

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

SIERRA CLUB,	)	CIVIL NO. 19-1-0019-01 JPC
	)	(Environmental Court)
Plaintiff,	)	
vs.	)	DECLARATION OF NEOLA CAVENY
	)	
BOARD OF LAND AND NATURAL	)	
RESOURCES, DEPARTMENT OF LAND	)	
AND NATURAL RESOURCES,	)	
SUZANNE CASE in her official capacity as	)	
Chairperson of the Board of Land and	)	
Natural Resources, ALEXANDER AND	)	
BALDWIN, INC., and EAST MAUI	)	
IRRIGATION, LLC	)	
	)	
Defendants.	)	

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**DECLARATION OF NEOLA CAVENY**

I, Neola Caveny, under penalty of perjury hereby state the following is true and accurate to the best of my knowledge and belief:

1. The statements below are based upon my personal knowledge.
2. I have lived on, and have been a resident of, Maui for 45 years.
3. I have been a member of the Sierra Club since 1998.
4. I live at 445 Huelo Road.
5. I grow food and ornamental plants on my property.
6. I own the parcel TMK (2) 2-9-11-14, which is directly adjacent to Hanehoi Stream.
7. Although I am not a lawyer, it is my understanding that I have both riparian rights and appurtenant rights to use the water from the stream that runs by my property.
8. Hanehoi Stream has not yet been fully restored.

9. If more water were restored to Hanehoi Stream, I would be able to irrigate my crops without worry that I will run out of water from my catchment tank, which is currently the only source of water for my property.

10. A free-flowing Hanehoi Stream is important to me as a source of water for my home and farm; I enjoy the sound of the rushing water; I enjoy looking at the water flowing; I would enjoy seeing native fish in the stream.

11. A free-flowing Hanehoi Stream increases my enjoyment of my home and enhances the value of my property.

12. While more water is flowing in Hanehoi Stream than in the past, this past summer, the water levels in the stream were very low.

13. My interests would be adversely affected if the revocable permits are continued for another year without conditions that require restoration of natural water flows in Hanehoi Stream by a fixed deadline and without fixing the diversion structures that interfere with the migration of fish upstream and the flow of larvae downstream.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Haiku, Hawai'i February 18, 2019.

  
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Neola Caveny