEDS

Sierra club erroneously states that “the County has never needed more than 3.82 [Million Gallons a Day, (“MGD”)] for upcountry domestic uses” and that “there is no evidence that the County will need more the 5 mgd.” *Sierra Club’s Responsive Brief*, p. 3. Sierra Club’s evidence for these statements relies upon documents setting forth average **quarterly** use (Exhibits “Y-5” through “Y-11”, “J-27”, “AB-33”) or monthly water use (“M-4” through “M-6”). As set forth in the chart attached to the County’s opening brief citing exhibits “Z-6” through “Z-9”, there have been at least 28 days in in the last six months in which the County’s demand at the Kamole Weird Water Treatment Facility (“Kamole WTF”) exceeds 3.82 MGD. Combing these figures with the average monthly usage at the Kula Agricultural Park (“KAP”) provided in Sierra Clubs Exhibit “Y-1” leads to several instances in which combined County usage did, in fact, exceed 5 MGD as can be seen below.

Date	Demand at Kamole WTF in MGD	Average KAP Usage for that month in MGD ¹	Combined County Usage in MGD
6/23/21 ²	4.6	1.01	5.61
6/24/21	4.5	1.01	5.51
6/25/21	4.8	1.01	5.81
6/26/21	4.4	1.01	5.41
6/27/21	4.3	1.01	5.31
6/28/21	4.6	1.01	5.61
6/30/21 ³	4.7	1.01	5.71

In addition, there were at least 17 days in November of 2021⁴ in which production at the Kamole WTF exceeded 4 MGD. Contemporaneous figures for water use at the KAP for the month of

¹ See Exhibit “Y-1”

² See Exhibit “Z-7”

³ See Exhibit “Z-8”

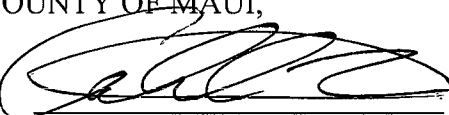
⁴ See Exhibit “Z-9”

November are not yet available, but it is possible that County use may have exceeded 5 MGD at times during that period as well.

DATED: Wailuku, Maui, Hawaii, December 3, 2021.

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COUNTY OF MAUI,

By



CALEB P. ROWE
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Deputies Corporation Counsel

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CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date a true and correct copy of the foregoing document,
was duly served upon the following individuals as follows by email at their last known address:

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Hearings Officer

DATED: Wailuku, Maui, Hawaii, December 6, 2021.

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By 

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