WAILUKU COUNTRY ESTATES COMMUNITY ASSOCIATION

c/o
Maui Land Broker and Property Management, Inc.
P. O. Box 400
Wailuku, HI 96793
808.214.6526
Fax: 808.242.1478
blackburj004@hawaii.rr.com

April 22, 2009

Commission on Water Resource Management
SWUPA-E
P.O. Box 621
Honolulu, HI 96809

Dear Commissioners,

Wailuku Country Estates Irrigation Company (WCEIR) supplies water to the Common areas of Wailuku Country Estates Community Association (WCECA).

Existing use to date for the entire subdivision is about 369,659 gallons per day. **Use for common areas is about 158,768 gallons per day** and use for lot owners is about 210,890 gallons per day. Common area use of 158,768 gallons per day is **high** as WCEIR has had problems with faulty owner meter readings (meters broken and do not record use properly) and a couple of irrigation line breaks that makes the common area daily use number higher than actual use. Line breaks and sub meter reading problems are being worked on to ensure conservation of irrigation water.

The irrigation of common areas of the subdivision consists of about 32.5 acres of property which includes the park of 2.5 acres, about 6 miles of roadway with a 24' setback on the Mauka side of the roadways and a 9.5 setback on the Makai side of the roadways for about 20 acres, in lot drainage swales of nine acres and the one acre in retention basins. These areas require irrigation so that vegetation will hold down matting to keep the drainage swales intact during water flow. WCECA does not have gallons per day breakdown for the park, roadways or in lot swales. The only part of the common area with a separate meter is the park and we do have readings for the entire time frame from May 2007 to April 2008. We do not have a meter for the common areas and the owners and the common areas are fed off the same irrigation line. The 158,768 gallons per day number was gotten by subtracting of the total of the owners meters from the total usage provided by Wailuku Water Company. This owner's gallon per day number was then divided by the total use number of 369,659 to get a percent (.4295) which was used to get the common area gallons per day. These in lot irrigation swales are required for control of flooding within and outside of Wailuku Country Estates. Without irrigation water the drainage swales would meet the requirement for vegetation to hold down the irrigation matting, this could impair the drainage swales capacity and structure which could flood Kahekili Highway or the Happy Valley Area. The total acreage difference between the owners of 420.709 acres and total subdivision of 470 acres in the irrigated common areas of 32.5 acres and the asphalt roadways of about 16.79 acres.

EXHIBIT NO.
2189 WCEIC - 1

It would be very difficult for the WCEIR to allocate different amounts of water to each of the 184 homeowners within the subdivision **and the common areas. We have no means to regulate common area use, but can monitor use by subtraction of the meter readings of the 184 lots from the metered total use for the subdivision. Existing use is 369,659 gallon per day with 210,890 going to homeowners and 158,768 going to common areas.**

Sincerely Yours,

Joseph G. Blackburn II
Managing Agent
Wailuku Country Estates Community Association
PO Box 400
Wailuku, HI 96793

ORIGINAL

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

APPLICATION FOR SURFACE WATER USE PERMIT FOR *EXISTING USE* IN THE NA WAI EHA, MAUI, SURFACE WATER MANAGEMENT AREAS

FORM SWUPA-E (NA WAI EHA, MAUI)

For detailed instructions on filling out this application, refer to the attached instructions.

For Official Use Only:
RECEIVED
COMMISSION ON WATER RESOURCE MANAGEMENT
2009 APR 24 AM 7:52

Event ID:

APPLICANT INFORMATION: Note: In accordance with §174C-51(1)(B), HRS, *In the event a lessee, licensee, developer, or any other person with a terminable interest or estate in the land, which is the water source of the permitted water, applies for a water permit, the landowner shall also be stated as a joint applicant for the water permit.*

1. APPLICANT'S NAME	Applicant's Contact	2. SOURCE LANDOWNER'S NAME	Source Landowner's Contact
Wailuku Country Estates Community Association	Joseph G. Blackburn II	Wailuku Water Company	Clayton Suzuki

Applicant's Mailing Address, or Principal Place of Business	Source Landowner's Mailing Address, or Principal Place of Business
c/o Maui Land Broker and Property Management, Inc. PO Box 400, Wailku, HI 96793	255 East Waiko Road Wailuku, HI 96793

Applicant's Phone	Applicant's Fax	Applicant's E-mail	Source Landowner's Phone	Source Landowner's Fax	Source Landowner's E-mail
808 214-6526	808 442-4029	Blackburj004@hawaii.rr.com	808 244-2208	808 242-7068	csuzuki@wailukuwate

EXISTING SOURCE INFORMATION

The following must be attached before this application is accepted as complete:
- Portion of 7.5-Minute Series USGS topographic map (scale 1:24,000) labeled with stream and diversion locations and quad map name.
- Property Tax Map Key (TMK), showing stream or diversion location, and location of water use referenced to established property boundaries.
- Photograph(s) of the surface water diversion works and end use.

3. SURFACE WATER HYDROLOGIC UNIT AND CODE: ☐ Waihee/6022 ☐ Waiehu/6023 ☒ Iao/6024 ☐ Waikapu/6001

4a. TMK OF STREAM DIVERSION LOCATION: 3 (Zone) - 3 (Sector) - 3 (Plat) : 3 (Parcel)

4b. TMK OF DITCH DIVERSION LOCATION: 3 (Zone) - 3 (Sector) - 2 (Plat) : 1 (Parcel)

5. STREAM DIVERSION: How is water diverted from the stream to your property? Check all that apply.

☒ Pipe ☒ Pump ☒ Ditch/auwai ☒ Other Describe: Reservoir

Is the diverted water returned to the stream or ditch? ☐ Yes. ☒ No. If yes, how much water is returned?

6. FLOW MEASUREMENT INFORMATION:

Does the stream diversion have a flowmeter with totalizer or other device to measure diverted amounts?

☒ Yes. Enter the installation date: Iao/6024 Unknown

Describe the device and enter measured amounts in Table 1. Weir with 24 Hour Gauge

☒ No. Explain how you are measuring flow to justify amounts shown in Table 1 in the space below

Twelve inch, McCrometer Water Meter, Serial #08-04492, Installed 11/2003

EXISTING USER INFORMATION

7. APPURTENANT RIGHT: Do you claim an appurtenant right for your water use? ☐ Yes ☒ No

If yes, has the appurtenant right been established by the courts or the Commission? ☐ Yes ☐ No

8. END USER INFORMATION: Are you an end user on an existing water system? ☒ Yes ☐ No

If yes, who is the operator of the water system? Wailuku Water Company

9. REGISTRATION AND DECLARATION OF WATER USE: Do you have a Registration and Declaration of Water Use with the Commission?

☒ Yes. List the file reference name(s): Wailuku Agribusiness

☐ No

10. STREAM DIVERSION WORKS PERMIT (SDWP):

Have you ever been issued a SDWP by the Commission?

☐ Yes. List the permit number(s):

☒ No

NOTE: Signing below indicates that the signatories understand and affirm that the information provided on this application is accurate and true to the best of their knowledge. Furthermore, the signatories understand that: 1) if necessary, further information may be required before the application is considered complete; 2) if a water use permit is granted by the Commission, this permit will be subject, but not limited, to any existing legal uses, changes in sustainable yields and instream flow standards, Hawaiian Home Lands uses, and any other conditions imposed by the Commission; and 3) **the applicant is responsible for paying the required public notice fees associated with this application.**

11. APPLICANT		12. SOURCE LANDOWNER	
Signature		Signature	
Joseph G. Blackburn II	April 22, 2009		
Print	Date	Print	Date

EXHIBIT NO.
2189 WCEIC - 2

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	240,840	☐	☒	☐	☐	.4295 of Metered Daily Use of 560,746
June 2007	294,573	☐	☒	☐	☐	.4295 of Metered Daily Use of 685,852
July 2007	286,140	☐	☒	☐	☐	.4295 of Metered Daily Use of 666,271
August 2007	208,269	☐	☒	☐	☐	.4295 of Metered Daily Use of 484,910
September 2007	191,194	☐	☒	☐	☐	.4295 of Metered Daily Use of 445,154
October 2007	163,271	☐	☒	☐	☐	.4295 of Metered Daily Use of 380,141
November 2007	101,920	☐	☒	☐	☐	.4295 of Metered Daily Use of 237,299
December 2007	30,954	☐	☒	☐	☐	.4295 of Metered Daily Use of 72,070
January 2008	90,423	☐	☒	☐	☐	.4295 of Metered Daily Use of 210,531
February 2008	69,963	☐	☒	☐	☐	.4295 of Metered Daily Use of 162,894
March 2008	136,404	☐	☒	☐	☐	.4295 of Metered Daily Use of 317,587
April 2008	91,270	☐	☒	☐	☐	.4295 of Metered Daily Use of 212,502
SUM OF AVERAGE DAILY USE FOR THE MONTH	1,905,220	**GPD**				
AVERAGE DAILY USE (Average of the above)	158,768	**GPD**				

The metered daily use was 369,658 per Wailuku Water Company and using Owner Meter Readings the Average Daily Use for the Owners was 210,890 leaving estimated 158,768 for Common

Using .4295 as an estimated percentage to get common area gallons per day from total readings. .4295 is percentage when owner use of 210,890 is calculated against total use of 369,658.

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		**GPD**		
Uses that **do not** require potable water									
IRRLA	3 - 3 - 017 : ___ Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	158768	Yes	32.5	
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL NON-POTABLE USE	158768	**GPD**		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	158768	**GPD**		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : (Zone - Sector - Plat : Parcel)	Grass	420.708	32.5	May	April	Multiple Sprinklers	Other-Timer, Manual, As Needed
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
3 - - : (Zone - Sector - Plat : Parcel)							
3 - - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 4: ALTERNATIVES ANALYSIS

	Potable Alternatives Attach additional sheets if necessary.	**Non-Potable Alternatives** Attach additional sheets if necessary.
Municipal sources	No, per agreement between the County of Maui Department of Water Supply and CGM, LLC the developer limiting water use to Portabel at a maximum of 540 Gallons a day, Dated December 26, 2006	No, per agreement between the County of Maui Department of Water Supply and CGM, LLC the developer limiting water use for Portablel at a maximum of 540 Gallons a day, Dated December 26, 2006
Wastewater reuse	The Kahului Wastewater Treatment plant has no feeder lines in the area, the cost to install a distribution line from the treatment plant to Wailuku's Ditch System is cost prohibitive	The Kahului Wastewater Treatment plant has no feeder lines in the area, the cost to install a distribution line from the treatment plant to Wailuku's Ditch System is cost prohibitive
Ditch system	No, Per Agreement between Wailuku Country Estates Irrigation Company and Wailuku Agribusiness Dated August 30, 2002. Section 5.3 Reservation of Wailuku's Rights. The WCEIR or any owners of WCEAS cannot take water out of the Spreckels or Waihee Irrigation Ditches	Per Agreement between Wailuku Country Estates Irrigation Company and Wailuku Agribusiness Dated August 30, 2002. Section 5.3 Reservation of Wailuku's Rights. The WCEIR or any owners of WCEAS cannot take water out of the Spreckels or Waihee Irrigation Ditches
Desalinization	No salt water near property.	No, no salt water near property
Ground water	No, Per Agreement between Wailuku Country Estates Irrigation Company and Wailluku Agribusiness, Dated August 30, 2002. Section. 3.8 No pumping of ground water.	No, Per Agreement between Wailuku Country Estates Irrigation Company and Wailluku Agribusiness, Dated August 30, 2002. Section. 3.8 No pumping of ground water
Other (specify)	Storm Water reclamation has no facilities as of this date	Storm Water reclamation has no facilities as of this date

PUBLIC INTEREST

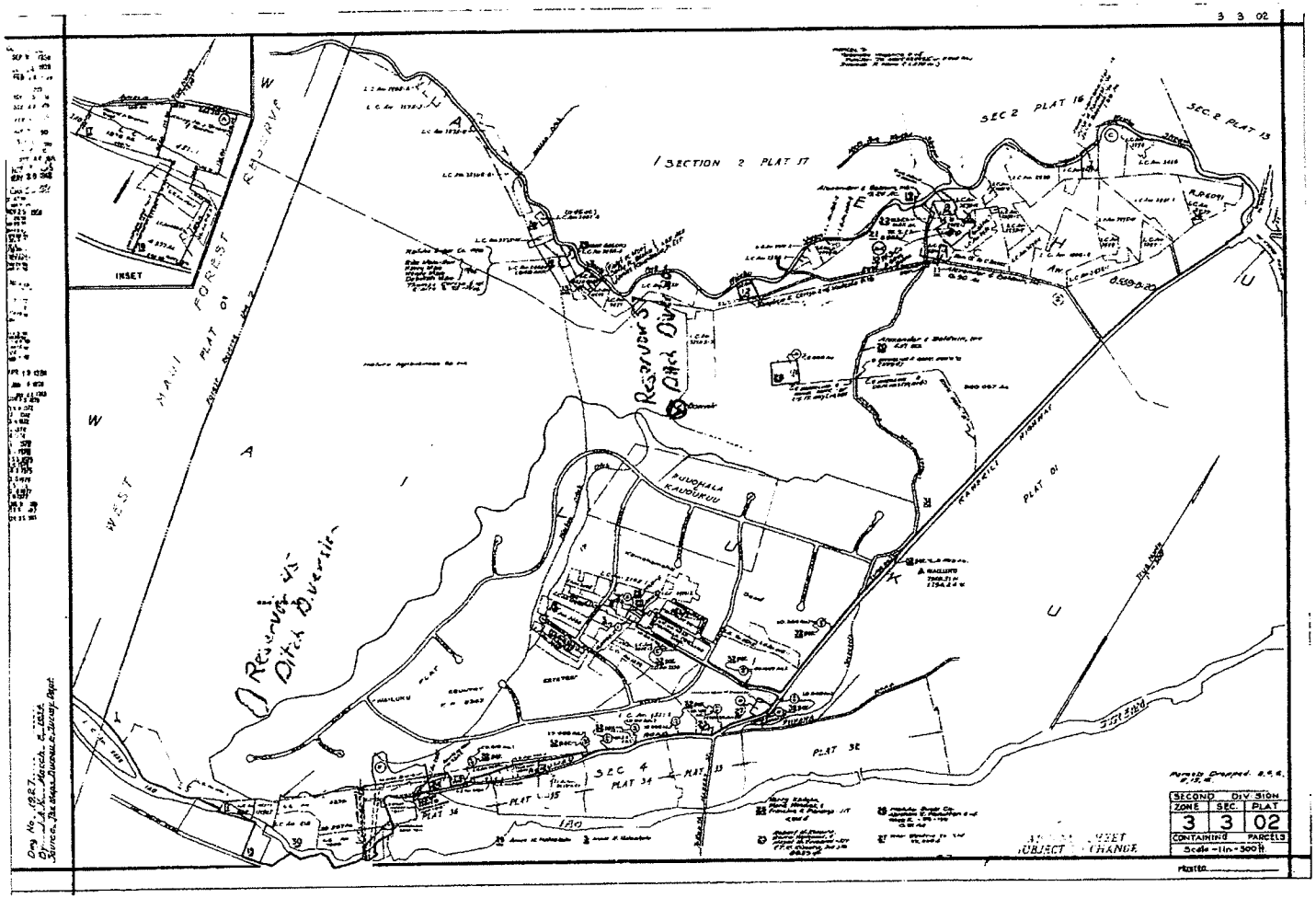
§174C-2(c) states that: *The state water code shall be liberally interpreted to obtain maximum beneficial use of the waters of the State for purposes such as domestic uses, aquaculture uses, irrigation and other agricultural uses, power development, and commercial and industrial uses. However, adequate provision shall be made for the protection of traditional and customary Hawaiian rights, the protection and procreation of fish and wildlife, the maintenance of proper ecological balance and scenic beauty, and the preservation and enhancement of waters of the State for municipal uses, public recreation, public water supply, agriculture, and navigation. Such objectives are declared to be in the public interest.*

Explain below how the uses in your application are consistent with the public interest as described above. Attach additional sheets if necessary.
SEE REMARKS ON ADDITIONAL SHEETS.....

