

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 #4 – AMENDED  
Standards, Na Wai Eha Surface Water ) SERVICE REQUIREMENTS AND PRE-  
Management Areas of Waihee, Waiehu, Iao ) HEARING AND HEARING TIMETABLE;  
and Waikapu Streams, Maui ) CERTIFICATE OF SERVICE  
\_\_\_\_\_ )

**Minute Order #4**

**Amended Service Requirements and Pre-Hearing and Hearing Timetable**

Because many parties have been unable to meet the February 5, 2016 deadline for initial submittals due to logistical and cost constraints, the following revised timetables and submittal procedures shall be in effect. These revised timetables and procedures will take the place of the timetables and procedures that were set forth in Minute Order #3.

**Revised Service Requirements on the Commission**

Documents may be filed by either mailing or hand delivering the original and five (5) copies of the documents to the Commission on Water Resource Management (Commission) at:

**Commission on Water Resource Management  
1151 Punchbowl Street, Room 227  
Honolulu, Hawaii 96813**

The documents may initially be filed by submitting the documents electronically via email to: **kathy.s.yoda@hawaii.gov**. The original and five (5) copies must be hand delivered or mailed to the above address within five (5) business days of the documents having been filed electronically. **The original shall be two-hole punched and the five**

**(5) copies shall be three-hole punched and placed in separate three-ring binders.**

**Double sided copying is encouraged.**

All documents filed with the Commission shall be available for viewing and download on the Commission website for this case at:

<http://dlnr.hawaii.gov/cwrm/newsevents/cch/cch-ma15-01/>

Parties who have access to computers will still be required to send electronic copies of their documents to those parties that have previously indicated they are willing to receive filings electronically.

The County of Maui, Department of Water Supply through the Department of the Corporation Counsel, has agreed to have printed copies of all filed documents available for viewing at their offices located at 200 S. High Street, Wailuku, Hawaii 96793. Their offices are open from 8:30 a.m. through 4:30 p.m. Monday through Friday. The County asks that parties seeking to view these documents call in advance to assure that someone is available to assist them. The number to call is (808) 270-7740.

If a party would like a copy of specific filings, the party can either contact the party that filed the documents and request that they send a paper copy or the party can request that the Department of the Corporation Counsel make a copy for them. The Department of the Corporation Counsel will charge \$.25 per page for copies.

Service will be deemed complete upon delivery of hard copies to the Commission and, for those parties that have agreed to electronic service, completion of electronic service on the parties that have opted for electronic service. For those parties that have not agreed to electronic service, you will be responsible to review filings on the Commission website or at the County office once the deadline for filings have passed.

Allow 5 business days after the deadline for all filings to be posted or printed at the County office. If parties need other arrangements to ensure timely receipt of filed documents, contact the Commission office to discuss other options.

**Revised Timetable**

Due to the delay in service of the initial filings, the timetable will be revised to be as follows:

Deadline Date	Documents Due
March 18, 2016	Opening Brief Witness List Direct Written Witness Statements Exhibit List Exhibits
April 29, 2016 (Optional filings)	Responsive Brief Responsive Witness List Responsive Written Witness Statements Responsive Exhibit List Responsive Exhibits
May 20, 2016 (Optional filings)	Reply Brief Reply Witness List Reply Written Witness Statements Responsive Exhibit List Responsive Exhibits
Late May or Early June	Pre-Hearing Conference
July 11, 2016	Start of Contested Case Hearing

The next pre-hearing conference will be scheduled for late May or early June.

**Unsuccessful Mail Delivery to Parties**

There are several parties which were not able to be served by U.S. Mail. The revised contact information for these parties are as follows:

Koolau Cattle Company, LLC/Dwayne Betsill  
Doyle Betsill c/o Betsill Brothers  
P.O. Box 1451  
Wailuku, Hawaii 96793

teresa@bbcmaui.com

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

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

Alex Buttaro's claim is with Douglas Myers  
1299 Malaihi Road  
Wailuku, Hawaii 96793

upperwaiehu@yahoo.com

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

Please see the attached certificate that incorporates other updates to mailing and email addresses of other parties. This information can be used to contact specific parties to request copies of filings. Contact information is also available on the Commission website or on the attached certificate of service. Additional information regarding updates to the address of Ione Shimizu or any other party will be posted on the Commission website indicated above. If you need to contact these parties and do not have access to a computer, please contact the Commission and they will assist you.

