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COMMISSION ON WATER
RESOURCE MANAGEMENT

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COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)	Case No. <u>CCH-MA15-01</u>
Integration of Appurtenant Rights and)	
Amendments to the Interim Instream Flow)	MMK MAUI, LP'S SUPPLEMENTAL
Standards, Na Wai Eha Surface Water)	RESPONSE TO HAWAIIAN
Management Areas of Waihee, Waiehu,)	COMMERCIAL & SUGAR COMPANY
Iao and Waikapu Streams, Maui)	AND MAHI PONO, LLC'S JOINT
)	MOTION FOR WITHDRAWAL AND
)	SUBSTITUTION OF PARTIES FOR
)	SWUPA 2206, FILED MAY 14, 2019;
)	CERTIFICATE OF SERVICE
)	

**MMK MAUI, LP'S SUPPLEMENTAL RESPONSE TO HAWAIIAN
COMMERCIAL & SUGAR COMPANY AND MAHI PONO, LLC'S
JOINT MOTION FOR WITHDRAWAL AND SUBSTITUTION
OF PARTIES FOR SWUPA 2206, FILED MAY 14, 2019**

AND

CERTIFICATE OF SERVICE

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JOINT MOTION FOR WITHDRAWAL AND SUBSTITUTION
OF PARTIES FOR SWUPA 2206, FILED MAY 14, 2019**

MMK Maui, LP ("MMK"), by and through its counsel Yamamoto Caliboso, hereby submits its supplemental response to *Hawaiian Commercial & Sugar Company and Mahi Pono, LLC's Joint Motion for Withdrawal and Substitution of Parties for SWUPA 2206*, Filed May 14, 2019.

In Mahi Pono, LLC's Reply filed July 5, 2019, Mahi Pono, LLC proposed postponing the hearing for three months to allow unidentified parties to try to reach an unspecified stipulation which "will avoid re-opening this proceeding, and will allow this contested case to reach a resolution in a timely fashion without protracted litigation." MMK opposes any attempt to re-open the contested case proceeding and Mahi Pono, LLC should be limited to stepping into the shoes of Hawaiian Commercial & Sugar Company ("HC&S"), having no more rights than HC&S.


Mahi Pono, LLC also stated that it "is willing to participate in settlement discussions with interested parties ... [and] Mahi Pono has reached out to some parties

regarding settlement.” However, we have not heard anything from Mahi Pono on this and do not know what the settlement discussions would be about. No further detail was provided. Without further information, MMK would oppose any delay to the proceeding.

In summary, we have no objection to the withdrawal of HC&S and substitution of Mahi Pono, LLC, but would object to any attempt to re-open the contested case hearing or delay the proceeding.

MMK respectfully notifies the Commission and parties that it will not be available to attend the hearing on the motion.

DATED: Honolulu, Hawaii, August 23, 2019.



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COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

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Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu,)
Iao and Waikapu Streams, Maui)
_____)

CERTIFICATE OF SERVICE

Pursuant to Minute Order #4, issued on March 7, 2016, the original and five (5) copies of the foregoing document will be hand-delivered to the Commission on Water Resource Management on August 23, 2019. In addition, copies will be emailed to the following parties who requested service by email, as set forth below:

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