Existing Use Public Interest Statement Wailuku Country Estates Community Association: Surface Water Use Permit Application Existing Use (Na Wai Eha, Maui)

Wailuku Country Estates Irrigation Company (WCEIR) supplies water consistent with the Public Interest under Hawaii Revised Statues (HRS) 174-2(c) to the Common areas of Wailuku Country Estates Community Association (WCECA). WCECA is an agricultural subdivision. WCECA meets the reasonable-beneficial use standard which implies the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is both reasonable and consistent with the state and county land use plans and the public interest. The irrigation of the Common areas of WCECA is necessary for both the scenic beauty of the subdivision and protection of the areas surrounding the subdivision along with the subdivision itself. The drainage system was designed by Warren Unemori Engineering, Inc. to provide for adequate drainage for up to a 100 year flood. The system of grass swales requires vegetation to hold the matting in place. This is a unique drainage system in that there are few pipes and cement lines systems. The system relies upon vegetation to hold the matting in place for the drainage swales along the roadway and the in lot swales. Without this vegetation the drainage system could fail with flooding of KaheKili Highway and/or Happy Valley. The irrigation of the common areas is necessary to preserve the drainage system that protects homeowners and the surrounding neighbors.

There is no potable water system for the irrigation of common areas.


3 3 02
SECTION 2 PLAT 17
SEC 2 PLAT 16
SEC. 2 PLAT 13
INSET
WEST MAUI FOREST RESERVE
PLAT 01
Reservoir 5 Ditch Diversion
Reservoir 45 Ditch Diversion
KAUOHALA KAUOUKUU
PLAT 01
PLAT 32
SEC 4
PLAT 34
PLAT 36
SECOND DIVISION
ZONE 3
SEC. 3
PLAT 02
CONTAINING PARCELS
Scale - 1in - 500ft.
PRINTED

Reservoir Intakes for Surface Water Permit Application Existing and New Use: (NA WAI EHA, MAUI)

Wailuku Country Estates Irrigation Company Existing Use
Wailuku Country Estates Community Association
Wailuku Country Estates Irrigation Company New Use

Intakes for Wailuku Country Estates

Just above intakes

Checking intakes for dirt and debris

Na Wai Existing Use Application: Wailuku Country Estates Common Area Pictures

In lot Swale for Drainage by Lot 49

Example of 24' Drainage Swale off Roads

Example of 24' Drainage Swale off Roads

In Lot Drainage Swale, cleared and Grassed

Large Drainage Pipe feeding in lot swale

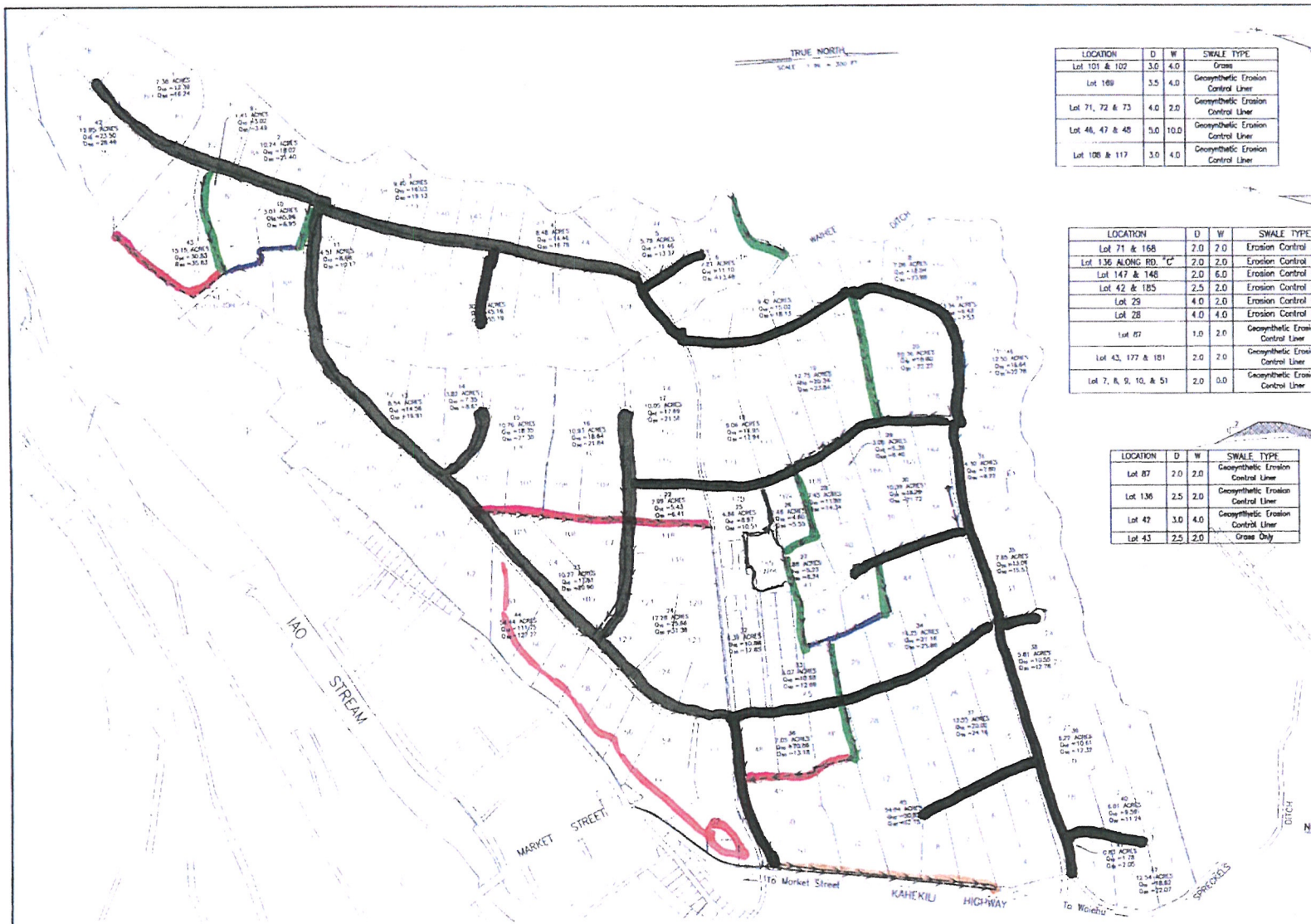
Example of 9' drainage setback off roads

9' drainage setback off road

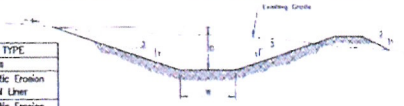
24' Drainage swale off road

24' drainage swale off road

Overgrown in lot drainage swale

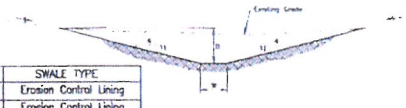


LOCATION	D	W	SWALE TYPE
Lot 101 & 102	3.0	4.0	Grass
Lot 169	3.5	4.0	Geosynthetic Erosion Control Liner
Lot 71, 72 & 73	4.0	2.0	Geosynthetic Erosion Control Liner
Lot 46, 47 & 48	5.0	10.0	Geosynthetic Erosion Control Liner
Lot 108 & 117	3.0	4.0	Geosynthetic Erosion Control Liner



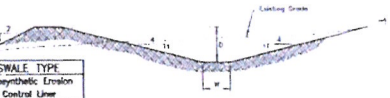
TYPE "A" SWALE
SCALE: 1/4" = 1'-0"

LOCATION	D	W	SWALE TYPE
Lot 71 & 168	2.0	2.0	Erosion Control Lining
Lot 136 ALONG RD. "C"	2.0	2.0	Erosion Control Lining
Lot 147 & 148	2.0	6.0	Erosion Control Lining
Lot 42 & 185	2.5	2.0	Erosion Control Lining
Lot 29	4.0	2.0	Erosion Control Lining
Lot 28	4.0	4.0	Erosion Control Lining
Lot 157	1.0	2.0	Geosynthetic Erosion Control Liner
Lot 43, 177 & 181	2.0	2.0	Geosynthetic Erosion Control Liner
Lot 7, 8, 9, 10, & 51	2.0	0.0	Geosynthetic Erosion Control Liner



TYPE "B" SWALE
SCALE: 1/4" = 1'-0"

LOCATION	D	W	SWALE TYPE
Lot 87	2.0	2.0	Geosynthetic Erosion Control Liner
Lot 136	2.5	2.0	Geosynthetic Erosion Control Liner
Lot 42	3.0	4.0	Geosynthetic Erosion Control Liner
Lot 43	2.5	2.0	Grass Only



TYPE "C" SWALE
SCALE: 1/4" = 1'-0"

LEGEND:

- TYPE "A" SWALE
- TYPE "B" SWALE
- TYPE "C" SWALE
- SPECIAL CONDITION ROAD "G" (SEE SHT. 3.02)
- SPECIAL CONDITION ROAD "H" (SEE SHT. 3.02)
- TYP. ROADWAY SWALE (SEE SHT. 3.02)

NOTES:

1. FOR SWALE DESIGN PARAMETERS, SEE SHT. 3.03
2. FOR ROADWAY SWALE LOCATION, SEE SHTS. 5.01 - 5.30
3. FOR ROADWAY SWALE PARAMETERS, SEE SHTS. 3.01 & 3.02
4. FOR DIVERSION SWALES AT TANK SITES, SEE SHTS. 12.02 & 12.03

"RECORD DRAWINGS"

LETTER	DESCRIPTION	DATE
	"RECORD DRAWINGS"	8-25-04
2	Added Sheet to Be Entirely	12/24/02

DARREN T. UNEMORI LICENSED PROFESSIONAL ENGINEER NO. 7637-C HAWAII U.S.A.

SIGNATURE DATE

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND CONSTRUCTION OF THIS PROJECT WILL BE UNDER MY SUPERVISION AS DEFINED IN SECTION 16-115-1 OF THE HAWAII ADMINISTRATIVE RULES FOR PROFESSIONAL ENGINEERS, ARCHITECTS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS"

WARREN S. UNEMORI ENGINEERING, INC.
CIVIL & STRUCTURAL ENGINEERS/LAND SURVEYORS
WELLS STREET PROFESSIONAL CENTER SUITE 403
2145 WELLS STREET, WAILUKU, MAUI, HAWAII 96793

WAILUKU COUNTRY ESTATES
WAILUKU MAUI HAWAII

TITLE OFF-ROAD SWALE LAYOUT

DRAWN BY D.T.U.	DESIGNED BY D.T.U.	JOB NUMBER 95049	SHEET 3.04
CHECKED BY L.C.D.	APPROVED BY W.S.U.		
SCALE AS NOTED		DATE Dec. 24, 2002	OF SHEETS

WAILUKU COUNTRY ESTATES IRRIGATION COMPANY

c/o
Maui Land Broker and Property Management, Inc.
P. O. Box 400
Wailuku, HI 96793
808.214.6526
Fax: 808.242.1478
blackburj004@hawaii.rr.com

April 22, 2009

Commission on Water Resource Management

SWUPA-E

P.O. Box 621

Honolulu, HI 96809

Dear Commissioners,

Wailuku Country Estates Irrigation Company (WCEIR) serves the Wailuku Country Estates Community Association (WCECA) subdivision which consists of 184 agricultural lots between the sizes of 2 to 3.9 acres in size for a total of about 420 acres for the 184 lots. The total subdivision is about 470 acres in size, consisting of roadway lots of about 16.80 acres, a 2.125-acre exclusion lot, a 2.5-acre community park, 20 acres of common roadway irrigation area, which is the 9' or 23.5'-grass setback from the roads, and 10 Acres of in-lot drainage swales and retention basins. The Land Study Land Bureau's detailed land classification has a productivity rating of Class B and C for a predominance of lots within the subdivision.

Non-Potable water is limited to a maximum use of 1,000,000 million gallons per day in Water Delivery Agreement dated August 30, 2002 between Wailuku Agribusiness Co., Inc and Wailuku Country Estates Irrigation Company. A minimum charge is paid each quarter in advance equivalent to 50% of the maximum delivery amount or 500,000 gallons. Wailuku Water Company is charging WCEIR $0.90 Cents per one thousand gallons of water. Our minimum payments are about $38,441.25 per quarter. The WCECA through the WCEIR limits owner use to 80,000 gallons per month or about 2,666 gallons per day. At one million gallons of water per day the WCECA has determined a maximum use per owner of 4,800 gallons per day. That would leave 116,800 gallons for common area irrigation. The WCEIR is charging $95.00 per month to each owner for a minimum delivery of 2666 gallons per day or 80,000 gallons per

EXHIBIT NO.
2189 WCEIC - 3

month. Any amount over this is charged at $2.00 dollars per thousand gallons. This is to encourage conservation of our irrigation water. You can see the amount of water used by the subdivision has decreased even though more owners are growing plants. The existing use period was from May 2007 to April 2008, but as you will see in our pictures and new use applications that many of our owners have increased agricultural use of their property.

