

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

PETITION TO AMEND INTERIM) Case No.. CCH-MA13-01
INSTREAM FLOW STANDARDS FOR)
HONOPOU, HUELO (PUOLUA),) MINUTE ORDER NO. 26: DEPARTMENT
HANEHOI, WAIKAMOI, ALO,) OF WATER SUPPLY, COUNTY OF MAUI
WAHINEPEE, PUOHOKAMOA,) LETTER DATED APRIL 5, 2017; EXHIBIT
HAIPUAENA, PUNALAU/KOLEA,) A; CERTIFICATE OF SERVICE
HONOMANU, NUAAILUA, PIINAAU,)
PALAUHULU, OHIA (WAIANU),)
WAIOKAMILO, KUALANI, WAILUANUI,)
WEST WAILUAIKI, EAST WAILUAIKI,)
KOPILIULA, PUAKAA, WAI OHUE,)
PAAKEA, WAI AAKA, KAPAULA,)
HANAWI, AND MAKAPIPI STREAMS)
_____)

**MINUTE ORDER NO. 26: DEPARTMENT OF WATER SUPPLY,
COUNTY OF MAUI LETTER DATED APRIL 5, 2017**

On April 5, 2017, the Department of Water Supply, County of Maui, (County) sent a letter to the Hearings Officer and parties to this contested case. Exhibit A. The letter noted an increase in the levels of certain bacteria and algae in the water coming from the Wailoa Ditch as a result of decreased flows. The letter requested that either the parties stipulate to include in the record the information regarding the increased levels of bacteria and algae or that the proceedings be reopened for the limited purpose of introducing evidence of the additional effects of lower flows in the Wailoa Ditch. The parties did not agree to stipulate to include the information in the record.

The issue of whether the evidentiary portion of the hearing should be again re-opened to allow in additional evidence is an issue for the Commission on Water Resource Management (Commission) to decide. To assist the Commission in making this decision, the following procedure will be implemented:

The County shall be allowed to file a motion with the Commission to re-open the evidentiary hearing and identifying the specific issues to be addressed. The motion will be due no later than the close of business on **Thursday, April 13, 2017**.

The other parties may file responsive memorandums. Responsive memorandums will be due no later than the close of business on **Thursday, April 20, 2017**.

Upon receipt of all filings, the Hearings Officer will draft a recommendation to the Commission regarding the motion. The Hearings Officer will distribute the proposed recommendation to the parties and will hold a conference with the parties to discuss the proposed recommendation. The conference will be held on **Thursday, May 4, 2017, at 10:00 a.m.** at the Commission conference room, 1151 Punchbowl Street, Room 227, Honolulu, Hawaii. For those parties located on Maui, we will have a telephone conference line available. You will be contacted regarding call-in instructions.

After the conference with the parties, the Hearings Officer will finalize his recommendation and then transmit his recommendation, together with the motion and responsive memorandums, to the Commission. The Commission will determine if it will hold a hearing on the motion and will thereafter make a decision on the motion.

The deadlines for submission of proposed findings of fact, conclusions of law, and decision and order and objections are hereby suspended. Once the Commission makes a decision regarding the motion, these deadlines will be re-set.

DATED: Honolulu, Hawaii, April 12, 2017.



LAWRENCE H. MIIKE, Hearings Officer
Commission on Water Resource Management

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_____)

CERTIFICATE OF SERVICE

On April 12, 2017, a copy of the foregoing document was served on:

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_____/s/ Kathy Yoda_____
KATHY YODA
Commission on Water Resource Management