

COMMISSION ON WATER RESOURCE MANAGEMENT  
 NOTICE OF A COMBINED CONTESTED CASE HEARING (**CCH-MA-06-01**)  
 CONCERNING WATER USE PERMIT APPLICATIONS FOR  
 MAUI DEPARTMENT OF WATER SUPPLY, HAWAIIAN COMMERCIAL AND SUGAR,  
 AND WAILUKU WATER COMPANY, LLC  
 IAO GROUND WATER MANAGEMENT AREA, MAUI  
 AND  
 PETITIONS TO AMEND THE INTERIM INSTREAM FLOW STANDARDS FOR  
 IAO , WAIEHU, WAIHEE, & WAIKAPU STREAMS

The Commission on Water Resource Management (Commission), State of Hawaii, on its own motion, will conduct a combined contested case hearing on the following applications for existing high-level ground water use permit applications and petitions to amend interim instream flow standards:

**High-Level Ground Water Use Permit Applications**

Source Name	Well No.	Applicant	WUPA #	TMK	amount (mgd)
<i>Existing Uses as of July 21, 2003</i>					
Kepaniwai Well	5332-05	MDWS	699	3-3-3:5	1.042
Iao Tunnel (Kepaniwai)	5332-02	MDWS	680	3-3-3:3	1.359
Waikapu Tunnel 1	5132-01	WWC	681	3-5-3:1	unknown
Waikapu Tunnel 2	5132-02	WWC	682	3-6-3:1	unknown
Iao Tunnel (Puako)	5330-02	HC&S	691	3-4-34:34	0.100
Black Gorge Tunnel	5332-01	WWC	685	3-3-3:3	unknown
Iao Needle Tunnel 1	5333-01	WWC	684	3-5-3:1	unknown
Iao Needle Tunnel 2	5333-02	WWC	686	3-3-3:3	unknown

**Applicants:** Maui County Department of Water Supply (MDWS)  
 Hawaiian Commercial and Sugar (HC&S)  
 Wailuku Water Company, LLC (WWC) (formerly Wailuku Agribusiness Company, Inc.)

from the Iao Ground Water Management Area, Maui, pursuant to Chapters 91 and 174C, Hawaii Revised Statutes, and Sections 13-167-51 through 54, Hawaii Administrative Rules (HAR)

**Petitions to Amend Interim Instream Flow Standards**

Stream Name	SCAP No.	Petitioner	TMK	amount (mgd)
Iao	MA-375	*	various	unknown
Waiehu	MA-375	*	various	unknown
Waihee	MA-375	*	various	unknown
Waikapu	MA-375	*	various	unknown

\* Earthjustice (EJ), on behalf of Hui o Na Wai Eha and Maui Tomorrow Foundation, Inc.

within Wailuku area, Maui, pursuant to Chapters 91 and 174C, Hawaii Revised Statutes, and Sections 13-169-40 through 43, Hawaii Administrative Rules (HAR).

Any person wishing to participate in the contested case hearing as an intervening party must file a written application in accordance with Section 13-167-54(e), HAR, explaining briefly how he or she has a specific legal interest different from the general public and how their interest could be affected by the proposed action.

Written applications to be an intervening party in the contested case hearing must be received no later than 12:00 noon, Tuesday, May 23, 2006, at the Commission Office, 1151 Punchbowl Street, Room 227, Honolulu, HI 96813. Application forms are available at the Commission Office. An application form will be mailed upon request or one can be downloaded from the Commission website at [www.hawaii.gov/dlnr/cwrm/forms/CCHP.pdf](http://www.hawaii.gov/dlnr/cwrm/forms/CCHP.pdf). Please call (808) 587-0225 or toll free from Maui 1-800-984-2400, extension 70225, for application forms or for further information.

After receipt of all applications to intervene, a hearing will be held at which the Commission's hearing officer will take evidence and arguments supporting each applicant's request for participation in the contested case. The Commission's hearing officer will then make a ruling on standing for each applicant's request for a contested case or to intervene. Only persons granted standing as parties to the proceedings may participate in the contested case hearing. The hearing on standing will be held on Maui and scheduled for a date, time, and place to be determined.

Any party may retain counsel if desired. An individual may appear on his or her own behalf, or a member of a partnership may represent the partnership, or an officer or authorized employee of a corporation or trust or association may represent the corporation, trust or association. All parties shall be afforded the opportunity to present and cross-examine evidence and witnesses and make arguments on issues before the Commission.

#### COMMISSION ON WATER RESOURCE MANAGEMENT

DEAN A. NAKANO, Acting Deputy Director for  
PETER T. YOUNG, Chairperson

Dated: May 4, 2006

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