

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) MINUTE ORDER # 20 – ORDER DENYING
Standards, Na Wai Eha Surface Water) MMK MAUI, LP'S MOTION FOR
Management Areas of Waihee, Waiehu, Iao) CLARIFICATION OR, IN THE
and Waikapu Streams, Maui) ALTERNATIVE, FOR PARTIAL
) RECONSIDERATION OF THE FINDINGS
) OF FACT, CONCLUSIONS OF LAW,
) DECISION & ORDER FILED JUNE 28,
) 2021; CERTIFICATE OF SERVICE
))
_____)

**MINUTE ORDER # 20 – ORDER DENYING MMK MAUI, LP'S
MOTION FOR CLARIFICATION OR, IN THE ALTERNATIVE,
FOR PARTIAL RECONSIDERATION OF THE FINDINGS OF FACT,
CONCLUSIONS OF LAW, DECISION & ORDER FILED JUNE 28, 2021**

Permittee MMK Maui, LP (“MMK”) filed a Motion for Clarification or, in the Alternative, for Partial Reconsideration of the Findings of Fact, Conclusions of Law, Decision & Order filed June 28, 2021 (“MMK’s Motion”) to clarify that the 762,500 gallons per day permit granted to MMK was to be on a 12-month moving average (“12-MAV”), as indicated in the Hearing Officer’s recommended decision.

MMK’s Motion is denied. In denying MMK’s Motion the Commission affirms that it deliberately did not award any permits based on a 12-MAV in this case. The Commission notes that in an area like central Maui that is subject to drought conditions during the dry months and where there are numerous users on all of the streams, neither the streams nor the other users can afford to have any permittee using more water during the dry months when everyone needs more water.

The Commission also notes that enforcement of the interim instream flow standards and water usage by permittees is rendered nearly impossible when any permittee is using water on a 12-MAV as it is difficult to know where in the 12 month cycle a particular user is to determine if there is a violation of their permit.

DATED: Honolulu, Hawaii, Sep 22, 2021 .

Suzanne Q. Case

SUZANNE CASE, Presiding Officer
Commission on Water Resource
Management

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

On September 23, 2021, a copy of the foregoing document was posted on the Commission on Water Resource Management's website and served on the parties that have opted for electronic service.

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