DATED: Honolulu, Hawaii, \_\_\_\_\_ March 7, 2016 \_\_\_\_\_.



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

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

CERTIFICATE OF SERVICE

On March 7, 2016, a copy of the foregoing document was served on the following parties by U.S. mail, postage prepaid, or electronic service, as indicated below:

SERVICE BY MAIL

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

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

Michael Bailie  
PO Box 1433  
Wailuku, HI 96793

Vernon Bal  
230 Koeli Street  
Wailuku, HI 96793

Dorothy Bell  
1419 Nuna Place  
Waikapu, HI 96793

Alan Birnie  
175 W. Waiko Road  
Wailuku, HI 96793

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

David & Anne Brown  
2525 Kahekili Hwy.  
Wailuku, HI 93793-9233

Regino Cabacungan  
2192 Mokuhau Road  
Wailuku, HI 96793

Thomas Cerizo  
1740 Kamamalu Place  
Wailuku, HI 96793

Cordell Chang  
2315 Kahekili Hwy.  
Wailuku, HI 96793

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

Winifred and Gordon Cockett  
1159 Piihana Road  
Wailuku, HI 96793

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

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

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

Michael Doherty  
41 Waihee Valley Road  
Wailuku, HI 96793

Richard Emoto  
2032 B Ulei Lane  
Wailuku, HI 96793

Patricia Federcell  
88 S Papa Avenue, Apt. 404  
Kahului, HI 96732-3307

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

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

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

Russel Gushi  
185 West Waiko Road  
Wailuku, HI 96793

Valentine Haleakala  
2160 Puuohala Road  
Wailuku, HI 96793

Steve Haller  
1060 East Kuiaha Road  
Haiku, HI 96708

Robert Hanusa  
895 Malaihi Road  
Wailuku, HI 96793

Darrell Higa  
918 Kanakea Loop  
Lahaina, HI 96761

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

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

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

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

Ronald Jacintho  
Pohakulepo Recycling, LLC  
150 Pakana Street  
Wailuku, HI 96790

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

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

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

Kaui Kahalekai  
202 Waihee Valley Road  
Wailuku, HI 96793

Kenneth Kahalekai  
240 Waihee Valley Road  
Wailuku, HI 96793

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

Leinaala Kihm  
1415 Honua Place  
Wailuku, HI 96793

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

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

Lawrence Koki  
2585 Kahekili Highway  
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

Donald Kuemmeler  
RCFC Kehalani, LLC  
555 California Steet, Suite  
3450  
San Francisco, CA 94104

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

David & Katherine Lengkeek  
128 River Road  
Wailuku, HI 96793

Nadao Makimoto  
1480 Honoapiilani Highway  
Wailuku, HI 96793-5930

Glenn McLean  
350 West Waiko Road  
Wailuku, HI 96793

Kenneth Mendoza  
2160 B Puuohala Road  
Wailuku, HI 96793-0463

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

Elsie Miyamoto  
1455 Miloiki Street  
Honolulu, HI 96825-3229

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

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

David Niehaus  
1630 Piiholo Road  
Makawao, HI 96768

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

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

Francis Ornellas  
340 Iao Valley Road  
Wailuku, HI 96793

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

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

Milla Richardson  
94 Laukahi Street  
Kihei, HI 96753

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

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

Waldemar & Darlene Rogers  
1421 Nuna Place  
Wailuku, HI 96793

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

Noel & Katherine Texeira  
P.O. Box 2846  
Wailuku, HI 96793-7846

Peter Fritz  
107 Waihee Valley Rd.  
Wailuku, HI 96793

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

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

Alfred Santiago & Colin  
Kailiponi  
2445C Vineyard St.  
Wailuku, HI 96793

Warren Soong  
245A West Waiko Road  
Wailuku, HI 96793

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

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

Yoshie Suehiro & Natalie  
Hashimoto  
915 Malaihi Road  
Wailuku, HI 96793

Melvin Riyu & Judith  
Yamanoue  
PO Box 696  
Wailuku, HI 96793

Takitani Agaran & Jorgensen  
Wailuku Executive Center  
24 N Church Street, Ste 409  
Wailuku, HI 96793