Of the one million gallons of water per day that can be used by WCEIR, 150,000 gallons should be set aside for common areas and in lot drainage swales. This includes the irrigation of common areas of the subdivision which consist of about 32.5 acres of property which includes the park of 2.5 acres, roadway with a 24' setback on the Mauka side of the roadways and a 9.5 setback on the Makai side of the roadways for about 20 acres, in lot drainage swales of nine acres and the one acre in retention basins that require irrigation so that vegetation will hold down matting to keep the drainage swales intact during water flow. These in lot irrigation swales are required for control of flooding within and outside of Wailuku Country Estates. Existing use to date for the entire subdivision is about 369,659 gallons per day. Use for common areas is about 158,768 gallons and use for lot owners is about 210,890 gallons per day. Common area use of 158,768 gallons per day is high as WCEIR has had problems with faulty owner meter readings (meters broken and not recording use properly) and a couple of irrigation line breaks that makes the common area daily use number higher than actual use. Line breaks and sub meter reading problems are being worked on to ensure conservation of irrigation water. About 120 owners are now using about 210,890 gallons per day to irrigate about 98.75 acres for an average use of 2135 gallons per acre per day. The subdivision has about 420 acres of agricultural land individually owned. New use is expected to increase the amount of land under agricultural use by 220.50 acres for a total of 319.25 acres of land being used for agricultural purposes.

It would be very difficult for the WCEIR to allocate different amounts of water to each of the 184 homeowners within the subdivision. Each of the 184 lots has a non-potable meter to monitor use; the meter does not regulate use. If WCEIR had to provide different amounts of water to each homeowner, the accounting and billing process would be extremely cumbersome. WCEIR by contract pays for 500,000 gallons a day of water as a minimum charge, whether or not the water is used. WCEIR must also pay the going rate charged for any use over 500,000 gallons. That rate is currently frozen by the Public Utilities Commission at $.90 cents per thousand gallons. The contract with Wailuku Water Company calls for a rate that is equivalent to the County of Maui agricultural rate which is now at $1.00 per thousand gallons.

The WCEIR asks that the State Commission on Water Resources allocate a total amount of gallons per day of Non-Potable for Wailuku Country Estates. The contract with Wailuku Water Company can deliver a maximum of 1,000,000 gallons per day and

WCEIR pays for a minimum of 500,000 gallons per day. Agricultural use of irrigation water will increase within the subdivision as more owners move onto their property and start agricultural activities. Also many owners now living on their property are expanding their agricultural use. Other owners have orchards that will require more irrigation water in the future. The WCECA has limited each homeowner to 2,666 gallons per day to encourage conservation of water. Right now about 120 owners have existing use and through conservation **existing use is about 210,890 gallons a day or about 1757 gallons per owner per day of the 120 lots using irrigation water,** with an acreage amount of about 2135 gallons per day for land in agricultural use. New use would increase irrigation water use by 511,700 gallons per day for 220.50 acres or 2321 gallons per acre. With new use and increase of existing uses, irrigation water consumption totals about 722,590 gallons per day for owners, which average out to 2263 gallons per acre. Add in the 150,000 gallons for common areas for a total 872,590 gallons per day for irrigation water for the subdivision. **Existing use is 369,659 gallons per day with 210,890 going to 120 homeowners** and 158,768 going to common areas.

We would like to ask the State Commission on Water Resource Management to allocate 872,590 gallons per day for all 184 homeowners served by the Wailuku Country Estates Irrigation Company and irrigation of the Wailuku Country Estates Community Association Common Areas. Please realize many of the homeowners are planting and growing agricultural crops and this will increase in the future. This is what many of us have worked for all our lives, an agricultural subdivision where we can grow crops and raise livestock.

Sincerely Yours,

Joseph G. Blackburn II

Managing Agent

Wailuku Country Estates Irrigation Company

PO Box 400

Wailuku, HI 96793

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

APPLICATION FOR SURFACE WATER USE PERMIT FOR *EXISTING USE* IN THE NA WAI EHA, MAUI, SURFACE WATER MANAGEMENT AREAS

FORM SWUPA-E (NA WAI EHA, MAUI)

For detailed instructions on filling out this application, refer to the attached instructions.

For Official Use Only:
RECEIVED
COMMISSION ON WATER
RESOURCE MANAGEMENT
2009 APR 24 AM 7:55

Event ID:

APPLICANT INFORMATION: Note: In accordance with §174C-51(1)(B), HRS, *In the event a lessee, licensee, developer, or any other person with a terminable interest or estate in the land, which is the water source of the permitted water, applies for a water permit, the landowner shall also be stated as a joint applicant for the water permit.*

1. APPLICANT'S NAME	Applicant's Contact	2. SOURCE LANDOWNER'S NAME	Source Landowner's Contact
Wailuku Country Estates Irrigation Company	Joseph G. Blackburn II	Wailuku Water Company	Clayton Suzuki

Applicant's Mailing Address, or Principal Place of Business	Source Landowner's Mailing Address, or Principal Place of Business
c/o Maui Land Broker and Property Management, Inc. PO Box 400, Wailku, HI 96793	255 East Waiko Road Wailuku, HI 96793

Applicant's Phone	Applicant's Fax	Applicant's E-mail	Source Landowner's Phone	Source Landowner's Fax	Source Landowner's E-mail
808 214-6526	808 442-4029	Blackburj004@hawaii.rr.com	808 244-2208	808 242-7068	csuzuki@wailukuwate

EXISTING SOURCE INFORMATION

The following must be attached before this application is accepted as complete:
- Portion of 7.5-Minute Series USGS topographic map (scale 1:24,000) labeled with stream and diversion locations and quad map name.
- Property Tax Map Key (TMK), showing stream or diversion location, and location of water use referenced to established property boundaries.
- Photograph(s) of the surface water diversion works and end use.

3. SURFACE WATER HYDROLOGIC UNIT AND CODE: ☐ Waihee/6022 ☐ Waiehu/6023 ☒ Iao/6024 ☐ Waikapu/6001

4a. TMK OF STREAM DIVERSION LOCATION: 3 (Zone) - 3 (Sector) - 3 (Plat) : 3 (Parcel)

4b. TMK OF DITCH DIVERSION LOCATION: 3 (Zone) - 3 (Sector) - 2 (Plat) : 1 (Parcel)

5. STREAM DIVERSION: How is water diverted from the stream to your property? Check all that apply.

☒ Pipe ☒ Pump ☒ Ditch/auwai ☒ Other Describe: Reservoir

Is the diverted water returned to the stream or ditch? ☐ Yes. ☒ No. If yes, how much water is returned?

6. FLOW MEASUREMENT INFORMATION:

Does the stream diversion have a flowmeter with totalizer or other device to measure diverted amounts?

☒ Yes. Enter the installation date: Iao/6024 Unknown

Describe the device and enter measured amounts in Table 1. Weir with 24 Hour Gauge

☒ No. Explain how you are measuring flow to justify amounts shown in Table 1 in the space below

Twelve inch, McCrometer Water Meter, Serial #08-04492, Installed 11/2003

EXISTING USER INFORMATION

7. APPURTENANT RIGHT: Do you claim an appurtenant right for your water use? ☐ Yes ☒ No

If yes, has the appurtenant right been established by the courts or the Commission? ☐ Yes ☐ No

8. END USER INFORMATION: Are you an end user on an existing water system? ☒ Yes ☐ No

If yes, who is the operator of the water system? Wailuku Water Company

9. REGISTRATION AND DECLARATION OF WATER USE: Do you have a Registration and Declaration of Water Use with the Commission?

☒ Yes. List the file reference name(s): Wailuku Agribusiness

☐ No

10. STREAM DIVERSION WORKS PERMIT (SDWP):

Have you ever been issued a SDWP by the Commission?

☐ Yes. List the permit number(s):

☒ No

NOTE: Signing below indicates that the signatories understand and affirm that the information provided on this application is accurate and true to the best of their knowledge. Furthermore, the signatories understand that: 1) if necessary, further information may be required before the application is considered complete; 2) if a water use permit is granted by the Commission, this permit will be subject, but not limited, to any existing legal uses, changes in sustainable yields and instream flow standards, Hawaiian Home Lands uses, and any other conditions imposed by the Commission; and 3) **the applicant is responsible for paying the required public notice fees associated with this application.**

11. APPLICANT	12. SOURCE LANDOWNER
Signature	Signature
Joseph G. Blackburn II — Print	Print
April 22, 2009 — Date	Date

EXHIBIT NO.
2189 WCEIC - 4

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	319906	☒	☐	☐	☐	
June 2007	391279	☒	☐	☐	☐	
July 2007	380077	☒	☐	☐	☐	
August 2007	276641	☒	☐	☐	☐	
September 2007	253960	☒	☐	☐	☐	
October 2007	216870	☒	☐	☐	☐	
November 2007	135379	☒	☐	☐	☐	
December 2007	41116	☒	☐	☐	☐	
January 2008	120108	☒	☐	☐	☐	
February 2008	92931	☒	☐	☐	☐	
March 2008	181183	☒	☐	☐	☐	
April 2008	121232	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	2530683	**GPD**				
AVERAGE DAILY USE (Average of the above)	210890	**GPD**				

The metered daily use was 369,658 per Wailuku Water Company and using Owner Meter Readings the Daily Use for the Owners was 210,890 1 leaving 158,768 for Common Areas.

Using .5705 as a percentage, estimated owners monthly use. Gallons per day was gotten from owner meter readings. See owners existing use spreadsheet.

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	125328	Yes	50.25	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
AGRON	3 - 3 - 017 : Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	20449	Yes	7.75	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
AGRLI	3 - 3 - 017 : Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	1640	Yes	2.0	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
IRRLA	3 - 3 - 017 : Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	63473	Yes	38.75	See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	210895	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	210895	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : (Zone, Sector, Plat, Parcel)	Vegetables	420.708	12	May	April	Other-Multiple Systems	Other-Timer, Manual, As Needed
3 - 3 - 017 : (Zone, Sector, Plat, Parcel)	Orchard	420.708	8.0	May	April	Other-Multiple Systems	Other-Timer, Manual, As Needed
3 - 3 - 017 : (Zone, Sector, Plat, Parcel)	Bananas	420.708	14.25	May	April	Other-Multiple Systems	Other-Timer, Manual, As Needed
3 - 3 - 017 : (Zone, Sector, Plat, Parcel)	Papaya	420.708	3.25	May	April	Other-Multiple Systems	Other-Timer, Manual, As Needed
3 - 3 - 017 : (Zone, Sector, Plat, Parcel)	Macadamia Nuts	420.708	9.5	May	April	Other-Multiple Systems	Other-Timer, Manual, As Needed
3 - 3 - 017 : (Zone, Sector, Plat, Parcel)	Dry Land Taro	420.708	1	May	April	Other-Multiple Systems	Other-Timer, Manual, As Needed
3 - 3 - 017 : (Zone, Sector, Plat, Parcel)	Nursey	420.708	7.75	May	April	Other-Multiple Systems	Other-Timer, Manual, As Needed
3 - 3 - 017 : (Zone, Sector, Plat, Parcel)	Turf Grass	420.708	2.25	May	April	Other-Multiple Systems	Other-Timer, Manual, As Needed
3 - 3 - 017 : (Zone, Sector, Plat, Parcel)	Landscape	420.708	38.75	May	April	Other-Multiple Systems	Other-Timer, Manual, As Needed
3 - 3 - 017 : (Zone, Sector, Plat, Parcel)	Livestock	420.708	2	May	April	Other-Multiple Systems	Other-Timer, Manual, As Needed

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 4: ALTERNATIVES ANALYSIS

	Potable Alternatives Attach additional sheets if necessary.	**Non-Potable Alternatives** Attach additional sheets if necessary.
Municipal sources	No, per agreement between the County of Maui Department of Water Supply and CGM, LLC the developer limiting water use to Portabel at a maximum of 540 Gallons a day, Dated December 26, 2006	No, per agreement between the County of Maui Department of Water Supply and CGM, LLC the developer limiting water use for Portablel at a maximum of 540 Gallons a day, Dated December 26, 2006
Wastewater reuse	The Kahului Wastewater Treatment plant has no feeder lines in the area, the cost to install a distribution line from the treatment plant to Wailuku's Ditch System is cost prohibitive	The Kahului Wastewater Treatment plant has no feeder lines in the area, the cost to install a distribution line from the treatment plant to Wailuku's Ditch System is cost prohibitive
Ditch system	No, Per Agreement between Wailuku Country Estates Irrigation Company and Wailuku Agribusiness Dated August 30, 2002. Section 5.3 Reservation of Wailuku's Rights. The WCEIR or any owners of WCEAS cannot take water out of the Spreckels or Waihee Irrigation Ditches	Per Agreement between Wailuku Country Estates Irrigation Company and Wailuku Agribusiness Dated August 30, 2002. Section 5.3 Reservation of Wailuku's Rights. The WCEIR or any owners of WCEAS cannot take water out of the Spreckels or Waihee Irrigation Ditches
Desalinization	No salt water near property.	No, no salt water near property
Ground water	No, Per Agreement between Wailuku Country Estates Irrigation Company and Wailluku Agribusiness, Dated August 30, 2002. Section. 3.8 No pumping of ground water.	No, Per Agreement between Wailuku Country Estates Irrigation Company and Wailuku Agribusiness, Dated August 30, 2002. Section. 3.8 No pumping of ground water
Other (specify)	Storm Water reclamation has no facilities as of this date	Storm Water reclamation has no facilities as of this date

PUBLIC INTEREST

§174C-2(c) states that: *The state water code shall be liberally interpreted to obtain maximum beneficial use of the waters of the State for purposes such as domestic uses, aquaculture uses, irrigation and other agricultural uses, power development, and commercial and industrial uses. However, adequate provision shall be made for the protection of traditional and customary Hawaiian rights, the protection and procreation of fish and wildlife, the maintenance of proper ecological balance and scenic beauty, and the preservation and enhancement of waters of the State for municipal uses, public recreation, public water supply, agriculture, and navigation. Such objectives are declared to be in the public interest.*

Explain below how the uses in your application are consistent with the public interest as described above. Attach additional sheets if necessary.
SEE REMARKS ON ADDITIONAL SHEETS.....

