

**BEFORE THE COMMISSIONERS ON BEHALF OF
THE OTAGO REGIONAL COUNCIL**

Consent No. RM20.039

BETWEEN

**VARIOUS – COLLECTIVELY
REFERRED TO AS PIGBURN
WATER USERS GROUP**

Applicant

BRIEF OF EVIDENCE OF JAMES ANDREW HERLIHY

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BRIEF OF EVIDENCE OF JAMES ANDREW HERLIHY

INTRODUCTION

1. My name is James Andrew Herlihy. I am the manager of the Herlihy Family farming business, operating as Greenbank Pastoral Ltd and Hamiltons Dairy Ltd. These two companies are applicants in relation to this resource consent hearing.
2. I have a bachelor's degree in resource management from Lincoln University and am the Chair of both the Maniototo Irrigation Co Ltd and the Maniototo East Side Irrigation Co Ltd
3. Since assuming control of the farming business my focus has been on improving the efficiency and productivity gained from the resources available. Those resources being a finite water supply, land, labour and capital. This has been achieved principally by installing 7 centre pivots and building a 380,000m³ storage dam.
4. Our combined operations now employ 15 staff (including sharemilkers).
5. This Brief of Evidence relates solely to the conditions that the Section 42A report has recommend be imposed on the various Water Permits sought in this application and the subject of this hearing.
6. My comments relate to the Permits sought by Greenbank Pastoral Ltd and Hamiltons Dairy Ltd.
7. The conditions that I comment on relate to:
 - (a) the water use efficiency report; and
 - (b) fish screens

WATER USE EFFICENCY REPORT

8. I believe that "water use efficiency" is very important and that the Otago Regional Council has a role in promoting water use efficiency. This includes ensuring Water Permit holders are taking steps to maintain efficiency and working to continually improve where possible.

9. However, *water use efficiency* is a complex matter. To understand whether it is being achieved it is necessary to understand the total farm situation (not just the area being irrigated by a specific permit). What is efficient will be affected by topography, soil types, farm system and the equity and capital constraints of the permit holder at a particular point in time, and the list goes on.
10. Such an assessment can only be made by an experienced, qualified Farm Consultant after spending considerable time, on farm, with the Permit Holder.
11. To look at what the efficiency report must include:
 - (a) *Area, crop type irrigated* - Reporting on the areas of crop irrigated has nothing to do with water use efficiency.
 - (b) *Annual summary of the monthly volume of water abstracted* - This requirement appears to duplicate the obligations in condition 6 b). Water monitoring data is already being made available to the ORC on a daily basis. b) should be omitted.
 - (c) *Reasons why the use may have varied from the previous season* - Simply this will relate to both the climatic conditions between seasons and water availability from the Creek. This seasonal variability will almost certainly confound any other factor and as such will be of very little value in allowing an assessment of whether efficiency gains are being achieved. Again c) should be omitted.
 - (d)-(h) relate to operational efficiency. It is unclear to me what the intention of these provisions is. Is it to enable the ORC to make a judgement about the efficiency of use by the permit holder or are they designed to foster a culture of efficiency and ongoing improvement?
12. If it is the former d) - h) should be deleted as such data falls well short of the information required to make that judgement as per 7 above. If it is the latter then it is my view this could be achieved more effectively via

non-regulatory methods such as the ORC running on farm, "water use" field days. Such a proactive approach would be much more effective in encouraging positive moves to improve water use efficiency.

13. If the Commissioner considers that such a condition is necessary, I suggest that less frequent reporting obligations would be more appropriate. Reporting on a 3-5 yearly basis would be more than adequate to allow the ORC to check that water users are continually improving and implementing their planned works.
14. I think it is also necessary to be cognisant of the upcoming Farm Plan Regulations which will also require preparation and submission of reports that cover the same matters. In my view the condition should allow for this and rely on the certified farm plans once those obligations come into force to avoid unnecessary duplication for permit holders and the ORC who will be required to receive both reports.

FISH SCREENS

15. I totally concur with Dr Olsen's evidence where he recommends that fish screens are not required on the Herlihy Ford and the Combined Takes. I accept that fish screens are necessary in some instances, however I want to ensure that the challenges associated with installing such screens in catchments such as the Pig Burn are understood.
16. For the last 100 years fish have travelled through water races, and latterly though the Maniototo East Side race and dams that form their own "ecosystem" of sorts. By keeping fish confined to the Pig Burn and excluding their ability to travel at will, will have a negative impact on the fishery, especially at times of high temperature. In my view it should be an option to screen at the race offtake.
17. Fish passage for spawning is an important consideration as I understand. Screening at the intakes spawning trout will no longer be able to return from Mathias's Dam and other dams along the interconnected Maniototo East Side Irrigation race. Mathias's Dam is regarded as one of the Maniototo's iconic trout fishing venues. Built in the early 1970's to store Pig Burn water, fish established in the dam

because of the uninterrupted passage of water from what will be known as the " combined take". Why would you want to change it?

18. I understand that there is concern that any trout in the MESI race may be at risk of being killed by the pumps that extract water from the race. This fear is unfounded because all pumps sucking water from the irrigation race are installed with self-cleaning rotating screens to prevent any slime or organic matter such as leaves or grass clogging the irrigators spray nozzles. These screens also act as fish screens.
19. For these reasons I support the position outlined in the evidence of Dr Olsen and request that the fish screen conditions on Consents RM20.039.04 and 06 be deleted.
20. With respect to the Herlihy Gorge take I note that Mr Allibone (at [42]) suggests "... that a less substantial fish screen may be more appropriate". I agree with that, but also seek that we be given a window of time to working through the practical installation issues in this location. On a creek such as the Pig Burn consideration will need to be given to location etc to try and minimise the potential for destruction during flood events etc. As such we request a 2-year window to complete these investigations and installation. Condition 5 of the proposed conditions needs to be amended as suggested by Ms Perkins.

James Herlihy

Greenbank Pastoral Limited and Hamilton Dairy Limited

30 August 2021