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COURTESY TO THE STAR-BULLETIN

Chris Rathbun, a Waipio Valley farmer and secretary of the Waipio Valley Community Association, shows part of his taro patch. Four farmers use Hiilawe Stream to irrigate their land.

Big Isle stream to be fully restored

**A landmark decision lets
Kamehameha Schools return**

original flows to Waipio Valley

By Mary Vorsino
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Two Big Island streams will return to their original flows by this summer, ending more than a century of water diversion that diminished Hiilawe Twin Falls and left Waipio Valley taro farmers without their main irrigation source.

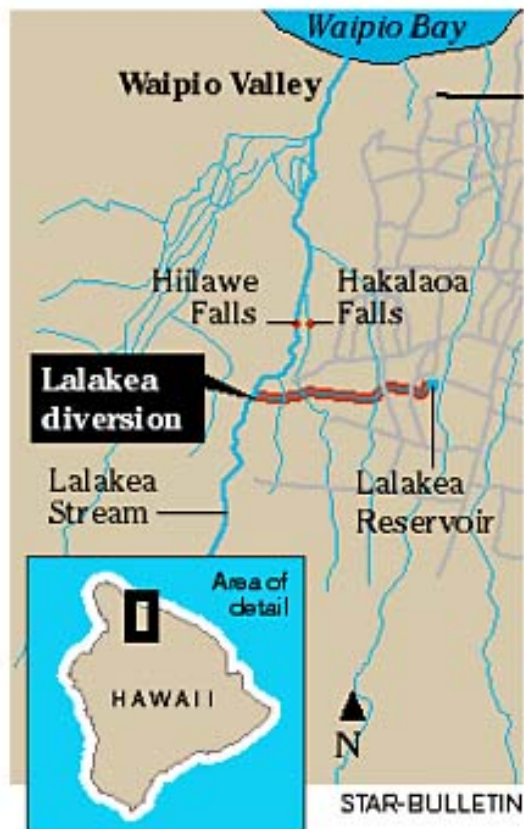
In an unprecedented decision yesterday, the state Water Commission invoked the 1987 state Water Code to restore the streams. The only similar case was the partial restoration of Waiahole, Waianu and Waikane streams in Windward Oahu in 1997, said Kapua Sproat, an attorney with the environmental nonprofit EarthJustice.

"It's the first time ever that a stream system will be fully restored," she said.

In 2002, landowner Kamehameha Schools requested a permit to abandon Lalakea Ditch, which diverts about 2.5 million gallons of water daily from Lalakea and Hakalaoa streams into an unused gully.

The commission granted permission yesterday, allowing a portion of the ditch to be dismantled and the streams to once again flow over the falls and into a stream that now irrigates at least four Waipio Valley taro farms.

"Right now the (Hiilawe) Stream's dry most of the time ... and so restoring the stream will be tremendous," Sproat said. "The benefits will be immediate."



Kamehameha officials said the diverted streams should be fully restored by the summer.

"The community is very pleased that Kamehameha Schools has recognized that ... the cultural practices, native species and scenic beauty that they (the streams) support are the most important and valuable uses of Hawaii's water resources," said Chris Rathbun, secretary of the Waipio Valley Community Association. "We're just very, very happy and excited to know that the waterfall is going to be restored."

The Lalakea ditch was built in 1900, decreasing the amount of water sent over the 1,000-foot falls.

Today, both waterfalls are present only after heavy rain. Meanwhile, water from the diverted streams goes unused, said Kamehameha Schools water resources manager Manabu Tagomori.

Kamehameha bought the ditch and thousands of its surrounding acres from Hamakua Sugar Co. a decade ago. The company used water from the diverted streams until it closed in 1989.

In 2002 the Water Commission fined Kamehameha for an improper diversion of water from the streams. The school filed a request to abandon the ditch later that year.

Some Big Island farmers had told the commission that the diversion was important as a backup should the lower Hamakua Ditch malfunction.

But Tagomori said Kamehameha "couldn't find any farmer stepping to the plate."

"We couldn't find any user for the water," he said. "We did open the doors for ... almost two years, trying to work out a situation."

EarthJustice joined forces with the Waipio Valley Community Association on the issue in 1998. The association has been fighting for restoration of the streams since 1988, Rathbun said.

Rathbun, who is also a Waipio Valley farmer, filed a citizen's complaint with the water commission in 1995, seeking a dismantling of Lalakea Ditch. But the commission took no action in that case.

Three years later, the Waipio Valley association, represented by EarthJustice, filed a similar complaint and again received no ruling from the commission. In 2000, EarthJustice filed another petition, which was never ruled on, to stop the Lalakea Ditch diversion.

"Abandoning the Lalakea Ditch and restoring the streams is necessary to support native stream life and the traditional and customary practices that

rely on Hiilawe Stream," Sproat said.

"Kamehameha's decision is pono (proper) and demonstrates that Kamehameha is a responsible steward of our natural and cultural resources."

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