#### ELECTRONIC SERVICE

Douglas Bell  
1420 Honua Place  
Waikapu, HI 96793

[sandi.doug@hawaiiintel.net](mailto:sandi.doug@hawaiiintel.net)

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

[teresa@bbcmaui.com](mailto:teresa@bbcmaui.com)

Francisco Cerizo  
PO Box 492  
Wailuku, HI 96793

[cerizof@gmail.com](mailto:cerizof@gmail.com)

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

[cici.chang@hawaiiintel.net](mailto:cici.chang@hawaiiintel.net)

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

[jorrieciotti@gmail.com](mailto:jorrieciotti@gmail.com)



Fred Coffey  
1271 Malaihi Road  
Wailuku, HI 96793

[hawaii50peleke@yahoo.com](mailto:hawaii50peleke@yahoo.com)

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

[jimdodd47@gmail.com](mailto:jimdodd47@gmail.com)

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

[kdehart17@gmail.com](mailto:kdehart17@gmail.com)

John V. & Rose Marie H. Duey  
Houululahui LLC  
575 A Iao Valley Rd.  
Wailuku, HI 96793  
cc: Nani Santos

[jduey@maui.net](mailto:jduey@maui.net)

[nanisantos808@gmail.com](mailto:nanisantos808@gmail.com)

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

[kanealoha808@gmail.com](mailto:kanealoha808@gmail.com)

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

[kapunafarms@gmail.com](mailto:kapunafarms@gmail.com)

Diannah Goo  
c/o April Goo  
2120 C Kahekili Hwy.  
Wailuku, HI 96793

[ag2517@aol.com](mailto:ag2517@aol.com)

Nicholas Harders on behalf of:

[waikapu@me.com](mailto:waikapu@me.com)

Karl & Lee Ann Harders  
1422 Nuna Pl.  
Wailuku, HI 96793

Theodore & Zelig Harders  
T&Z Harders FAM LTD PTNSHP  
Theodore and Zelig Harders Family Ltd. Partnership  
1415 Kilohi St.  
Wailuku, HI 96793

Greg Ibara  
227 Kawaipuna Street  
Wailuku, HI 96793

gregibara56@gmail.com

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

cmcmaui@live.com

Charlene E. and Jacob H. Kana, Sr.  
PO Box 292  
Wailuku, HI 96793

char1151@hawaii.rr.com

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

pauahi808@aol.com

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

myoheo@yahoo.com

Douglas Myers  
1299 Malaihi Road  
Wailuku, HI 96793

upperwaiehu@yahoo.com

Lorrin Pang  
166 River Road  
Wailuku, HI 96793

pangk005@hawaii.rr.com

Victor and Walette Pellegrino  
c/o Hokuao Pellegrino  
213 West Waiko Road  
Waikapu, HI 96793

hokuao.pellegrino@gmail.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 Rd.  
Wailuku, HI 96793  
waihee89@yahoo.com

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

Duke & Jean Sevilla & Christina Smith  
702 Kaae Road  
Wailuku, HI 96793  
sevillad001@hawaii.rr.com

Jeff and Ramona Lei Smith  
P.O. Box 592  
Wailuku, HI 96793  
ohianui.ohana@gmail.com

Murray and Carol Smith  
P.O. Box 11255  
Lahaina, HI 96761  
murray@jps.net

Crystal Smythe  
John Minamina Brown Trust  
727 Waivee Street, Suite 104  
Lahaina, HI 96761  
cytl@maui.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 and Leslie Vida, Jr.  
135 Pilikana Place  
Wailuku, HI 96793  
mikievida@hotmail.com

Leslie Vida, Sr.  
c/o Donna Vida  
125 Pilikana Street  
Wailuku, HI 96793  
dmlavida@yahoo.com

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

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

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

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

Colin J. Lau, Esq.  
465 S. King Street, Room 300  
Honolulu, Hawaii 96813

colin.j.lau@hawaii.gov

cc: Russell Kumabe  
Holly McEldowney

russell.p.kumabe@hawaii.gov  
holly.mcelandowney@hawaii.gov

(Department of Land and Natural Resources, Division of State Parks)