Wailuku Country Estates Irrigation Company Existing Use Public Interest Statement: Surface Water Use Permit Application Existing Use (Na Wai Eha, Maui)

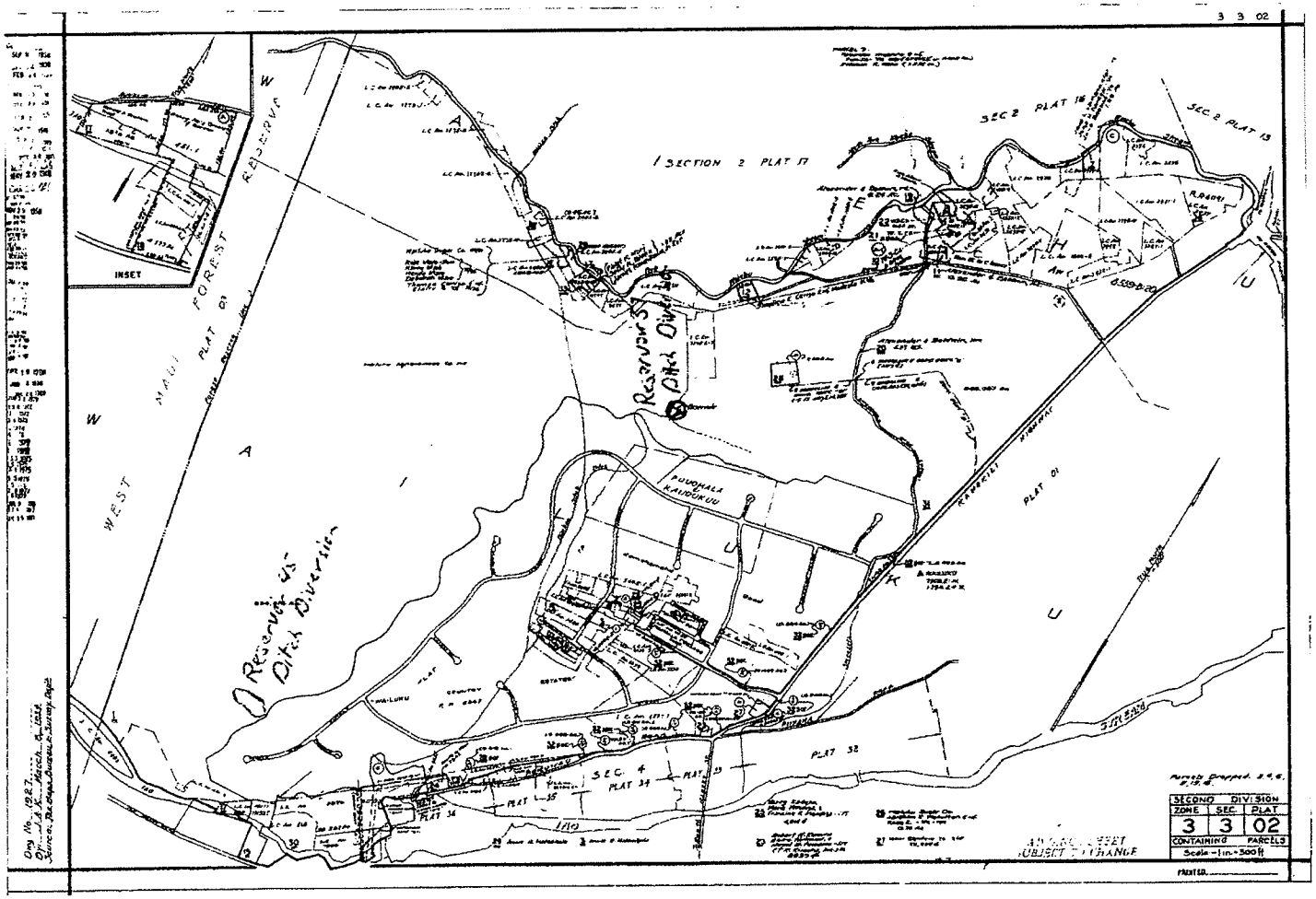
Wailuku Country Estates Irrigation Company (WCEIR) supplies irrigation water consistent with the Public Interest under Hawaii Revised Statues (HRS) 174-2(c) to 184 Owners of Lots with Wailuku Country Estates Community Association (WCECA). Our main use is agricultural, the use of irrigation water for the growing, processing, and treating of crops, livestock, aquatic plants and animals, and ornamental flowers and similar foliage. WCECA meets the reasonable-beneficial use standard which implies the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is both reasonable and consistent with the state and county land use plans and the public interest.

The Subdivision has been designed and developed as an agricultural subdivision. Accordingly, it is intended that the lots within the WCECA be used for agricultural purposes as required by the Declaration of Covenants, Conditions and Restrictions (C.C.& R.s) Article XVI, Agricultural Use. 16.1. Accordingly, the only activities and uses which are allowed on the lots are restricted to the activities and uses expressly permitted by HRS Section 205-4.5, and that all the uses conducted on the lots, must be primarily in pursuit of an agricultural activity. 16.2.2 Control of Agricultural Use. It is the Declaration's intention that the Association (WCECA) shall monitor and enforce, the maximum extent possible the Agricultural Use within the Property. Part of the (C.C &R.s) provides for a non-potable irrigation water system serving the WCECA which will be owned and operated by the WCEIR.

The WCEIR also serves the Kuleana users at Puuohala Camp. The Kuleana users draw their water though the WCEIR pump and filter station using the gravity line. WCEIR does not charge the Kuleana users, though there are costs associated with filtering and maintenance of the water system.

The WCEIR system also provides water for our owners to provide for the scenic beauty of the subdivision.

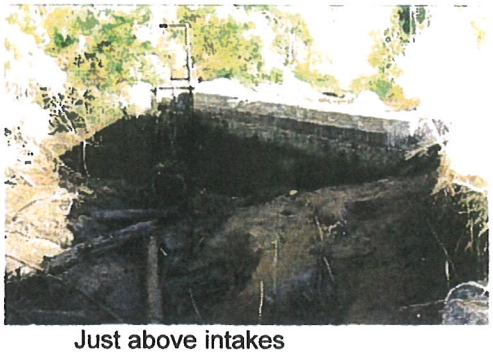
WCECA owners are limited to portable water use of 540 gallons per day under agreement with the County of Maui Department of Water Supply and CGM, LLC the developer, Dated December 26, 2006. Potable water cannot be used for irrigation purposes per this agreement.


3 3 02
INSET
WEST MAUI FOREST RESERVE
PLAT 01
SECTION 2 PLAT 17
SEC 2 PLAT 16
SEC 2 PLAT 13
Reservoir 53 Ditch Diversion
Reservoir 45 Ditch Diversion
PLAT 01
PLAT 32
SEC. 4 PLAT 34
PLAT 35
PLAT 36
SECOND DIVISION
ZONE SEC. PLAT
3 3 02
CONTAINING PARCELS
Scale - 1 in. = 500 ft
PRINTED

Reservoir Intakes for Surface Water Permit Application Existing and New Use: (NA WAI EHA, MAUI)

Wailuku Country Estates Irrigation Company Existing Use
Wailuku Country Estates Community Association
Wailuku Country Estates Irrigation Company New Use

Intakes for Wailuku Country Estates



Just above intakes

Checking intakes for dirt and debris

WAILUKU COUNTRY ESTATES IRRIGATION COMPANY

c/o
Maui Land Broker and Property Management, Inc.
P. O. Box 400
Wailuku, HI 96793
808.214.6526
Fax: 808.242.1478
blackburj004@hawaii.rr.com

April 22, 2009

Commission on Water Resource Management
SWUPA-N
P.O. Box 621
Honolulu, HI 96809

Dear Commissioners,

Wailuku Country Estates Irrigation Company (WCEIR) supplies water consistent with the Public Interest under Hawaii Revised Statues (HRS) 174-2(c) to 184 Owners of Lots with Wailuku Country Estates Community Association (WCECA). Our main use is agricultural, the use of water for the growing, processing, and treating of crops, livestock, aquatic plants and animals, and ornamental flowers and similar foliage. WCECA meets the reasonable-beneficial use standard which implies the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is both reasonable and consistent with the state and county land use plans and the public interest.

Our subdivision consists of 184 agricultural lots between the sizes of 2 to 3.9 acres in size for a total of about 420 acres for the 184 lots. The total subdivision is about 470 acres in size, consisting of roadway lots, a 2.125-acre exclusion lot, a 2.5-acre community park, 20 acres of common roadway area, which is the 9' or 23.5'-grass setback from the roads, and 10 Acres of in-lot drainage swales and retention basins. The Land Study Land Bureau's detailed land classification has a productivity rating of Class B and C for a predominance of lots within the subdivision. The Subdivision has been designed and developed as an agricultural subdivision. Accordingly, it is intended that the lots within the WCECA be used for agricultural purposes as required by the Declaration of Covenants, Conditions and Restrictions (C.C.& R.s) Article XVI, Agricultural Use. 16.1. Accordingly, the only activities and uses which are allowed on the lots are restricted to the activities and uses expressly permitted by HRS Section 205-4.5, and that all the uses conducted on the lots, must be primarily in pursuit of an agricultural activity. 16.2.2 Control of Agricultural Use. It is the Declaration's intention that the Association (WCECA) shall monitor and enforce, the maximum extent possible the Agricultural Use within the Property. Part of the (C.C &R.s) provides for a non-potable irrigation Master system serving the WCECA, which will be owned and operated by the WCEIR.

EXHIBIT NO.
2189 WCEIC - 5

WCECS is limited to portable water use of 540 gallons per day for each owner per agreement with County of Maui Department of Water Supply and CGM, LLC the developer, Dated December 26, 2006. Per this agreement, portable water shall not be used for irrigation purposes.

Non-Potable water is limited to a maximum use of 1,000,000 million gallons per day in Water Delivery Agreement dated August 30, 2002 between Wailuku Agribusiness Co., Inc and Wailuku Country Estates Irrigation Company. A minimum charge is paid each quarter in advance equivalent to 50% of the maximum delivery amount or 500,000 gallons. Wailuku Water Company is charging WCEIR $0.90 Cents per one thousand gallons of water. Our minimum payments are about $38,441.25 per quarter. The WCECA through the WCEIR limits owner use to 80,000 gallons per month or about 2,666 gallons per day. At one million gallons of water per day the WCECA has determined a maximum use per owner of 4,800 gallons per day. That would leave 116,800 gallons for common area irrigation. The WCEIR is charging $95.00 per month to each owner for a minimum delivery of 2666 gallons per day or 80,000 gallons per month. Any amount over this is charged at $2.00 dollars per thousand gallons. **This is to encourage conservation of our irrigation water.** You can see the amount of water used by the subdivision has decreased even though more owners are growing plants.

The existing use period was from May 2007 to April 2008, but as you will see in our pictures and new use applications that many of our owners have increased agricultural use of their property. About 120 Owners had existing use of irrigation water, **but under new use an additional 64 owners would receive irrigation water. The lots are increasingly being used for agricultural purposes**. Existing use to date for the entire subdivision is about 369,659 gallons per day. Use for common areas is about 158,768 gallons and use for lot owners is about 210,890 gallons per day. Common area use of 158,768 gallons per day is actually high as WCEIR has had problems with faulty owner meter readings (meters broken and do not record use property) and a couple of irrigation line breaks that makes the common area daily use number higher than actual use. Line breaks and sub meter reading problems are being worked on to ensure conservation of irrigation water. About 120 owners are now using about 210,980 gallons per day to irrigation about 98.75 acres for an average use of 2135 gallons per acre per day. The subdivision has about 420 acres of agricultural land individually owned. **New use is expected to increase the amount of land under agricultural use by 220.50 acres for a total of 319.25 acres of land being used for agricultural purposes.**

It would be very difficult for the WCEIR to allocate different amounts of water to each of the 184 homeowners within the subdivision. Each of the 184 lots has a non-potable meter to monitor use; the meter does not regulate use. If WCEIR had to provide different amounts of water to each homeowner, the accounting and billing process would be extremely cumbersome. WCEIR by contract pays for 500,000 gallons a day of water as a minimum charge, whether or not the water is used. WCEIR must also pay the going rate charged for any use over 500,000 gallons. That rate is currently frozen by the Public Utilities Commission at $.90 cents per thousand gallons. The contract with Wailuku Water Company calls for a rate that is equivalent to the County of Maui agricultural rate which is now at $1.00 per thousand gallons.

The WCEIR asks that the State Commission on Water Resources allocate a total amount of gallons per day of Non-Potable for Wailuku Country Estates. The contract with Wailuku Water Company can deliver a maximum of 1,000,000 gallons per day and a WCEIR pays for a minimum of 500,000 gallons per day. Agricultural use of irrigation water will increase within the subdivision as more owners move onto their property and start agricultural activities. Also many owners now living on their property are expanding their agricultural use. Other owners have orchards that will require more irrigation water in the future. The WCECA has limited each homeowner to 2,666 gallons per day to encourage conservation of water. Right now about 120 owners have existing use and through conservation existing use is about 210,890 gallons a day or about 1757 gallons per owner per day of

the 120 lots using irrigation water, with an acreage amount 2135 gallons per day for land in agricultural use. **New use would increase irrigation water use by 511,700 gallons per day for 180.75 acres or 2830 gallons per acre.** With new use and increase of existing uses, irrigation water consumption totals about 722,590 gallons per day for owners, which average out to 2585 gallons per acre. Add in the 150,000 gallons for common areas for a total 872,590 gallons per day for irrigation water for the subdivision. Existing use is 369,659 gallon per day with 210,890 going to homeowners and 158,768 going to common areas. Without any new use allocation homeowners who did not start crops on move onto their between May 2007 and April 2008 would not get irrigation water. Also owners who do have irrigation water, but were asked to conserve water would not be able to increase acreage under production.

We would like to ask the State Commission on Water Resource Management to allocate 872,590 gallons per day of irrigation water to WCEIR and WCEDA with 511,700 gallons per day in new use to Wailuku Country Estates Irrigation Company. Many of the homeowners are planting and growing agricultural crops and this will increase in the future. Allow our homeowners the ability to grow crops and raise livestock.

Sincerely Yours,

Joseph G. Blackburn II
Managing Agent

Wailuku Country Estates Irrigation Company
PO Box 400
Wailuku, HI 96793

STATE OF HAWAII

ORIGINAL

DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

APPLICATION FOR SURFACE WATER USE PERMIT FOR *PROPOSED NEW USE* IN A DESIGNATED SURFACE WATER MANAGEMENT AREA

FORM SWUPA-N

☒ Application for New use
☐ Application to Modify SWUP No. _____

For Official Use Only:

For detailed instructions on filling out this application form completely, refer to the attached instructions sheet.
Incomplete applications will not be accepted for processing.

The following must be attached before this application is accepted as complete:

- Portion of 7.5-Minute Series USGS topographic map (scale 1:24,000) labeled with stream and diversion location and the quad map name.
- Property tax map showing the stream or diversion location and location of water use referenced to established property boundaries.
- Photograph(s) of the surface water source, diversion and end use, if applicable.

