



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

OBJECTION TO AN
APPURTENANT RIGHTS CLAIM

Form APRT-OBJ
For Official Use Only:
2012 SEP 19 PM 2:09

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.

A. OBJECTOR

NAME/COMPANY Hui O Na Wai `Eha and Maui Tomorrow; Office of Hawaiian Affairs		Contact Person Isaac Moriwake, Earthjustice, for Hui O Na Wai `Eha & Maui Tomorrow; Pamela Bunn, Alston Hunt Floyd & Ing for OHA
Mailing Address 223 S. King St. 4th Floor Honolulu, HI 96813 (Moriwake); 1001 Bishop St. Suite 1800 Honolulu HI 96813 (Bunn)		
Phone 524-1800 (Bunn) 599-2436 (Moriwake)	Fax 521-6841 (Moriwake); 524-4591 (Bunn)	E-mail Address imoriwake@earthjustice.org; pbunn@ahfi.com

Explain your legal or material interest in objecting to this Appurtenant rights claim.

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. APPLICANT (As listed in the Public Notice)

NAME/COMPANY Makani Olu Partners LLC	Surface Water Use Permit Application No. 2207/2208N
Mailing Address 363 West Waiko Road, Wailuku, HI 96793	
Identify all Tax Map Keys (TMK) related to this objection: (2) 3-5-04:014; (2) 3-5-04:18	

C. REASON(S) FOR OBJECTION

- Select all that apply below. The objector has the burden of proof on all objections.**
- The parcel was not used as a residence or for cultivation at the time of the Mahele.
- The Appurtenant right to water has been reserved or extinguished.
- There are materially false statements or representations in the claimant's application for Appurtenant rights.

Summarize carefully your objection and how approval of this Application would adversely affect your legal interests (Use separate page if needed):

The Community Groups and OHA have reviewed this application as carefully as possible in the limited time permitted, and are unable to confirm that some of the kuleana parcels (e.g., LCAs 1304 and 1307 (unknown apana)) are actually within applicant's TMKs. In addition, the Community Groups and OHA have found no documentation to confirm that LCAs 205, 3201:1, or 3802:6 (which may have been highlighted in error) were in cultivation at the time of the Mahele. These claims thus appear unsubstantiated.

Supporting documentation / evidence must be provided on separate sheets.

D. OBJECTOR SIGNATURE

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.

Print Name: Isaac Moriwake Pamela Bunn	Signature: 	Date: 9/19/2012
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BTREK.0650.6

FILE ID:	SWUP.2207.6/SWUP.2208.6
DOC ID:	9979

Form APRT-OBJ 08/29/2012

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date I caused a true and correct copy of the *Objection to an Appurtenant Rights Claim* to be served on the following Applicant by U.S. mail, postage prepaid (as indicated below) to its respective address:

Makani Olu Partners LLC
363 West Waiko Road
Wailuku, HI 96793

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



PAMELA W. BUNN
Attorney for Office of Hawaiian Affairs