



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
**COMMISSION ON WATER RESOURCE MANAGEMENT**

**OBJECTION TO AN**  
**APPURTENANT RIGHTS CLAIM**

<b>Form APRT-OBJ</b>
For Official Use Only:
2012 SEP 19 PM 2:18

**Instructions:** Complete one (1) "Objection to an Appurtenant Rights Claim Form" (Form APRT-OBJ) for each Appurtenant rights claim to which you object.

- Any person or entity with a legal or material interest in the water may file written objections. Persons filing objections must serve copies of the written objection and all related documentation / evidence 1) on the applicant; and 2) on the Commission on Water Resource Management, P.O. Box 621, Honolulu, HI 96809.
- Appurtenant rights claimants will have an opportunity to submit a rebuttal to the written objections.
- For questions, contact the Commission's Stream Protection and Management Branch at (808) 587-0234.

<b>A. OBJECTOR</b>		
<b>NAME/COMPANY</b> Hui O Na Wai `Eha and Maui Tomorrow; Office of Hawaiian Affairs		<b>Contact Person</b> Isaac Moriwake, Earthjustice, for Hui O Na Wai `Eha & Maui Tomorrow; Pamela Bunn, Alston Hunt Floyd & Ing for OHA
<b>Mailing Address</b> 223 S. King St. 4th Floor Honolulu, HI 96813 (Moriwake); 1001 Bishop St. Suite 1800 Honolulu HI 96813 (Bunn)		
<b>Phone</b> 599-2436 (Moriwake) 524-1800 (Bunn)	<b>Fax</b> 521-6841 (Moriwake); 524-4591 (Bunn)	<b>E-mail Address</b> imoriwake@earthjustice.org; pbunn@ahfi.com
<b>Explain your legal or material interest in objecting to this Appurtenant rights claim.</b>  Hui o Nā Wai `Ehā ("Hui") and Maui Tomorrow Foundation, Inc. (collectively, the "Community Groups") and the Office of Hawaiian Affairs ("OHA") are parties with legally established due process interests and standing in ongoing proceedings regarding Na Wai `Eha stream flows. The Hui and Maui Tomorrow are community-based organizations dedicated to protecting Na Wai Eha's and Maui's water resources, and OHA is statutorily and constitutionally mandated to protect such resources for its beneficiaries. The Community Groups' members and supporters and OHA's beneficiaries own and reside on land along and around each of the streams within the Nā Wai `Ehā surface water management areas and rely on, use, seek to use, and/or hold appurtenant, traditional and customary, and public trust rights to Nā Wai `Ehā surface water. In sum, the Community Groups and their members and supporters and OHA and its beneficiaries have legally protected rights and interests in Nā Wai `Ehā s		
<b>B. APPLICANT (As listed in the Public Notice)</b>		
<b>NAME/COMPANY</b> Living Waters Land Foundation		<b>Surface Water Use Permit Application No.</b> 2144
<b>Mailing Address</b> P.O. Box 2327 Wailuku, HI 96793		
<b>Identify all Tax Map Keys (TMK) related to this objection:</b> (2)3-2-013-015		
<b>C. REASON(S) FOR OBJECTION</b>		
<i>Select all that apply below. The objector has the burden of proof on all objections.</i>		
<input type="checkbox"/> The parcel was not used as a residence or for cultivation at the time of the Mahele.		
<input type="checkbox"/> The Appurtenant right to water has been reserved or extinguished.		
<input type="checkbox"/> There are materially false statements or representations in the claimant's application for Appurtenant rights.		
<b>Summarize carefully your objection and how approval of this Application would adversely affect your legal interests (Use separate page if needed):</b> The documentation in the application is unclear and illegible, which denies a full and fair opportunity to review and respond to the appurtenant rights claims. It is unclear what the documents are, what they say, and how they relate to the claimed rights and TMK in question. Under these circumstances, approval of this application would unjustifiably recognize priority claims of appurtenant rights to such water to the prejudice of the opposing rights and interests of the Community Groups and their members and supporters and OHA and its beneficiaries.		
<b>Supporting documentation / evidence must be provided on separate sheets.</b>		
<b>D. OBJECTOR SIGNATURE</b>		
<input checked="" type="checkbox"/> By checking this box (for electronic submissions) or signing below (for hardcopy submissions) indicates that the signatory understands and swears that the information provided is accurate and true to the best of their knowledge.		
<b>Print Name:</b> Isaac Moriwake Pamela Bunn	<b>Signature:</b> 	<b>Date:</b> 9/19/2012

DTPR-3650.6

<b>FILE ID:</b>	5WUP.2144.6
<b>DOC ID:</b>	9986

CERTIFICATE OF SERVICE

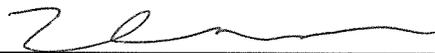
The undersigned hereby certifies that, on this date, a true and correct copy of the foregoing document was duly served via first class U.S. mail, postage prepaid:

Living Waters Land Foundation  
P.O. Box 2327  
Wailuku, HI 96793

DATED: Honolulu, Hawai'i, September 19, 2012.

EARTHJUSTICE  
223 South King Street, Suite 400  
Honolulu, Hawai'i 96813

By:



ISAAC H. MORIWAKE

Attorneys for:

HUI O NÄ WAI 'EHÄ & MAUI  
TOMORROW FOUNDATION, INC.