APPLICANT INFORMATION:

NOTE: In accordance with HRS §174C-51(1)(B), *In the event a lessee, licensee, developer, or any other person with a terminable interest or estate in the land which is the water source of the permitted water, applies for a water permit, the landowner shall be stated as a joint applicant for the water permit.*

1. APPLICANT'S NAME	Applicant's Contact	2. SOURCE LANDOWNER'S NAME	Source Landowner's Contact
WCE IRRIGATION COMPANY.	Joseph G. Blackburn II	WAILUKU WATER COMPANY	Clayton Suzuki

Applicant's Mailing Address, or Principal Place of Business	Source Landowner's Mailing Address, or Principal Place of Business
c/o Maui Land Broker and Property Management, Inc. PO Box 400, Wailuku, HI 96793	255 East Waiko Road Wailuku, HI 96793

Applicant's Phone	Applicant's Fax	Applicant's E-mail	Source Landowner's Phone	Source Landowner's Fax	Source Landowner's E-mail
808 214-6526	808 242-1478	Blackburj004@hawaii.rr.com	808 244-2208	808 242-7068	csuzuki@wailukuwater.com

SOURCE INFORMATION

3. SURFACE WATER HYDROLOGIC UNIT: Island: M Hydrologic Unit: Hydrologic Unit Code: 6024

4. INSTREAM FLOW STANDARD (IFS) FOR HYDROLOGIC UNIT IF APPLICABLE: NA

5. CAN YOUR PROPOSED USE(S) BE ACCOMMODATED WITHIN THE ABOVE AMOUNTS: ☒ Yes ☐ No

Explain how your proposed use(s) can be accommodated within the existing IFS for the above hydrologic unit:

6a. TMK OF PROPOSED STREAM DIVERSION LOCATION: 3 - 3 - 0 0 3 : 0 0 3 (Zone, Sec, Plat, Parcel)

6b. TMK OF PROPOSED DITCH DIVERSION LOCATION: 3 - 3 - 0 0 2 : 0 0 1 (Zone, Sec, Plat, Parcel)

7a. PROPOSED STREAM DIVERSION: How will water be diverted from the stream to your property? Check all that apply.

☒ Pipe ☒ Pump ☒ Ditch/auwai ☒ Other Describe: Reservoir

7b. WILL THE DIVERTED WATER BE RETURNED TO THE STREAM OR DITCH?

☐ Yes. How much water will be returned?
☒ No

8. PROPOSED FLOW MEASUREMENT INFORMATION:

Will the stream diversion have a flow meter with totalizer or other device to measure diverted amounts?

☒ Yes. List the manufacturer and describe the device . Iao/6024 Unknown

☒ No. Explain how stream diversion will be measured or estimated to justify amounts requested in the space below.

Twelve Inch. McCrometer Water. Serial #08-04492, Installed 11/2003

PROPOSED USE INFORMATION HRS §174C-51(4), (5), (6)

9. TOTAL QUANTITY OF WATER REQUESTED: gallons per day. See Table 1, Item14.

10. PROPOSED USE: Check all that apply. See Table 1, Item 1.

☒ Agriculture ☐ Domestic ☐ Industrial
☒ Irrigation ☐ Military ☐ Municipal

11. LOCATION OF PROPOSED WATER USE: Show the location of the proposed use on the same USGS and TMK maps as the proposed source location. Otherwise, attach similar maps. See Table 1, Item 2.

PROPOSED USER INFORMATION

12. APPURTENANT RIGHT: Do you claim an appurtenant right for your proposed water use? ☐ Yes ☒ No

If yes, has the appurtenant right been established by the courts or the Commission? ☐ Yes ☐ No

13. PROPOSED END USER INFORMATION: Will you be an end user on an existing water system?

☒ Yes. List the name of the system operator: Wailuku Water Company ☐ No

14. REGISTRATION AND DECLARATION OF WATER USE: Do you have a Registration and Declaration of Water Use from the Commission?

☐ Yes. List the file reference name(s): ☒ No

15. STREAM DIVERSION WORKS PERMIT (SDWP): Do you have a SDWP from the Commission?

☐ Yes. List the permit number(s): ☒ No

NOTE: Signing below indicates that the signatories understand and affirm that the information provided on this application is accurate and true to the best of their knowledge. Furthermore, the signatories understand that: 1) if necessary, additional information may be required before the application is considered complete; 2) if a water use permit is granted by the Commission, this permit will be subject, but not limited to, any existing legal uses, changes in sustainable yields and instream flow standards, Hawaiian Home Lands uses, and any other conditions imposed by the Commission; and 3) **the applicant is responsible for paying the required public notice fees associated with this application.**

16. APPLICANT	17. SOURCE LANDOWNER
Signature	Signature
Joseph G. Blackburn II — Print	Print
April 15, 2009 — Date	Date

EXHIBIT NO. 2189 WCEIC - 6

APPLICATION FOR SURFACE WATER USE PERMIT - PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 017 : Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	181	444400	444400	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	Zone 3 - Sec 3 - Plat 017 : Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	24.5	30650	30650	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
AGRON	Zone 3 - Sec 3 - Plat 017 : Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	13.75	35700	35750	☒ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
AGRLI	Zone 3 - Sec 3 - Plat 017 : Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.25	900	900	☒ Yes ☐ No	See Water Meter Readings Spreadsheet submitted with application
							TOTAL NON POTABLE USE	511700 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	511700 14	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

APPLICATION FOR SURFACE WATER USE PERMIT - PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : (Zone Sec Plat Parcel)	Vegetables	420.708	47.25	May	April	Other-Multiple Systems	Other-Timer, Manual, As Needed
3 - 3 - 0 1 7 : (Zone Sec Plat Parcel)	Orchard	420.708	39	May	April	Other-Multiple Systems	Other-Timer, Manual, As Needed
3 - 3 - 0 1 7 : (Zone Sec Plat Parcel)	Bananas	420.708	42.75	May	April	Other-Multiple Systems	Other-Timer, Manual, As Needed
3 - 3 - 0 1 7 : (Zone Sec Plat Parcel)	Papaya	420.708	12.25	May	April	Other-Multiple Systems	Other-Timer, Manual, As Needed
3 - 3 - 0 1 7 : (Zone Sec Plat Parcel)	Madadamia Nuts	420.708	33.5	May	April	Other-Multiple Systems	Other-Timer, Manual, As Needed
3 - 3 - 0 1 7 : (Zone Sec Plat Parcel)	Dryland Taro	420.708	6.0	May	April	Other-Multiple Systems	Other-Timer, Manual, As Needed
3 - 3 - 0 1 7 : (Zone Sec Plat Parcel)	Nursey	420.708	13.75	May	April	Other-Multiple Systems	Other-Timer, Manual, As Needed
3 - 3 - 0 1 7 : (Zone Sec Plat Parcel)	Turf Grass	420.708	0.25	May	April	Other-Multiple Systems	Other-Timer, Manual, As Needed
3 - 3 - 0 1 7 : (Zone Sec Plat Parcel)	Landscape	420.708	24.5	May	April	Other-Multiple Systems	Other-Timer, Manual, As Needed
3 - 3 - 0 1 7 : (Zone Sec Plat Parcel)	Livestock	420.708	1.25	May	April	Other-Multiple Systems	Other-Timer, Manual, As Needed
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

APPLICATION FOR SURFACE WATER USE PERMIT - PROPOSED NEW USE

TABLE 3: ALTERNATIVES ANALYSIS AND ADDITIONAL REQUIREMENTS

	A. Analysis of Potable Alternatives (Attach additional sheets if necessary.)	**B. Analysis of Non-Potable Alternatives** (Attach additional sheets if necessary.)
Municipal sources	No, per agreement between the County of Maui Department of Water Supply and CGM, LLC the developer limiting water use to Portabel at a maximum of 540 Gallons a day, Dated December 26, 2006	No, per agreement between the County of Maui Department of Water Supply and CGM, LLC the developer limiting water use for Portablel at a maximum of 540 Gallons a day, Dated December 26, 2006
Wastewater reuse	The Kahului Wastewater Treatment plant has no feeder lines in the area, the cost to install a distribution line from the treatment plant to Wailuku's Ditch System is cost prohibitive	The Kahului Wastewater Treatment plant has no feeder lines in the area, the cost to install a distribution line from the treatment plant to Wailuku's Ditch System is cost prohibitive
Ditch system	No, Per Agreement between Wailuku Country Estates Irrigation Company and Wailuku Agribusiness Dated August 30, 2002. Section 5.3 Reservation of Wailuku's Rights. The WCEIR or any owners of WCEAS cannot take water out of the Spreckels or Waihee Irrigation	No, Per Agreement between Wailuku Country Estates Irrigation Company and Wailuku Agribusiness Dated August 30, 2002. Section 5.3 Reservation of Wailuku's Rights. The WCEIR or any owners of WCEAS cannot take water out of the Spreckels or Waihee Irrigation Ditches
Desalinization	No salt water near property.	No, no salt water near property
Ground water	No, Per Agreement between Wailuku Country Estates Irrigation Company and Wailluku Agribusiness, Dated August 30, 2002. Section. 3.8 No pumping of ground water.	No, Per Agreement between Wailuku Country Estates Irrigation Company and Wailluku Agribusiness, Dated August 30, 2002. Section. 3.8 No pumping of ground water
Other (specify)	Storm Water reclamation has no facilities as of this date	Storm Water reclamation has no facilities as of this date

C. ADDITIONAL REQUIREMENTS:

PUBLIC INTEREST Hawaii Revised Statutes §174C-2(c) states that: *The state water code shall be liberally interpreted to obtain maximum beneficial use of the waters of the State for purposes such as domestic uses, aquaculture uses, irrigation and other agricultural uses, power development, and commercial and industrial uses. However, adequate provision shall be made for the protection of traditional and customary Hawaiian rights, the protection and procreation of fish and wildlife, the maintenance of proper ecological balance and scenic beauty, and the preservation and enhancement of waters of the State for municipal uses, public recreation, public water supply, agriculture, and navigation. Such objectives are declared to be in the public interest.*

1. Explain below how your proposed new use(s) will maximize beneficial use(s) and how they will be deemed to be in the public interest as defined by the State Water Code above.
See Remarks Submitted with this Application.

2. Explain below how your proposed new use(s) will not interfere with any existing legal use(s).
See Remarks Submitted with this Application

3. Explain below how your proposed new use(s) will not interfere with the rights of the Department of Hawaiian Home Lands as provided in Section 221 of the Hawaiian Homes Commission Act.
WCEIR is not sure how our use of irrigation water sill impact the rights of the Department of Hawaiian Home Lands.

Wailuku Country Estates Irrigation Company New Use Public Interest Statement: Surface Water Use Permit Application New Use (Na Wai Eha, Maui)

Wailuku Country Estates Irrigation Company (WCEIR) supplies irrigation water consistent with the Public Interest under Hawaii Revised Statues (HRS) 174-2(c) to 184 Owners of Lots with Wailuku Country Estates Community Association (WCECA). Our main use is agricultural, the use of irrigation water for the growing, processing, and treating of crops, livestock, aquatic plants and animals, and ornamental flowers and similar foliage. WCECA meets the reasonable-beneficial use standard which implies the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is both reasonable and consistent with the state and county land use plans and the public interest.

The Land Study Land Bureau's detailed land classification has a productivity rating of Class B and C for a predominance of lots within the subdivision. The Subdivision has been designed and developed as an agricultural subdivision. Accordingly, it is intended that the lots within the WCECA be used for agricultural purposes as required by the Declaration of Covenants, Conditions and Restrictions (C.C.& R.s) Article XVI, Agricultural Use. 16.1. Accordingly, the only activities and uses which are allowed on the lots are restricted to the activities and uses expressly permitted by HRS Section 205-4.5, and that all the uses conducted on the lots, must be primarily in pursuit of an agricultural activity. 16.2.2 Control of Agricultural Use. It is the Declaration's intention that the Association (WCECA) shall monitor and enforce, the maximum extent possible the Agricultural Use within the Property. Part of the (C.C &R.s) provides for a non-potable irrigation waster system serving the WCECA, which will be owned and operated by the WCEIR.

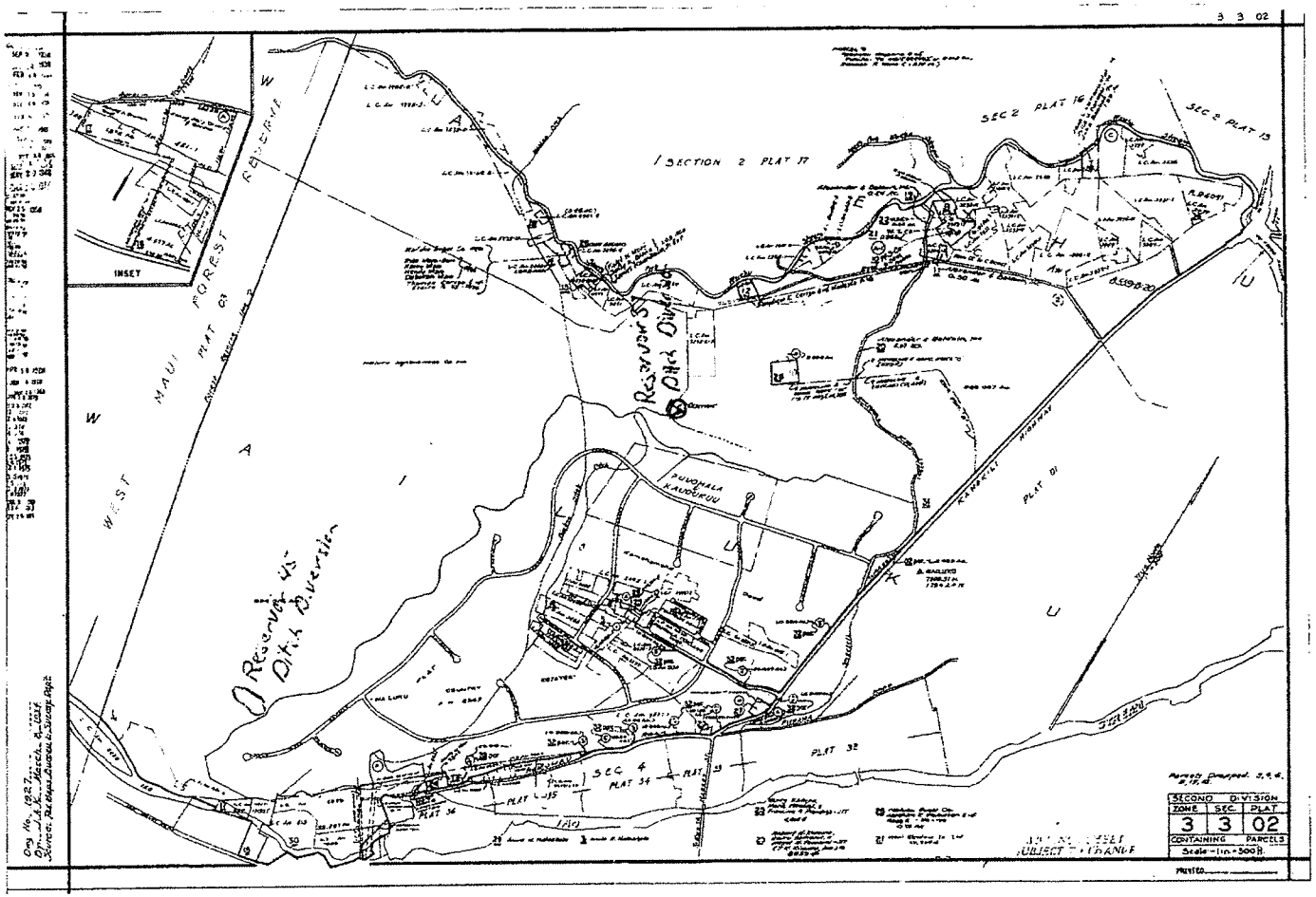
WCECA owners are limited to portable water use of 540 gallons per day under agreement with the County of Maui Department of Water Supply and CGM, LLC the developer, Dated December 26, 2006. Potable water cannot be used for irrigation purposes per this agreement.

