

MANCINI, WELCH & GEIGER LLP

PAUL R. MANCINI 1198-0
JAMES W. GEIGER 4684-0
305 E. Wakea Avenue, Suite 200
Kahului, HI 96732
Telephone No.: (808) 871-8351
Facsimile No.: (808) 871-0732

Attorneys for Applicant
WAILUKU WATER COMPANY LLC

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)	Case No.: CCH-MA15-01
Integration of Appurtenant Rights and)	
Amendments to the Interim Instream Flow)	WAILUKU WATER COMPANY LLC'S
Standards, Na Wai Eha Surface Water)	STATEMENT OF NO POSITION TO
Management Areas of Waihee, Waiehu, Iao)	HAWAIIAN COMMERCIAL & SUGAR
and Waikapu Streams, Maui)	COMPANY'S AND MAHI PONO, LLC'S
)	JOINT MOTION FOR WITHDRAWAL
)	AND SUBSTITUTION OF PARTIES FOR
)	SWUPA 2206; CERTIFICATE OF
)	SERVICE
)	
)	

WAILUKU WATER COMPANY LLC'S STATEMENT OF NO POSITION TO HAWAIIAN COMMERCIAL & SUGAR COMPANY'S AND MAHI PONO, LLC'S JOINT MOTION FOR WITHDRAWAL AND SUBSTITUTION OF PARTIES FOR SWUPA 2206

Wailuku Water Company LLC ("WWC"), pursuant to Minute Order #14, submits this response to Hawaiian Commercial & Sugar Company and Mahi Pono, LLC's Joint Motion for Withdrawal and Substitution of Parties for SWUPA 2206 (the "Motion"). WWC takes no position on the Motion because it does not have sufficient information to adopt a position with regard to the Motion. In order to take a position, WWC requires information on the following issues.

1. What lands made the subject of SWUPA 2206 were transferred to Mahi Pono, LLC? The Declaration of Jarrod Schreck in support of the Motion states that substantially all of the lands consisting of the Waihee-Hopoi fields were transferred to Mahi Pono, LLC (“Mahi Pono”). The Declaration of Grant Nakama, also submitted in support of the Motion, states that Mahi Pono purchased lands, including the lands consisting of the Waihee-Hopoi fields. It is unclear from the Motion whether all the lands that make up the Waihee-Hopoi fields were transferred to Mahi Pono or only a portion of the lands. Therefore it is unclear whether the acreage used to establish the amount of water permitted under SWUPA 2206 was the same as the acreage transferred and in turn whether the amount of water allocated under the SWUPA 2206 would be the same.

2. Will the use of the lands change? The proposed FOF/COL was based upon the record created by Hawaiian Commercial & Sugar Company (“HC&S”). HC&S testified that it would be growing bioenergy crops on the lands that were covered by SWUPA 2206. Grant Nakama's Declaration in support of the Motion indicates that Mahi Pono plans for the lands acquired from HC&S include a full range of agricultural operations and related land uses, including cattle grazing, together with the production of non-GMO foods for local market consumption and for export. It is unclear whether those uses include the growing of biofuel crops, whether those uses will occur on the lands that were used to support SWUPA 2206, and/or whether any other uses will be made on the Waihee-Hopoi fields.

3. Will Mahi Pono adopt the record created and HC&S's response to proposed FOF/COL? Neither the Motion, nor the Declaration of Grant Nakama in support of the Motion, address whether Mahi Pono will agree to be bound by the record created by HC&S concerning SWUPA 2206. Likewise, neither the Motion nor the Declaration of Grant Nakama

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,) Case No.: CCH-MA15-01
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow) CERTIFICATE OF SERVICE
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

CERTIFICATE OF SERVICE

Pursuant to Minute Order No. 14, issued on June 6, 2019, the original of the foregoing document will be mailed to Kathy Yoda at the Commission on Water Resource Management on the date hereof, as well as an electronic copy by email. In addition, pursuant to Minute Order No. 14, dated June 6, 2019, copies will be emailed to the following parties who requested service by email, as set forth below, and service on parties who have not agreed to electronic service is via the Commission website:

SERVICE BY MAIL

Commission on Water Resource Management
1151 Punchbowl Street, Room 227
Honolulu, HI 96813
(also sent via email: kathy.s.yoda@hawaii.gov)

