

**AVERY B. CHUMBLEY  
MAKANI OLU PARTNERS LLC  
363 WEST WAIKO ROAD  
WAILUKU, MAUI, HAWAII 96793**

June 8, 2009

Laura H. Thielen, Chairperson  
Ken C. Kawahara, Deputy Director  
Commission on Water Resource Management  
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Honolulu, Hawaii 96809 -via fax 1-808-587-0219 & first class USPS-

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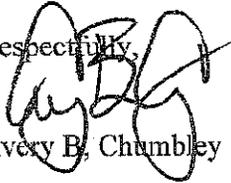
Re: Avery B. Chumbley, Makani Olu Partners LLC response to objections of  
Department of Water Supply, County of Maui to SWUPA-E no. 2207

Dear Chairperson Thielen and Deputy Director Kawahara;

On May 26, 2009, Deputy Corporation Counsel Jane E. Lovell on behalf of the Department of Water Supply County of Maui filed an objection to the above-referenced Surface Water Use Permit Application ("SWUPA") of Avery B. Chumbley, Makani Olu Partners LLC. Pursuant to HAR. '13-171-18c, I hereby file and serve this response to the objections.

The Commission's rules require that competing existing use applications which in the aggregate exceed the established instream flow standards shall be addressed in a hearing to determine the quantity of water that may be consumed and the conditions to be imposed on each existing use. HAR. "13-171-14". Whether this Commission must hold a combined hearing only can be determined after the amended IIFS are established. As such, it is premature for this Commission to act on any of the SWUPA's for the Na Wai Eha surface water management area and the objection based on a request to consider all competing applications together and in relation to one another is likewise premature.

Respectfully,

  
Avery B. Chumbley

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DOC ID:	4165

Cc: Paul R. Mancini Esq., James W. Geiger Esq., Gilbert S. C. Keith-Agaran Esq.