The WCEIR also serves the Kuleana users at Puuohala Camp. The Kuleana users draw their water though the WCEIR pump and filter station using the gravity line. WCEIR does not charge the Kuleana users, though there are costs associated with filtering and maintenance of the water system.

The WCEIR system also provides water for our owners to provide for the scenic beauty of the subdivision.

New use is expected to increase the amount of land under agricultural use by 220.50 acres for a total of 319.25 acres of land being used for agricultural purposes.

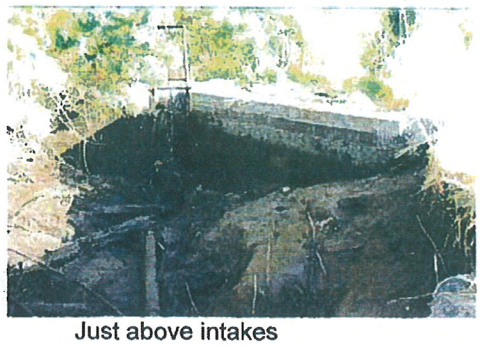
New use would increase irrigation water use by 511,700 gallons per day for 220.50 acres or 2321 gallons per acre.


3 3 02
INSET
WEST MAUI FOREST RESERVE
PLAT 03
SECTION 2 PLAT 17
SEC 2 PLAT 16
SEC 2 PLAT 15
Reservoir 5 Ditch Diversion
Reservoir 45 Ditch Diversion
PUUOMALA KAUOUKUU
KAHAKILI HIGHWAY
PLAT 01
PLAT 32
SEC 4
PLAT 34
PLAT 36
SECOND DIVISION
ZONE SEC. PLAT
3 3 02
CONTAINING PARCELS
Scale - 1 in. = 500 ft.
PRINTED

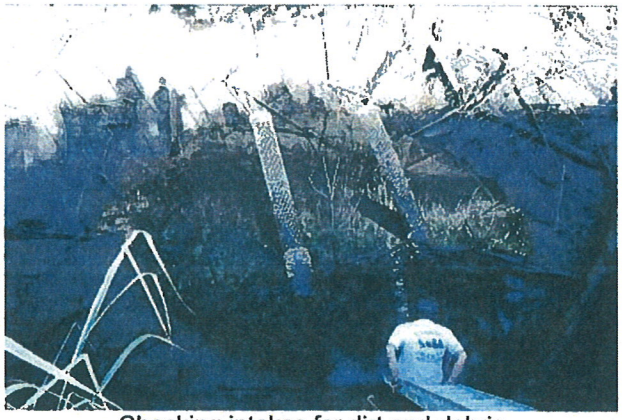
Reservoir Intakes for Surface Water Permit Application Existing and New Use: (NA WAI EHA, MAUI)

Wailuku Country Estates Irrigation Company Existing Use
Wailuku Country Estates Community Association
Wailuku Country Estates Irrigation Company New Use

Intakes for Wailuku Country Estates



Just above intakes



Checking intakes for dirt and debris

Remarks Question Two: WCEIR New Use Application Na Wai Eha

The proposed new use of irrigation water is below the contract amount allowed with Wailuku Water Company of one million gallons per day. With new and existing use, the total amount used would be 872,590 gallons per day including common areas. This is more then 10% below the contract allowance of one milling gallons per day of irrigation water. The new use is allowed under existing contract with Wailuku Water Company. Homeowners also have moved onto their lots and are growing crops since the existing use time period, other homeowners have expanded their crops. When all 184 lots are under agricultural production we are requesting less water then is allowed under the existing irrigation water contract. Through conservation and limiting water to owners, we propose to cut use by at least 10%, which will not interfere with existing legal uses.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-001

Section F – end use of area photos

Papaya

Tomatoes

Eggplant

Livestock, macadamia nut trees

Papaya, mango

EXHIBIT NO.
2189 WCEIC - 8

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	3239	☒	☐	☐	☐	
June 2007	3347	☒	☐	☐	☐	
July 2007	1393	☒	☐	☐	☐	
August 2007	1220	☒	☐	☐	☐	
September 2007	1062	☒	☐	☐	☐	
October 2007	815	☒	☐	☐	☐	
November 2007	145	☒	☐	☐	☐	
December 2007	1480	☒	☐	☐	☐	
January 2008	421	☒	☐	☐	☐	
February 2008	450	☒	☐	☐	☐	
March 2008	1040	☒	☐	☐	☐	
April 2008	823	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	15434	GPD				
AVERAGE DAILY USE (Average of the above)	1286	GPD				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	Zone 3 - Sector 3 - Plat 017 : Parcel 001	Agriculture	No	Chapter 19.30A Agr. Dist	No	1286	Yes	0.75	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sector - Plat : Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sector - Plat : Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sector - Plat : Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	1286	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1286	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 001 (Zone Sector Plat Parcel)	Papaya	2.309	0.25	April	April	Other - Hose water	Other - Manual as needed
3 - 3 - 017 : 001 (Zone Sector Plat Parcel)	Bananas	2.309	0.25	April	April	Other - Hose water	Other - Manual as needed
3 - 3 - 017 : 001 (Zone Sector Plat Parcel)	Macadamia nuts	2.309	0.25	April	April	Other - Hose water	Other - Manual as needed
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 0 1	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.00	2500	2500	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	2500 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	2500 14	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to Instructions.)	IRRIGATION PRACTICE (Refer to Instructions.)
3 - 3 - 0 1 7 : 0 0 1 (Zone Sec Plat Parcel)	Bananas	2.309	0.50	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 0 1 (Zone Sec Plat Parcel)	Leafy vegetables	2.309	0.50	April	April	Trickle, drip	Other - Manual as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-002

Section F – end use of area photos

Lawn

Bananas

Goats/pasture

EXHIBIT NO.
2189 WCEIC - 9

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE

Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	1010	☒	☐	☐	☐	
June 2007	1044	☒	☐	☐	☐	
July 2007	1375	☒	☐	☐	☐	
August 2007	1234	☒	☐	☐	☐	
September 2007	997	☒	☐	☐	☐	
October 2007	605	☒	☐	☐	☐	
November 2007	150	☒	☐	☐	☐	
December 2007	223	☒	☐	☐	☐	
January 2008	380	☒	☐	☐	☐	
February 2008	407	☒	☐	☐	☐	
March 2008	524	☒	☐	☐	☐	
April 2008	387	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	8336	**GPD**				
AVERAGE DAILY USE (Average of the above)	695	**GPD**				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 002 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	350	Yes	0.25	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
AGRLI	3 - 3 - 017 : 002 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	150	Yes	0.25	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
IRRLA	3 - 3 - 017 : 002 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	195	Yes	0.25	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	695	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	695	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 002 (Zone Sector Plat Parcel)	Bananas	2.546	0.25	April	April	Other - Hose water	Other - Manual as needed
3 - 3 - 017 : 002 (Zone Sector Plat Parcel)	Livestock	2.546	0.25	April	April	Other - Hose water	Other - Manual as needed
3 - 3 - 017 : 002 (Zone Sector Plat Parcel)	Landscape	2.546	0.25	April	April	Other - Hose water	Other - Manual as needed
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 0 2 (Zone Sec Plat Parcel)	Bananas	2.546	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 0 2 (Zone Sec Plat Parcel)	Nursery plants	2.546	0.75	April	April	Trickle, drip	Other - Timer as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	3 - 3 - 0 1 7 : 0 0 2 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.50	1000	1000	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
AGRON	3 - 3 - 0 1 7 : 0 0 2 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.75	1250	1250	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	13 2250	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	14 2250	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-003

Section F – end use of area photos

Papaya

Bananas

Squash/eggplant

Orchid plants

EXHIBIT NO.
2189 WCEIC - 10

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	4385	☒	☐	☐	☐	
June 2007	4531	☒	☐	☐	☐	
July 2007	3527	☒	☐	☐	☐	
August 2007	6821	☒	☐	☐	☐	
September 2007	2709	☒	☐	☐	☐	
October 2007	2668	☒	☐	☐	☐	
November 2007	90	☒	☐	☐	☐	
December 2007	567	☒	☐	☐	☐	
January 2008	197	☒	☐	☐	☐	
February 2008	211	☒	☐	☐	☐	
March 2008	654	☒	☐	☐	☐	
April 2008	474	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	26834	GPD				
AVERAGE DAILY USE (Average of the above)	2236	GPD				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 003 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist	No	1386	Yes	0.75	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
AGRON	3 - 3 - 017 : 003 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist	No	850	Yes	0.25	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	2236	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	2236	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 003 (Zone Sector Plat Parcel)	Bananas	2.412	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 003 (Zone Sector Plat Parcel)	Papaya	2.412	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 003 (Zone Sector Plat Parcel)	Solanaceous	2.412	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 003 (Zone Sector Plat Parcel)	Nursery plants	2.412	0.25	April	April	Trickle, drip	Other - Manaul as needed
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 0 3 (Zone Sec Plat Parcel)	Leafy vegetables	2.412	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 0 3 (Zone Sec Plat Parcel)	Orchard	2.412	0.50	April	April	Trickle, drip	Other - Timer as needed
- . - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-004

Section F – end use of area photos

Pasture

Palms

EXHIBIT NO.
2189 WCEIC - 11

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	0	☒	☐	☐	☐	
June 2007	0	☒	☐	☐	☐	
July 2007	0	☒	☐	☐	☐	
August 2007	0	☒	☐	☐	☐	
September 2007	0	☒	☐	☐	☐	
October 2007	0	☒	☐	☐	☐	
November 2007	0	☒	☐	☐	☐	
December 2007	0	☒	☐	☐	☐	
January 2008	0	☒	☐	☐	☐	
February 2008	0	☒	☐	☐	☐	
March 2008	215	☒	☐	☐	☐	
April 2008	3	☒	☐	☐	☐	

SUM OF AVERAGE DAILY USE FOR THE MONTH	218	GPD
AVERAGE DAILY USE (Average of the above)	18	GPD

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
IRRLA	Zone 3 - Sector 3 - Plat 017 : Parcel 004	Agriculture	No	Chapter 19.30A Agr. Dist	No	18	Yes	0.25	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sector - Plat : Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sector - Plat : Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sector - Plat : Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	18	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	18	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.
There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 004 (Zone Sector Plat Parcel)	Landscape	2.451	0.25	April	April	Trickle, drip	Other - Manual as needed
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 0 4 (Zone Sec Plat Parcel)	Papaya	2.451	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 0 4 (Zone Sec Plat Parcel)	Bananas	2.451	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 0 4 (Zone Sec Plat Parcel)	Orchard	2.451	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 0 4 (Zone Sec Plat Parcel)	Landscape	2.451	0.50	April	April	Trickle, drip	Other - Timer as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 0 4	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.25	2650	2650	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 0 4	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.50	500	500	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	13 3150	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	14 3150	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-005

Section F – end use of area photos

Macadamia nuts

Ti-leaf, red ginger torch

Bananas

Breadfruit

Ti-leaf

Lilikoi

EXHIBIT NO.
2189 WCEIC - 12

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	674	☐	☒	☐	☐	
June 2007	697	☐	☒	☐	☐	
July 2007	1452	☒	☐	☐	☐	
August 2007	967	☒	☐	☐	☐	
September 2007	1229	☒	☐	☐	☐	
October 2007	1606	☒	☐	☐	☐	
November 2007	3	☒	☐	☐	☐	
December 2007	36	☒	☐	☐	☐	
January 2008	135	☒	☐	☐	☐	
February 2008	144	☒	☐	☐	☐	
March 2008	606	☒	☐	☐	☐	
April 2008	636	☒	☐	☐	☐	

SUM OF AVERAGE DAILY USE FOR THE MONTH	8184	GPD
AVERAGE DAILY USE (Average of the above)	682	GPD

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 005 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	400	Yes	0.25	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
AGRON	3 - 3 - 017 : 005 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	282	Yes	0.25	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	682	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	682	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.
There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 005 (Zone Sector Plat Parcel)	Bananas	2.193	0.25	May	April	Other - Hose water	Other - Manual as needed
3 - 3 - 017 : 005 (Zone Sector Plat Parcel)	Nursey Plants	2.193	0.25	May	April	Other - Hose water	Other - Manual as needed
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 0 5 (Zone Sec Plat Parcel)	Orchard	2.193	1.25	May	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 0 5 (Zone Sec Plat Parcel)	Nursery plants	2.193	0.50	May	April	Trickle, drip	Other - Timer as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 017 : Parcel 005	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.25	1500	1500	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
AGRON	Zone 3 - Sec 3 - Plat 017 : Parcel 005	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.50	750	750	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	13 2250	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	14 2250	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-006

Section F – end use of area photos

Pasture

Pasture

EXHIBIT NO.
2189 WCEIC - 13

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 017 : Parcel 006	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.25	3800	3800	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	Zone 3 - Sec 3 - Plat 017 : Parcel 006	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	400	400	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	4200 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	4200 14	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 0 6 (Zone Sec Plat Parcel)	Orchard	2.107	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 0 6 (Zone Sec Plat Parcel)	Bananas	2.107	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 0 6 (Zone Sec Plat Parcel)	Papaya	2.107	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 0 6 (Zone Sec Plat Parcel)	Landscape	2.107	0.25	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE

Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	0	☒	☐	☐	☐	
June 2007	0	☒	☐	☐	☐	
July 2007	0	☒	☐	☐	☐	
August 2007	0	☒	☐	☐	☐	
September 2007	0	☒	☐	☐	☐	
October 2007	0	☒	☐	☐	☐	
November 2007	0	☒	☐	☐	☐	
December 2007	0	☒	☐	☐	☐	
January 2008	0	☒	☐	☐	☐	
February 2008	0	☒	☐	☐	☐	
March 2008	0	☒	☐	☐	☐	
April 2008	0	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	0	GPD				
AVERAGE DAILY USE (Average of the above)	0	GPD				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
N/A	3 - 3 - 017 : 006 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist	No	0	Yes	0	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sector - Plat : Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sector - Plat : Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sector - Plat : Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	0	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	0	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 006 (Zone Sector Plat Parcel)	N/A	2.107	0	April	April	N/A	N/A
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-007

