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RESOURCE MANAGEMENT

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COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

Surface Water Use Permit Applications, ) Case No. CCH-MA15-01  
Integration of Appurtenant Rights and )  
Amendments to the Interim Instream Flow ) HUI O NĀ WAI 'EHĀ'S AND MAUI  
Standards, Nā Wai 'Ehā Surface Water ) TOMORROW FOUNDATION, INC.'S  
Management Areas of Waihe'e, Waiehu, ) RESPONSE TO MAHI PONO, LLC'S  
'Īao, & Waikapū Streams, Maui ) OMNIBUS REPLY; CERTIFICATE OF  
) SERVICE  
)

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HUI O NĀ WAI 'EHĀ'S & MAUI TOMORROW FOUNDATION, INC.'S  
RESPONSE TO MAHI PONO, LLC'S OMNIBUS REPLY

AND

CERTIFICATE OF SERVICE

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COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

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HUI O NĀ WAI 'EHĀ'S & MAUI TOMORROW FOUNDATION, INC.'S  
RESPONSE TO MAHI PONO, LLC'S OMNIBUS REPLY

Hui o Nā Wai 'Ehā and Maui Tomorrow Foundation, Inc. (collectively, the "Community Groups"), through their counsel Earthjustice, respectfully submit this brief response to Mahi Pono's "Omnibus Reply," filed on July 5, 2019, in which Mahi Pono suggests that the Commission postpone its scheduled hearing on Mahi Pono's pending Motion for Withdrawal and Substitution of Parties for SWUPA 2206 for three months to allow parties to "discuss a possible stipulation . . . and an opportunity to amicably and expeditiously resolve this contested case proceeding." Since Mahi Pono raised this suggestion for the first time in its reply, the Community Groups respectfully request an opportunity to respond.

The Community Groups do not support Mahi Pono's suggestion to postpone the hearing on the pending substitution motion. While the Community Groups are open to discussions to facilitate the process and resolution in this case, they do not believe that simply pushing off the hearing on the substitution motion furthers the efficient and expeditious conduct of this already long-delayed proceeding. Since Mahi Pono's motion and the parties' responses address only the discrete request for substitution, the Commission should address any subsequent process separately, after it decides the motion. Thus, the Community Groups maintain that the hearing

on the motion should proceed as scheduled, without further delay, and any potential next steps should follow in turn, also without delay.

DATED: Honolulu, Hawai‘i, July 9, 2019.



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COMMISSION ON WATER RESOURCE MANAGEMENT

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