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ALEXANDER & BALDWIN, INC.
and EAST MAUI IRRIGATION COMPANY,
LLC

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 :044 & 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

**SUPPLEMENTAL DECLARATION OF
MARK VAUGHT**

SUPPLEMENTAL DECLARATION OF MARK VAUGHT

I, MARK VAUGHT, hereby declare as follows:

Diversion from Huelo Streams

1. In 2021, all of the surface water diverted from the areas covered by the subject revocable permits (“**RP Areas**”) by East Maui Irrigation Company, LLC (“**EMI**”) were diverted

from the Huelo license area, specifically, the following streams: Kolea Stream, Punalu‘u Stream, Ka‘aiea Stream, ‘O‘opuola Stream (Makanali tributary), Puehu Stream, Nailiilihaele Stream, Kailua Stream, Hanawana Stream (Ohanui tributary), Hoalua Stream, Waipi‘o Stream, Mokupapa Stream, and Ho‘olawa Stream (Ho‘olawa ili and Ho‘olawa nui tributaries).

2. Although EMI did not do so in 2021, when there is insufficient surface water available in the Huelo license area to meet the water needs of Mahi Pono and the County of Maui (the “**County**”), EMI would then divert water from the Honomanu, Keanae and/or Nahiku license areas. Access to these license areas is important particularly during the summer months where there is significantly less surface water available. This will be especially true in 2022 with the additional plantings Mahi Pono has planned for 2022.

3. I understand that Sierra Club has proposed three alternative scenarios limiting the amount of water that may be diverted from the Huelo license area: (i) that no water should be taken from O‘opuola, Nailiilihaele, Kailua and Ho‘olawa streams; (ii) no more than 64% of the baseflow can be removed from Kolea Stream, Punalu‘u Stream, Ka‘aiea stream, ‘O‘opuola Stream (Makanali tributary), Puehu Stream, Nailiilihaele Stream, Kailua Stream, Hanawana Stream (Ohanui tributary), Hoalua Stream, Waipi‘o Stream, Mokupapa Stream, and Ho‘olawa Stream (Ho‘olawa ili and Ho‘olawa nui tributaries); or (iii) water within the Huelo license area will only be taken from streams with/from the Wailoa Ditch.

4. Since EMI is primarily relying upon the Huelo license area to meet the current water needs of Mahi Pono and the County, implementing any of these scenarios in the short term would force EMI to go further east sooner than EMI otherwise would have to replace the lost water, would limit EMI’s operational flexibility to respond to changing weather conditions and would potentially require diversion modifications that require extensive consultation with

CWRM staff and other regulatory bodies, potentially taking more than the term of the RP to complete.

Water Made Available to the County

5. EMI delivers water to the County pursuant to an agreement between the parties. Under the terms of the agreement, EMI must make available to the County 7.175 mgd at Kamole Weir and 1.5 mgd for the Kula Ag Park. It has been EMI's practice to make 6 mgd available to the County at Kamole Weir because it is my understanding that the capacity of the County's Kamole Weir Water Treatment Plant is 6 mgd.

6. Water diverted from the Wailoa Ditch is transported through Kamole Weir where the County draws the amount that it needs and the remaining water is transported down to Mahi Pono's farm. EMI provides water to the Kula Ag Park from the Hamakua Ditch.

7. Any of the 7.5 mgd that is diverted for the County but not consumed by the County is, to the extent possible, used on Mahi Pono's farm. If the water cannot be immediately used on the farm, it is diverted to a reservoir.


8. From a planning perspective, EMI needs to divert enough water to meet Mahi Pono's water needs plus the entire 7.5 mgd that must be made available to the County.

9. To adjust the amount of water being diverted by the EMI Ditch System, EMI staff go out into the field and manually open and close gates. The process of manually opening and closing gates can take several hours, depending on the location of the gate. Even when gates are adjusted, it may take some time before there is a noticeable change in the amount of water in the system. Because of this, changes to the settings generally must be made days in advance to ensure that there is enough water in the system to meet the needs of Mahi Pono and the County.

10. If EMI does not take into account the entire 7.5 mgd when planning, there may be insufficient water to meet Mahi Pono's water needs.

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

DATED: Wailuku, Hawai'i, December 6, 2021.



MARK VAUGHT