Section F – end use of area photos

Lawn

EXHIBIT NO.
2189 WCEIC - 14

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	341	☒	☐	☐	☐	
June 2007	352	☒	☐	☐	☐	
July 2007	403	☒	☐	☐	☐	
August 2007	1157	☒	☐	☐	☐	
September 2007	2476	☒	☐	☐	☐	
October 2007	1132	☒	☐	☐	☐	
November 2007	249	☒	☐	☐	☐	
December 2007	484	☒	☐	☐	☐	
January 2008	674	☒	☐	☐	☐	
February 2008	720	☒	☐	☐	☐	
March 2008	1108	☒	☐	☐	☐	
April 2008	999	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	10096	GPD				
AVERAGE DAILY USE (Average of the above)	841	GPD				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
IRRLA	3 - 3 - 017 : 007 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist	No	841	Yes	0.50	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	841	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	841	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 007 (Zone Sector Plat Parcel)	Landscape	2.611	0.50	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 0 7	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.50	3600	3600	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	3600 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	3600 14	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 0 7 (Zone Sec Plat Parcel)	Bananas	2.611	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 0 7 (Zone Sec Plat Parcel)	Orchard	2.611	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 0 7 (Zone Sec Plat Parcel)	Leafy vegetables	2.611	0.50	April	April	Trickle, drip	Other - Timer as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-008

Section F – end use of area photos

Structure for dragon fruit

Future farm land

Holes for more seedlings

EXHIBIT NO.
2189 WCEIC - 15

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	0	☒	☐	☐	☐	
June 2007	0	☒	☐	☐	☐	
July 2007	0	☒	☐	☐	☐	
August 2007	0	☒	☐	☐	☐	
September 2007	0	☒	☐	☐	☐	
October 2007	0	☒	☐	☐	☐	
November 2007	0	☒	☐	☐	☐	
December 2007	0	☒	☐	☐	☐	
January 2008	0	☒	☐	☐	☐	
February 2008	0	☒	☐	☐	☐	
March 2008	0	☒	☐	☐	☐	
April 2008	0	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	0	GPD				
AVERAGE DAILY USE (Average of the above)	0	GPD				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
N/A	3 - 3 - 017 : 008 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist	No	0	Yes	0	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sector - Plat : Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sector - Plat : Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sector - Plat : Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	0	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	0	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 008 (Zone Sector Plat Parcel)	N/A	2.092	0	April	April	N/A	N/A
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 0 8	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.50	3950	3950	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	3950 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	3950 14	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 008 (Zone Sec Plat Parcel)	Papaya	2.092	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 008 (Zone Sec Plat Parcel)	Dragon fruit	2.092	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 008 (Zone Sec Plat Parcel)	Solanaceous	2.092	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 008 (Zone Sec Plat Parcel)	Leafy vegetables	2.092	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 008 (Zone Sec Plat Parcel)	Orchard	2.092	0.50	April	April	Trickle, drip	Other - Timer as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-009

Section F – end use of area photos

Lychee seedlings

Lawn

Bananas, dry land taro

Macadamia nuts

EXHIBIT NO.
2189 WCEIC - 16

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE

Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	910	☒	☐	☐	☐	
June 2007	940	☒	☐	☐	☐	
July 2007	546	☒	☐	☐	☐	
August 2007	985	☒	☐	☐	☐	
September 2007	1598	☒	☐	☐	☐	
October 2007	2472	☒	☐	☐	☐	
November 2007	1535	☒	☐	☐	☐	
December 2007	922	☒	☐	☐	☐	
January 2008	769	☒	☐	☐	☐	
February 2008	822	☒	☐	☐	☐	
March 2008	965	☒	☐	☐	☐	
April 2008	1271	☒	☐	☐	☐	

SUM OF AVERAGE DAILY USE FOR THE MONTH	13737	**GPD**
AVERAGE DAILY USE (Average of the above)	1145	**GPD**

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 009 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist	No	895	Yes	0.50	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 017 : 009 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist	No	250	Yes	0.25	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sector - Plat : Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sector - Plat : Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	1145	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1145	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 009 (Zone Sector Plat Parcel)	Orchard	2.149	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 009 (Zone Sector Plat Parcel)	Macadamia nuts	2.149	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 009 (Zone Sector Plat Parcel)	Landscape	2.149	0.25	April	April	Multiple sprinklers	Other - Manual as needed
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 0 9 (Zone Sec Plat Parcel)	Bananas	2.149	0.50	April	April	Multiple sprinklers	Other - Timer as needed
3 - 3 - 0 1 7 : 0 0 9 (Zone Sec Plat Parcel)	Dryland taro	2.149	0.50	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 0 9	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.00	2200	2200	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	2200 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	2200 14	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-010

Section F – end use of area photos

Macadamia nuts

Bananas

Foxtail palms

Kukui nuts/ kava

EXHIBIT NO.
2189 WCEIC - 17

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	2051	☒	☐	☐	☐	
June 2007	2119	☒	☐	☐	☐	
July 2007	1536	☒	☐	☐	☐	
August 2007	1207	☒	☐	☐	☐	
September 2007	1499	☒	☐	☐	☐	
October 2007	2563	☒	☐	☐	☐	
November 2007	1867	☒	☐	☐	☐	
December 2007	2105	☒	☐	☐	☐	
January 2008	1799	☒	☐	☐	☐	
February 2008	1923	☒	☐	☐	☐	
March 2008	1964	☒	☐	☐	☐	
April 2008	1876	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	22510	GPD				
AVERAGE DAILY USE (Average of the above)	1876	GPD				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 010 (Zone Sector Plat Parcel)	Bananas	2.504	0.50	May	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 010 (Zone Sector Plat Parcel)	Leafy vegetables	2.504	0.50	May	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 010 (Zone Sector Plat Parcel)	Landscape	2.504	0.25	May	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 010 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	1476	Yes	1.00	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 017 : 010 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	400	Yes	0.25	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	1876	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1876	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

. There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	2051	☒	☐	☐	☐	
June 2007	2119	☒	☐	☐	☐	
July 2007	15362	☐	☒	☐	☐	
August 2007	1207	☒	☐	☐	☐	
September 2007	1499	☒	☐	☐	☐	
October 2007	2563	☒	☐	☐	☐	
November 2007	1867	☒	☐	☐	☐	
December 2007	2105	☒	☐	☐	☐	
January 2008	1799	☒	☐	☐	☐	
February 2008	1923	☒	☐	☐	☐	
March 2008	1964	☒	☐	☐	☐	
April 2008	1876	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	36336	**GPD**				
AVERAGE DAILY USE (Average of the above)	3028	**GPD**				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 010 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	1928	Yes	1.00	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 017 : 010 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	1100	Yes	0.75	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sector - Plat : Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sector - Plat : Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	3028	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	3028	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

. There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 010 (Zone Sector Plat Parcel)	Bananas	2.504	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 010 (Zone Sector Plat Parcel)	Leafy vegetables	2.504	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 010 (Zone Sector Plat Parcel)	Landscape	2.504	0.75	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 1 0 (Zone Sec Plat Parcel)	Bananas	2.504	0.50	May	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 1 0 (Zone Sec Plat Parcel)	Nursery plants	2.504	0.50	May	April	Trickle, drip	Other - Timer as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 017 : Parcel 010	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.50	800	800	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
AGRON	Zone 3 - Sec 3 - Plat 017 : Parcel 010	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.50	800	800	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	1600 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1600 14	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-011

Section F – end use of area photos

Macadamia nuts

Citrus

Sour sap

Lawn/ landscape

Bananas

EXHIBIT NO.
2189 WCEIC - 18

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	3286	☒	☐	☐	☐	
June 2007	3396	☒	☐	☐	☐	
July 2007	3249	☒	☐	☐	☐	
August 2007	4212	☒	☐	☐	☐	
September 2007	2904	☒	☐	☐	☐	
October 2007	2696	☒	☐	☐	☐	
November 2007	606	☒	☐	☐	☐	
December 2007	760	☒	☐	☐	☐	
January 2008	794	☒	☐	☐	☐	
February 2008	848	☒	☐	☐	☐	
March 2008	2140	☒	☐	☐	☐	
April 2008	1480	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	26370	GPD				
AVERAGE DAILY USE (Average of the above)	2197	GPD				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 011 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	1697	Yes	1.00	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 017 : 011 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	500	Yes	0.50	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	2197	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	2197	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 011 (Zone Sector Plat Parcel)	Bananas	2.636	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 011 (Zone Sector Plat Parcel)	Sour saup	2.636	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 011 (Zone Sector Plat Parcel)	Landscape	2.636	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 011 (Zone Sector Plat Parcel)	Orchard	2.636	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 011 (Zone Sector Plat Parcel)	Macadamia nuts	2.636	0.25	April	April	Trickle, drip	Other - Timer as needed
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 1 1 (Zone Sec Plat Parcel)	Orchard	2.636	0.75	April	April	Trickle, drip	Other - Timer as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-012

Section F – end use of area photos

Macadamia nuts

More macadamia nuts

Bananas

Landscape

Ti leaf

EXHIBIT NO.
2189 WCEIC - 19

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 012 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	1153	Yes	0.75	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 017 : 012 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	290	Yes	0.25	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
AGRON	3 - 3 - 017 : 012 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr, Dist.	No	440	Yes	0.25	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sector - Plat : Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	1883	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1883	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to Instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 012 (Zone Sector Plat Parcel)	Macadamia nuts	2.58	0.50	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 012 (Zone Sector Plat Parcel)	Ornamental plants	2.58	0.25	April	April	Multiple sprinklers	Other - Manual as needed
3 - 3 - 017 : 012 (Zone Sector Plat Parcel)	Landscape	2.58	0.25	April	April	Multiple sprinklers	Other - Manual as needed
3 - 3 - 017 : 012 (Zone Sector Plat Parcel)	Bananas	2.58	0.25	April	April	Trickle, drip	Other - Manual as needed
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	3857	☒	☐	☐	☐	
June 2007	3986	☒	☐	☐	☐	
July 2007	2160	☒	☐	☐	☐	
August 2007	3057	☒	☐	☐	☐	
September 2007	1558	☒	☐	☐	☐	
October 2007	914	☒	☐	☐	☐	
November 2007	211	☒	☐	☐	☐	
December 2007	919	☒	☐	☐	☐	
January 2008	1274	☒	☐	☐	☐	
February 2008	1362	☒	☐	☐	☐	
March 2008	1378	☒	☐	☐	☐	
April 2008	1916	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	22593	GPD				
AVERAGE DAILY USE (Average of the above)	1883	GPD				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE

Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	3857	☒	☐	☐	☐	
June 2007	3986	☒	☐	☐	☐	
July 2007	0	☒	☐	☐	☐	
August 2007	3057	☒	☐	☐	☐	
September 2007	1558	☒	☐	☐	☐	
October 2007	914	☒	☐	☐	☐	
November 2007	211	☒	☐	☐	☐	
December 2007	919	☒	☐	☐	☐	
January 2008	1274	☒	☐	☐	☐	
February 2008	1362	☒	☐	☐	☐	
March 2008	1378	☒	☐	☐	☐	
April 2008	1916	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	20433	GPD				
AVERAGE DAILY USE (Average of the above)	1703	GPD				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3
Uses that require **potable** (drinking) water									
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 012 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	1103	Yes	0.75	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 017 : 012 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	250	Yes	0.25	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
AGRON	3 - 3 - 017 : 012 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr, Dist.	No	350	Yes	0.25	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sector - Plat : Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	1703	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1703	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 012 (Zone Sector Plat Parcel)	Macadamia nuts	2.58	0.50	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 012 (Zone Sector Plat Parcel)	Ornamental plants	2.58	0.25	April	April	Multiple sprinklers	Other - Manual as needed
3 - 3 - 017 : 012 (Zone Sector Plat Parcel)	Landscape	2.58	0.25	April	April	Multiple sprinklers	Other - Manual as needed
3 - 3 - 017 : 012 (Zone Sector Plat Parcel)	Bananas	2.58	0.25	April	April	Trickle, drip	Other - Manual as needed
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 1 2 (Zone Sec Plat Parcel)	Dryland taro	2.58	0.50	April	April	Multiple sprinklers	Other - Timer as needed
3 - 3 - 0 1 7 : 0 1 2 (Zone Sec Plat Parcel)	Bananas	2.58	0.50	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 1 2	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.00	2500	2500	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	13 2500	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	14 2500	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-013

Section F – end use of area photos

String beans

Bananas, tomatoes

Papaya, eggplant

Macadamia nuts, lawn, palms

Bananas, okra

More papaya

EXHIBIT NO.
2189 WCEIC - 20

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	4838	☒	☐	☐	☐	
June 2007	4999	☒	☐	☐	☐	
July 2007	5544	☒	☐	☐	☐	
August 2007	5646	☒	☐	☐	☐	
September 2007	4196	☒	☐	☐	☐	
October 2007	2739	☒	☐	☐	☐	
November 2007	393	☒	☐	☐	☐	
December 2007	1555	☒	☐	☐	☐	
January 2008	2433	☒	☐	☐	☐	
February 2008	2601	☒	☐	☐	☐	
March 2008	3815	☒	☐	☐	☐	
April 2008	2883	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	41642	GPD				
AVERAGE DAILY USE (Average of the above)	3470	GPD				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 013 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	3220	Yes	1.50	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 017 : 013 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	250	Yes	0.25	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	3470	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	3470	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 013 (Zone Sector Plat Parcel)	Bananas	2.524	0.50	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 013 (Zone Sector Plat Parcel)	Bittermelon	2.524	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 013 (Zone Sector Plat Parcel)	Solanaceous	2.524	0.50	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 013 (Zone Sector Plat Parcel)	Papaya	2.524	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 013 (Zone Sector Plat Parcel)	Landscape	2.524	0.25	April	April	Trickle, drip	Other - Manual as needed
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 1 3 (Zone Sec Plat Parcel)	Leafy vegetables	2.524	0.25	April	April	Trickle, drip	Other - Manual as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries • Photograph of the area of proposed use	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 1 3	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	850	850	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	850 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	850 14	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-014

Section F – end use of area photos

Macadamia nuts

EXHIBIT NO.
2189 WCEIC - 21

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	0	☒	☐	☐	☐	
June 2007	0	☒	☐	☐	☐	
July 2007	0	☒	☐	☐	☐	
August 2007	0	☒	☐	☐	☐	
September 2007	0	☒	☐	☐	☐	
October 2007	0	☒	☐	☐	☐	
November 2007	0	☒	☐	☐	☐	
December 2007	0	☒	☐	☐	☐	
January 2008	0	☒	☐	☐	☐	
February 2008	0	☒	☐	☐	☐	
March 2008	0	☒	☐	☐	☐	
April 2008	0	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	0	**GPD**				
AVERAGE DAILY USE (Average of the above)	0	**GPD**				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
N/A	3 - 3 - 017 : 014 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	0	Yes	0	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	0	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	0	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 014 (Zone Sector Plat Parcel)	N/A	2.58	0	April	April	N/A	N/A
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 1 4 (Zone Sec Plat Parcel)	Macadamia nuts	2.58	1.00	April	April	Trickle, drip	Other - Timer as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 017 : Parcel 014	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.00	3000	3000	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	3000 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	3000 14	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-015

