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BEFORE THE COMMISSION ON WATER RESOURCE MANAGEMENT
OF THE STATE OF HAWAII

In the Matter of) SWUPA-E (NA WAI EHA, MAUI)
) NO. 2157
Na Wai Eha Surface Water Use)
Permit Application of WAILUKU) WAILUKU WATER COMPANY LLC'S
WATER COMPANY LLC) RESPONSE TO OBJECTIONS OF
) HAWAII COMMERCIAL & SUGAR
) COMPANY TO SWUPA-E (NA WAI
) EHA, MAUI) NO. 2157
)
)
_____)

WAILUKU WATER COMPANY LLC'S RESPONSE TO OBJECTIONS OF HAWAII
COMMERCIAL & SUGAR COMPANY TO SWUPA-E (NA WAI EHA, MAUI) NO. 2157

On May 18, 2009, Hawaii Commercial & Sugar Company
("HC&S") filed objections to the above-referenced Surface Water
Use Permit Application ("SWUPA") of Wailuku Water Company, LLC
("Wailuku Water"). Pursuant to H. Admin. R. §13-171-18(C),
Wailuku Water files and serves this response to the objections.

FILE ID: SWUPA.2157.6
DOC ID: 3831 ✓

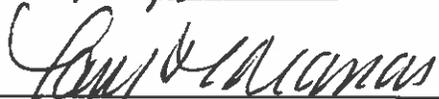
Wailuku Water notes that HC&S did not file a brief and stated no specific objection to Wailuku Water's SWUPA. Both of these were required of HCC&S. See, H. Admin. R. §13-171-18(a). Accordingly, the objections should be stricken as failing to have been in compliance with the Commission's rules. Without any specific reason as to why the application was objectionable, Wailuku Water cannot respond. Wailuku Water's application showed that the use was reasonable and beneficial and Wailuku Water is entitled to continue such use.

Alternatively, if the objections are not stricken as to Wailuku Water's SWUPA, then Wailuku Water is entitled to an opportunity to respond once specific objections are made. The rules of practice concerning water use permits are clear and require Wailuku Water to respond to specific objections. Until there are specific objections, Wailuku Water cannot respond in accordance with the rules.

For the foregoing reasons, Wailuku Water first asks that the objections to its SWUPA by HC&S be stricken. Alternatively, if the Commission chooses not to strike the objections due to their general nature, Wailuku Water requests that the Commission order HC&S to make specific objections to

Wailuku Water's SWUPA and then provide Wailuku Water an appropriate time to respond to those specific objections.

DATED: Kahului, Hawai'i, 5/29/09.



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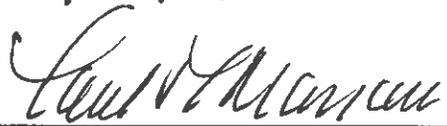
CERTIFICATE OF SERVICE

I hereby certify that on the date hereof I caused a copy of the foregoing to be duly served by depositing same in the United States mail, postage prepaid, to the following at their last known address:

David Schulmeister, Esq.
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DATED: Kahului, Hawai'i, 5/29/09.



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