Jerri Jane K. Young
1455 Miloiki Street
Honolulu, HI 96825-3229

Alan Birnie
175 W. Waiko Road
Wailuku, HI 96793

Thomas Cerizo
1740 Kamamalu Place
Wailuku, HI 96793

Joseph Alueta
P.O. Box 785
Wailuku, HI 96793

Joshua Chavez
P.O. Box 6240
Kahului, HI 96733

Cordell Chang
2315 Kahekili Highway
Wailuku, HI 96793

Michael Bailie
P.O. Box 1433
Wailuku, HI 96793

Gary & Evelyn Brito
2160-A Puuohala Road
Wailuku, HI 96793

Winifred and Gordon Cockett
1159 Piihana Road
Wailuku, HI 96793

Vernon Bal
230 Koeli Street
Wailuku, HI 96793

David & Anne Brown
2525 Kahekili Highway
Wailuku, HI 96793

Lawrence Koki
2585 Kahekili Highway
Wailuku, HI 96793

Dorothy Bell
1419 Nuna Place
Wailuku, HI 96793

Charles Dando, Sr. & Jr.
85 E. Kanamele Loop
Wailuku, HI 96793

Pauline Kanegai Curry
P.O. Box 3172
Wailuku, HI 96793

Clifford & Cristal Koki
P.O. Box 442
Wailuku, HI 96793

Regino Cabacungan
2192 Mokuhau Road
Wailuku, HI 96793

Alfred & Patricia DeMello
El Ranchitos DeMello
P.O. Box 1394
Lockeford, CA 95237

Dave Gomes
Hawaiian Cement - Maui
Concrete & Aggregate Div.
P.O. Box 488
Kahului, HI 96732

Darrell Higa
918 Kanakea Loop
Lahaina, HI 96761

Nadao Makimoto
374 Nihoa Street
Kahului, HI 96732

Russel Gushi
185 West Waiko Road
Wailuku, HI 96793

George & Yoneko Higa
592 S. Papa Avenue
Kahului, HI 96732

Michael Doherty
41 Waihee Valley Road
Wailuku, HI 96793

Richard Emoto
2032-B Ulei Lane
Wailuku, HI 96793

Valentine Haleakala
2160 Puuohala Road
Wailuku, HI 96793

Paul & Jennifer Higashino
P.O. Box 239
Wailuku, HI 96793

Patricia Federcell
88 S. Papa Avenue, Apt. 404
Kahului, HI 96732

Steve Haller
1060 East Kuiaha Road
Haiku, HI 96708

Hiolani Ranch, LLC
P.O. Box 34167
San Diego, CA 92163

Rudy & Perlita Fernandez
P.O. Box 330808
Kahului, HI 96733

Robert Hanusa
895 Malaihi Road
Wailuku, HI 96793

Brian Ige
RCFC Kehalani, LLC
2005 Main Street
Wailuku, HI 96793

Roderick Fong
Fong Construction Co., Inc.
495 Hukilike Street, Bay 4
Kahului, HI 96732

Ronald Jacintho
Pohakulepo Recycling, LLC
150 Pakana Street
Wailuku, HI 96793

Kaanapali Kai, Inc.
P.O. Box 910
Wailuku, HI 96793

Ronald Jacintho
ROJAC Trucking, Inc.
150 Pakana Street
Wailuku, HI 96793

Amanda Jones
Spencer Homes, Inc.
P.O. Box 97
Kihei, HI 96753

Waldo Ullerich
Emmanuel Lutheran Church
P.O. Box 331194
Kahului, HI 96733

Melvin Riyu
Judith Yamanoue
P.O. Box 696
Wailuku, HI 96793

Donald Kuemmeler
RCFC Kehalani, LLC
555 California St., Ste. 3450
San Francisco, CA 94104

Kenneth Mendoza
2160-B Puuhala Road
Wailuku, HI 96793

Kenneth Kahalekai
240 Waihee Valley Road
Wailuku, HI 96793

Jinsei Miyashiro Trust
P.O. Box 235
Wailuku, HI 96793

Alfred Kailiehu, Sr.
Alfred Kailiehu, Jr.
3660 Kahekili Highway
Wailuku, HI 96793