Yvonne Izu, Esq.  
Morihara Lau & Fong LLP  
400 Davies Pacific Center  
841 Bishop Street  
Honolulu, HI 96813

yizu@moriharagroup.com

cc: Garret Hew  
(Hawaiian Commercial & Sugar Co. (HC&S))

ghew@hcsugar.com

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

christina@hilt.org

cc: Scott Fisher

scott@hilt.org

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

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

(Hui O Na Wai Eha and Maui Tomorrow Foundation)

Avery & Mary Chumbley  
363 West Waiko Road  
Wailuku, HI 96793  
(Makani Olu Partners LLC)

[abc@aloha.net](mailto:abc@aloha.net)

Jodi Yamamoto, Esq.  
Wil Yamamoto, Esq.  
Yamamoto Caliboso  
1099 Alakea Street  
Suite 2100  
Honolulu, HI 96813  
(MMK Maui, LP, The King Kamehameha Golf Club, Kahili Golf Course)

[jyamamoto@ychawaii.com](mailto:jyamamoto@ychawaii.com)  
[wyamamoto@ychawaii.com](mailto:wyamamoto@ychawaii.com)

Pamela Bunn, Esq.  
Alston, Hunt, Floyd & Ing  
1001 Bishop Street, Suite 1800  
Honolulu, HI 96813  
(Office of Hawaiian Affairs)

[pbunn@ahfi.com](mailto:pbunn@ahfi.com)

Craig Nakamura, Esq.  
Catherine L.M. Hall, Esq.  
Carlsmith Ball LLP  
2200 Main Street, Suite 400  
Wailuku, HI 96793  
(Wahi Hoomalu Limited Partnership)

[cnakamura@carlsmith.com](mailto:cnakamura@carlsmith.com)  
[chall@carlsmith.com](mailto:chall@carlsmith.com)

Peter A. Horovitz, Esq.  
Kristine Tsukiyama, Esq.  
Merchant Horovitz LLLC  
2145 Wells Street, Suite 303  
Wailuku, HI 96793  
(Waikapu Properties, LLC and MTP (Maui Tropical Plantation) Operating Company, LLC)  
cc: Albert Boyce

[pah@mhmaui.com](mailto:pah@mhmaui.com)  
[kkt@mhmaui.com](mailto:kkt@mhmaui.com)

[albertboyce@gmail.com](mailto:albertboyce@gmail.com)

Brian Kang, Esq.  
Emi L.M. Kaimuloa  
Watanabe Ing, LLP  
First Hawaiian Center  
999 Bishop Street, 23rd Floor  
Honolulu, HI 96813  
(Wailuku Country Estates Irrigation Company (WCEIC))

[bkang@wik.com](mailto:bkang@wik.com)  
[ekaimuloa@wik.com](mailto:ekaimuloa@wik.com)

Paul R. Mancini, Esq.  
James W. Geiger, Esq.  
Paul Mancini, Esq.  
Mancini, Welch, & Geiger LLP  
RSK Building  
305 Wakea Avenue, Suite 200  
Kahului, HI 96732  
cc: Avery Chumbley  
(Wailuku Water Company, LLC)

pmancini@mrwlaw.com  
jgeiger@mrwlaw.com

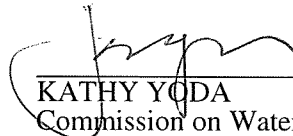
Tim Mayer, Ph.D.  
Supervisory Hydrologist  
Water Resources Branch  
US Fish and Wildlife Service  
911 NE 11<sup>th</sup> Avenue  
Portland, OR 97232-4181  
Lawrence H. Miike  
Hearings Officer  
1151 Punchbowl Street, Room 227  
Honolulu, Hawaii 96813

tim\_mayer@fws.gov

lhmiike@hawaii.rr.com

Linda L.W. Chow, Esq.  
Deputy Attorney General  
465 S. King Street, Room 300  
Honolulu, Hawaii 96813

linda.l.chow@hawaii.gov

  
KATHY YODA  
Commission on Water Resource Management