

- Applied the questionable taro water requirement study of a plantation-sponsored water expert to arrive at his estimate that Waiahole taro needed an average of 40,000 gpd, apparently REJECTING actual taro farmer Paul Reppun's opinion, based on his actual farmer experience, that, in fact, 100,000 to 300,000 gpd is needed.
- never explained why the uncontroverted testimony of Waikane Valley taro farmers that they farmed taro in that valley was left unaddressed by the Commission in its first decision;
- appears to place the burden on taro farmers and gatherers to demonstrate the need for water, contrary to the fundamental legal burden on all diverters to justify the taking of water for off stream use.

This record of the application of law seriously compromising Hawaiian water rights, and siding with diverter water experts as opposed to the direct experience of seasoned taro farmers, which runs contrary to the rationale behind HRS sec. 174C-7's mandate for a commissioner with expertise based on actual traditional Hawaiian water use "techniques" and "usage". This requirement connotes having actual experience growing taro and gathering. If this commissioner takes this approach, then the entire legislative rationale for this seat appears meaningless.

It is time to right the balance the statute was designed to establish in favor of actual practitioner experience. Please demand a higher standard for filling this crucial seat on the Water Commission, so at least one voice of a traditional Hawaiian practitioner is heard on the Commission. The water rights of Hawaiians occupy too high a priority to simply confirm this appointment without greater examination of the record. The record of the Commission so far demands at least this level of scrutiny for this appointment.