Leinaala Kihm
1415 Honua Place
Wailuku, HI 96793

Yoshie Suehiro
Natalie Hashimoto
915 Malaihi Road
Wailuku, HI 96793

Robert Pinto
c/o Claire Pinto
130 Pilikana Place
Wailuku, HI 96793

Ione Shimizu
219-K West Waiko Road
Wailuku, HI 96793

Mary Jane Kramer
Na Mala O Waihee Private
Water Co., Inc.
c/o Commercial Properties of
Maui Management, Inc.
1962-B Wells Street
Wailuku, HI 96793

Kauai Kahalekai
202 Waihee Valley Road
Wailuku, HI 96793

Living Waters Land
Foundation, LLC
P.O. Box 7
Santa Barbara, CA 93102

Jane Laimana
45-520 Alokahi Street
Kaneohe, HI 96744

Cindy Lee, Managing Agent
Waiolani Mauka Community
Association, Inc.
c/o Scott Nunokawa
P.O. Box 946
Wailuku, HI 96793

Sterling Kim
Hale Mua Properties, LLC
250 Alamaha Street, Ste.
N18
Kahului, HI 96732

Warren Soong
245-A West Waiko Road
Wailuku, HI 96793

Thomas & Patricia Texeira
Denise Texeira
205 Waihee Valley Road
Wailuku, HI 96793

Donnalee & David Singer
P.O. Box 3017
Wailuku, HI 96793

Isabelle Rivera
c/o Regino Cabacungan
2192 Mokuhau Road
Wailuku, HI 96793

Glenn McLean
350 West Waiko Road
Wailuku, HI 96793

Lawrence Miyahira
Jason Miyahira
P.O. Box 762
Wailuku, HI 96793

Kurt & Betsy Sloan
P.O. Box 310
Kihei, HI 96753

David & Katherine Lengkeek
128 River Road
Wailuku, HI 96793

Lester Nakama
Aloha Poi Factory, Inc.
800 Lower Main Street
Wailuku, HI 96793

David Niehaus
1630 Piihola Road
Makawao, HI 96768

Katherine Riyu
P.O. Box 696
Wailuku, HI 96793

David Nobriga
Nobriga's Ranch, Inc.
P.O. Box 1170
Wailuku, HI 96793

Kalani & Tera Paleka
P.O. Box 342
Wailuku, HI 96793

Alfred Santiago
Colin Kailiponi
2445-C Vineyard Street
Wailuku, HI 96793

Peter Fritz
107 Waihee Valley Road
Wailuku, HI 96793

Noel & Katherine Texeira
P.O. Box 2846
Wailuku, HI 96793

Francis Ornellas
340 Iao Valley Road
Wailuku, HI 96793

Milla Richardson
94 Laukahi Street
Kihei, HI 96753

ELECTRONIC SERVICE

Douglas Bell
1420 Honua Place
Wailuku, HI 96793

puna.papabell@gmail.com

Francisco Cerizo
P.O. Box 492
Wailuku, HI 96793

cerizof@gmail.com

Heinz Jung & Cecilia Chang
P.O. Box 1211
Wailuku, HI 96793

cici.chang@hawaiiantel.net

Jordanella (Jorrie) Ciotti
484 Kalua Road
Wailuku, HI 96793

jorrieciotti@gmail.com

John V. & Rose Marie H. Duey
Hooululahui LLC
575-A Iao Valley Road
Wailuku, HI 96793

jduey@maui.net
nanisantos808@gmail.com

Evelyn Kamasaki
Cynthia Ann McCarthy
Claire S. Kamasaki
1550 Nukuna Place
Wailuku, HI 96793

cmcmaui@live.com

Charlene E. & Jacob H. Kana, Sr.
P.O. Box 292
Wailuku, HI 96793

char1151@hawaii.rr.com

Renee Molina
P.O. Box 1746
Wailuku, HI 96793

myoheo@yahoo.com

Lorrin Pang
166 River Road
Wailuku, HI 96793

pangk005@hawaii.rr.com

Victor & Walette Pellegrino
c/o Hokuau Pellegrino
213 West Waiko Road
Wailuku, HI 96793

Hokuao.pellegrino@gmail.com

Bryan Sarasin, Sr.
c/o Bryan Sarasin, Jr.
P.O. Box 218
Wailuku, HI 96793

mauifishfarm@hawaiiantel.net

Jeff & Ramona Lei Smith
P.O. Box 592
Wailuku, HI 96793

ohianui.ohana@gmail.com

Murray & Carol Smith
P.O. Box 11255
Lahaina, HI 96761

murray@jps.net

Clayton Suzuki
Linda Kadosaki
Reed Suzuki
Scott Suzuki
P.O. Box 2577
Wailuku, HI 96793

csuzuki@wailukuwater.com

John Varel
191 Waihee Valley Road
Wailuku, HI 96793

jvarel@fusionstorm.com

Michele & Leslie Vida, Jr.
135 Pilikana Place
Wailuku, HI 96793

mikievida@hotmail.com

Leslie Vida, Sr.
c/o Donna Vida
115 Pilikana Street
Wailuku, HI 96793

dmlavida@yahoo.com

Caleb Rowe, Esq.
Kristin Tarnstrom, Esq.
County of Maui
Department of Corporation Counsel
200 South High Street
Wailuku, HI 96793

caleb.rowe@co.maui.hi.us
kristin.tarnstrom@co.maui.hi.us
susan.pacheco@co.maui.hi.us

Attorneys for COUNTY OF MAUI,
DEPARTMENT OF WATER SUPPLY

Colin J. Lau, Esq.
Russell Kumabe
Holly McEldowney
465 South King Street, Room 300
Honolulu, HI 96813

colin.j.lau@hawaii.gov
russell.p.kumabe@hawaii.gov
holly.mceldowney@hawaii.gov

Attorney for DEPARTMENT OF LAND
AND NATURAL RESOURCES, DIVISION
OF STATE PARKS

Yvonne Izu, Esq.
Wayne E. Costa, Jr., Esq.
Kris N. Nakagawa, Esq.
Moriwara Lau & Fong, LLP
Davies Pacific Center, Suite 400
841 Bishop Street
Honolulu, HI 96813

yizu@moriharagroup.com
wcosta@moriharagroup.com
knakagawa@moriharagroup.com
ghew@hcsugar.com

Attorneys for HAWAIIAN COMMERCIAL
& SUGAR CO.

Isaac Moriwake, Esq.
Summar Kupau-Odo
Earthjustice
850 Richards Street, Suite 400
Honolulu, HI 96813

imoriwake@earthjustice.org
skupau@earthjustice.org
jbrown@earthjustice.org
jparks@earthjustice.org

Attorney for HUI O NA WAI EHA and
MAUI TOMORROW FOUNDATION

Avery & Mary Chumbley
363 West Waiko Road
Wailuku, HI 96793

abc@aloha.net

Jodi Yamamoto, Esq.
Wil Yamamoto, Esq.
Yamamoto Caliboso
1100 Alakea Street, Suite 3100
Honolulu, HI 96813

jiyamamoto@ychawaii.com
wyamamoto@ychawaii.com

Attorneys for MMK MAUI, LP, THE KING
KAMEHAMEHA GOLF CLUB, KAHILI
GOLF COURSE

Pamela Bunn, Esq.
Alston, Hunt, Floyd & Ing
1001 Bishop Street, Suite 1800
Honolulu, HI 96813

pbunn@ahfi.com

Attorney for OFFICE OF HAWAIIAN
AFFAIRS

Craig Nakamura, Esq.
Catherine L.M. Hall, Esq.
Carlsmith Ball LLP
2200 Main Street, Suite 400
Wailuku, HI 96793

cnakamura@carlsmith.com
chall@carlsmith.com

Attorneys for WAHI HOOMALU LIMITED
PARTNERSHIP

Brian Kang, Esq.
Emi L.M. Kaimuloa
Watanabe Ing LLP
First Hawaiian Center
999 Bishop Street, 23rd Floor
Honolulu, HI 96813

bkang@wik.com
ekaimuloa@wik.com

Attorneys for WAILUKU COUNTRY
ESTATES IRRIGATION COMPANY

Lawrence H. Miike
1151 Punchbowl Street, Room 227
Honolulu, HI 96813

lhmiike@hawaii.rr.com

HEARINGS OFFICER

Linda L.W. Chow, Esq.
Deputy Attorney General
State of Hawaii
465 South King Street, Room 300
Honolulu, HI 96813

linda.l.chow@hawaii.gov

Fred Coffey
1271 Malaihi Road
Wailuku, HI 96793

hawaii50peleke@yahoo.com

Kathy De Hart
P.O. Box 1574
Wailuku, HI 96793

kdehart17@gmail.com

Stanley Faustino
c/o Kanealoha Lovato-Rodrigues
384 Waihee Valley Road
Wailuku, HI 96793

kanealoha808@gmail.com

William Freitas
c/o Kapuna Farms LLC
2644 Kahekili Highway
Wailuku, HI 96793

kapunafarms@gmail.com

Diannah Goo
c/o April Goo
2120-C Kahekili Highway
Wailuku, HI 96793

ag2517@aol.com

Karl & Lee Ann Harders
1422 Nuna Place
Wailuku, HI 96793

waikapu@me.com

Theodore & Zelig Harders
T&Z Harders FAM, Ltd.
1415 Kilohi Street
Wailuku, HI 96793

waikapu@me.com

Kimberly Lozano
P.O. Box 2082
Wailuku, HI 96793

pauahi808@aol.com

L. Ishikawa
Piko Ao, LLC
2839 Kalialani Circle
Pukalani, HI 96768

lorilei@hawaii.edu

Michael Rodrigues
2518 W. Main Street
Wailuku, HI 96793

mikerodmaui@yahoo.com

Burt Sakata
107 Waihee Valley Road
Wailuku, HI 96793

waihee89@yahoo.com

Duke & Jean Sevilla
Christina Smith
702 Kaae Road
Wailuku, HI 96793

sevillad001@hawaii.rr.com

Crystal Smythe
John Minamina Brown Trust
727 Wainee Street, Ste. 104
Lahaina, HI 96761

nalanismythe@yahoo.com

Roger & Kevin Yamaoka
1295 Old Waikapu Road
Wailuku, HI 96793

rryamaoka@aol.com
kty@hawaii.rr.com

Tina Aiu, Esq.
Oahu Island Director
Hawaiian Islands Land Trust
P.O. Box 965
Wailuku, HI 96793

christina@hilt.com
scott@hilt.com
pennysfh@hawaii.rr.com

Peter A. Horovitz, Esq.
Kristine Tsukiyama, Esq.
Merchant Horovitz LLLC
2145 Wells Street, Suite 303
Wailuku, HI 96793

pah@mhmaui.com
kkt@mhmaui.com
albertboyce@gmail.com

Attorneys for WAIKAPU PROPERTIES,
LLC and MTP OPERATING COMPANY,
LLC

Earleen Tianio
Takitani Agaran & Jorgensen, LLLP
24 North Church Street, Suite 409
Wailuku, HI 96793

earleen@tonytlaw.com

Attorney for KEN OTA, SAEDENE OTA,
KURT SLOAN, ELIZABETH SLOAN,
ANTHONY TAKITANI, AUDREY
TAKITANI, KITAGAWA MOTORS, INC.,
SPV TRUST, and GERALD W. LAU HEE

Douglas Myers
1299 Malaihi Road
Wailuku, HI 96793

upperwaiehu@yahoo.com

James Dodd
P.O. Box 351
Wailuku, HI 96793

jimdodd47@gmail.com

Greg Ibara
227 Kawaipuna Street
Wailuku, HI 96793

gregibara56@gmail.com

Tim Mayer, Ph.D.
Supervisory Hydrologist
Water Resources Branch
US Fish & Wildlife Service
911 NE 11th Avenue
Portland, OR 97232-4181

tim_mayer@fws.gov
frank.wilson@sol.doi.gov

Noelani & Alan Almeida
Gordon Almeida
P.O. Box 1005
Wailuku, HI 96793

alana89@juno.com

Doyle Betsill
c/o Betsill Brothers
P.O. Box 1451
Wailuku, HI 96793

teresa@bbcmaui.com

John V. & Rose Marie H. Duey
Hooululahui LLC
575-A Iao Valley Road
Wailuku, HI 96793

jduey@maui.net

Nelson Okamura
Kihei Gardens & Landscaping Co. LLP
P.O. Box 1058
Puunene, HI 96784

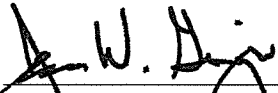
nokamura@kiheigardens.com

Waldemar & Darlene Rogers
1421 Nuna Place
Wailuku, HI 96793

rogersw001@hawaii.rr.com

JUN 19 2019

DATED: Kahului, Hawaii, _____.



PAUL R. MANCINI
JAMES W. GEIGER
Attorneys for WAILUKU WATER
COMPANY, LLC