Section F – end use of area photos

Palms

Bananas

Lawn

EXHIBIT NO.
2189 WCEIC - 22

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	3975	☒	☐	☐	☐	
June 2007	4107	☒	☐	☐	☐	
July 2007	4646	☒	☐	☐	☐	
August 2007	2765	☒	☐	☐	☐	
September 2007	1308	☒	☐	☐	☐	
October 2007	3336	☒	☐	☐	☐	
November 2007	1318	☒	☐	☐	☐	
December 2007	1503	☒	☐	☐	☐	
January 2008	1540	☒	☐	☐	☐	
February 2008	1646	☒	☐	☐	☐	
March 2008	2522	☒	☐	☐	☐	
April 2008	3645	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	32311	GPD				
AVERAGE DAILY USE (Average of the above)	2693	GPD				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 015 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	500	Yes	0.25	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
AGRON	3 - 3 - 017 : 015 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	1943	Yes	0.75	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
IRRLA	3 - 3 - 017 : 015 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	250	Yes	0.25	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	2693	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	2693	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 015 (Zone Sector Plat Parcel)	Bananas	2.221	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 015 (Zone Sector Plat Parcel)	Nursery plants	2.221	0.75	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 015 (Zone Sector Plat Parcel)	Landscape	2.221	0.25	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 1 5 (Zone Sec Plat Parcel)	Nursery plants	2.221	0.50	April	April	Trickle, drip	Other - Timer as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 015 (Zone Sec Plat Parcel)	Nursery plants	2.221	0.50	April	April	Trickle, drip	Other - Timer as needed
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRON	Zone 3 - Sec 3 - Plat 017 : Parcel 015	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.50	1200	1200	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	1200 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1200 14	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-016

Section F – end use of area photos

Vacant

EXHIBIT NO.
2189 WCEIC - 23

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	0	☒	☐	☐	☐	
June 2007	0	☒	☐	☐	☐	
July 2007	0	☒	☐	☐	☐	
August 2007	0	☒	☐	☐	☐	
September 2007	0	☒	☐	☐	☐	
October 2007	0	☒	☐	☐	☐	
November 2007	0	☒	☐	☐	☐	
December 2007	0	☒	☐	☐	☐	
January 2008	0	☒	☐	☐	☐	
February 2008	0	☒	☐	☐	☐	
March 2008	0	☒	☐	☐	☐	
April 2008	0	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	0	GPD				
AVERAGE DAILY USE (Average of the above)	0	GPD				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated For irrigation uses, fill in Table 3
Uses that require **potable** (drinking) water									
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
N/A	3 - 3 - 017 : 016 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	0	Yes	0	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sector - Plat : Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sector - Plat : Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sector - Plat : Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	0	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	0	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 016 (Zone Sector Plat Parcel)	N/A	2.537	0	April	April	N/A	N/A
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 1 6	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	2.00	3000	3000	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	3000 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	3000 14	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 1 6 (Zone Sec Plat Parcel)	Macadamia nuts	2.537	0.50	April	April	Multiple sprinklers	Other - Timer as needed
3 - 3 - 0 1 7 : 0 1 6 (Zone Sec Plat Parcel)	Bananas	2.537	0.50	April	April	Multiple sprinklers	Other - Timer as needed
3 - 3 - 0 1 7 : 0 1 6 (Zone Sec Plat Parcel)	Solanaceous	2.537	0.50	April	April	Multiple sprinklers	Other - Timer as needed
3 - 3 - 0 1 7 : 0 1 6 (Zone Sec Plat Parcel)	Leafy vegetables	2.537	0.50	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-017

Section F – end use of area photos

Lawn

More lawn

EXHIBIT NO.
2189 WCEIC - 24

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	0	☒	☐	☐	☐	
June 2007	0	☒	☐	☐	☐	
July 2007	1	☒	☐	☐	☐	
August 2007	0	☒	☐	☐	☐	
September 2007	0	☒	☐	☐	☐	
October 2007	113	☒	☐	☐	☐	
November 2007	35	☒	☐	☐	☐	
December 2007	81	☒	☐	☐	☐	
January 2008	10	☒	☐	☐	☐	
February 2008	11	☒	☐	☐	☐	
March 2008	57	☒	☐	☐	☐	
April 2008	0	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	309	GPD				
AVERAGE DAILY USE (Average of the above)	26	GPD				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
IRRLA	3 - 3 - 017 : 017 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	26	Yes	0.25	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	26	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	26	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 017 Zone Sector Plat Parcel	Landscape	2.369	0.25	April	April	Multiple sprinklers	Other - Timer as needed
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 017 (Zone Sec Plat Parcel)	Bananas	2.369	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 017 (Zone Sec Plat Parcel)	Papaya	2.369	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 017 (Zone Sec Plat Parcel)	Landscape	2.369	0.75	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 017 : Parcel 017	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.75	1200	1200	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	Zone 3 - Sec 3 - Plat 017 : Parcel 017	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.75	1000	1000	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	2200 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	2200 14	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

SWUPA-E (NA WAI EHA, MAUI)

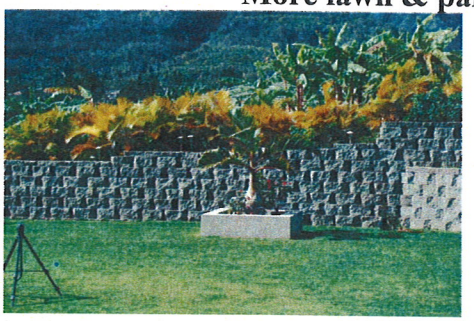
PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-018

Section F – end use of area photos

Lawn, palms

More lawn & palms



Lawn, palms

EXHIBIT NO.
2189 WCEIC - 25

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	1093	☐	☒	☐	☐	
June 2007	1130	☐	☒	☐	☐	
July 2007	1093	☐	☒	☐	☐	
August 2007	2242	☒	☐	☐	☐	
September 2007	5396	☒	☐	☐	☐	
October 2007	1495	☒	☐	☐	☐	
November 2007	118	☒	☐	☐	☐	
December 2007	279	☒	☐	☐	☐	
January 2008	256	☒	☐	☐	☐	
February 2008	274	☒	☐	☐	☐	
March 2008	509	☒	☐	☐	☐	
April 2008	577	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	14462	GPD				
AVERAGE DAILY USE (Average of the above)	1205	GPD				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either. Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
IRRLA	3 - 3 - 017 : 018 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	1205	Yes	0.75	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	1205	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1205	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 018 (Zone - Sector - Plat : Parcel)	Landscape	2.203	0.75	April	April	Multiple sprinklers	Other - Manual as needed
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to Instructions.)
3 - 3 - 017 : 018 (Zone Sec Plat Parcel)	Bananas	2.203	0.75	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 018 (Zone Sec Plat Parcel)	Solanaceous	2.203	0.25	April	April	Trickle, drip	Other - Manual as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 1 8 (Zone Sec Plat Parcel)	Bananas	2.203	0.75	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 1 8 (Zone Sec Plat Parcel)	Solanaceous	2.203	0.25	April	April	Trickle, drip	Other - Manual as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 1 8	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.00	1850	1850	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	1850 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1850 14	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

SWUPA-E (NA WAI EHA, MAUI)

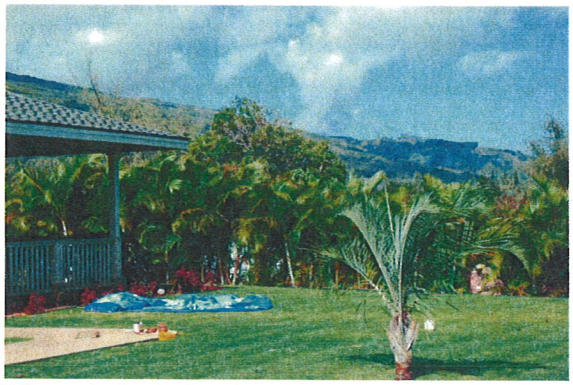
PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-019

Section F – end use of area photos

Palms

Goats, pasture



More palms, lawn

Macadamia nut trees, horse pasture

More palms

EXHIBIT NO.
2189 WCEIC - 26

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 019 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	400	Yes	0.25	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
AGRLI	3 - 3 - 017 : 019 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	148	Yes	0.50	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
IRRLA	3 - 3 - 017 : 019 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	450	Yes	0.50	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	998	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	998	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 019 (Zone Sector Plat Parcel)	Macadamia nuts	3.003	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 019 (Zone Sector Plat Parcel)	Livestock	3.003	0.50	April	April	Other - Hose water	Other - Manual as needed
3 - 3 - 017 : 019 (Zone Sector Plat Parcel)	Landscape	3.003	0.50	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	505	☒	☐	☐	☐	
June 2007	522	☒	☐	☐	☐	
July 2007	901	☒	☐	☐	☐	
August 2007	956	☒	☐	☐	☐	
September 2007	2056	☒	☐	☐	☐	
October 2007	2688	☒	☐	☐	☐	
November 2007	254	☒	☐	☐	☐	
December 2007	510	☒	☐	☐	☐	
January 2008	765	☒	☐	☐	☐	
February 2008	818	☒	☐	☐	☐	
March 2008	975	☒	☐	☐	☐	
April 2008	1020	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	11971	GPD				
AVERAGE DAILY USE (Average of the above)	998	GPD				

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 1 9 (Zone Sec Plat Parcel)	Nursery plants	3.003	1.25	April	April	Trickle, drip	Other - Timer as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRON	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 1 9	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.25	2200	2200	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	2200 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	2200 14	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-020

Section F – end use of area photos

Squash

Okra seedlings, green onions

Lawn, mini nursery

Bananas

More bananas

Red ginger torch

EXHIBIT NO.
2189 WCEIC - 27

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 020 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	2564	Yes	1.00	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
AGRON	3 - 3 - 017 : 020 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	900	Yes	0.25	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sector - Plat : Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sector - Plat : Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	3464	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	3464	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 020 (Zone Sector Plat Parcel)	Bananas	2.128	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 020 (Zone Sector Plat Parcel)	Papaya	2.128	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 020 (Zone Sector Plat Parcel)	Cucurbit	2.128	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 020 (Zone Sector Plat Parcel)	Nursery plants	2.128	0.25	April	April	Other - Hose water	Other - Manual as needed
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 2 0 (Zone Sec Plat Parcel)	Solanaceous	2.128	0.25	April	April	Trickle, drip	Other - Timer as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-021

Section F – end use of area photos

Orchard

Lawn/ landscape

Leafy vegetables

EXHIBIT NO.
2189 WCEIC - 28

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	0	☒	☐	☐	☐	
June 2007	0	☒	☐	☐	☐	
July 2007	118	☒	☐	☐	☐	
August 2007	76	☒	☐	☐	☐	
September 2007	66	☒	☐	☐	☐	
October 2007	72	☒	☐	☐	☐	
November 2007	151	☒	☐	☐	☐	
December 2007	127	☒	☐	☐	☐	
January 2008	2	☒	☐	☐	☐	
February 2008	2	☒	☐	☐	☐	
March 2008	532	☒	☐	☐	☐	
April 2008	467	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	1613	GPD				
AVERAGE DAILY USE (Average of the above)	134	GPD				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
IRRLA	3 - 3 - 017 : 021 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	134	Yes	0.25	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	134	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	134	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 021 Zone Sector Plat Parcel	Landscape	2.128	0.25	April	April	Multiple sprinklers	Other - Timer as needed
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 2 1 (Zone Sec Plat Parcel)	Papaya	2.128	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 2 1 (Zone Sec Plat Parcel)	Orchard	2.128	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 2 1 (Zone Sec Plat Parcel)	Bananas	2.128	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 2 1 (Zone Sec Plat Parcel)	Leafy vegetables	2.128	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 2 1 (Zone Sec Plat Parcel)	Solanaceous	2.128	0.25	April	April	Trickle, drip	Other - Timer as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 2 1	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.25	3200	3200	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	3200 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	3200 14	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-022

Section F – end use of area photos

Macadamia nuts (vacant)

Vacant

More macadamia nuts (vacant)

EXHIBIT NO.
2189 WCEIC - 29

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	0	☒	☐	☐	☐	
June 2007	0	☒	☐	☐	☐	
July 2007	1	☒	☐	☐	☐	
August 2007	0	☒	☐	☐	☐	
September 2007	0	☒	☐	☐	☐	
October 2007	0	☒	☐	☐	☐	
November 2007	0	☒	☐	☐	☐	
December 2007	0	☒	☐	☐	☐	
January 2008	0	☒	☐	☐	☐	
February 2008	0	☒	☐	☐	☐	
March 2008	0	☒	☐	☐	☐	
April 2008	0	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	1	**GPD**				
AVERAGE DAILY USE (Average of the above)	0	**GPD**				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
N/A	3 - 3 - 017 : 022 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	0	Yes	0	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	0	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	0	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 022 (Zone Sector Plat Parcel)	N/A	2.868	0	April	April	N/A	N/A
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 2 2	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	2.00	4025	4025	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 2 2	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	300	300	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	4325 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	4325 14	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 022 (Zone Sec Plat Parcel)	Macadamia nuts	2.868	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 022 (Zone Sec Plat Parcel)	Bananas	2.868	1.00	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 022 (Zone Sec Plat Parcel)	Leafy vegetables	2.868	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 022 (Zone Sec Plat Parcel)	Orchard	2.868	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 022 (Zone Sec Plat Parcel)	Landscape	2.868	0.25	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-023

Section F – end use of area photos

Orchard

Bananas

Lawn/ landscape

Bananas

More bananas

Orchard

EXHIBIT NO.
2189 WCEIC - 30

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	3330	☒	☐	☐	☐	
June 2007	3441	☒	☐	☐	☐	
July 2007	7321	☒	☐	☐	☐	
August 2007	6507	☒	☐	☐	☐	
September 2007	3327	☒	☐	☐	☐	
October 2007	1731	☒	☐	☐	☐	
November 2007	13	☒	☐	☐	☐	
December 2007	172	☒	☐	☐	☐	
January 2008	1045	☒	☐	☐	☐	
February 2008	1118	☒	☐	☐	☐	
March 2008	2387	☒	☐	☐	☐	
April 2008	2166	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	32558	GPD				
AVERAGE DAILY USE (Average of the above)	2713	GPD				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	Zone 3 - Sector 3 - Plat 017 : Parcel 023	Agriculture	No	Chapter 19.30A Agr. Dist.	No	2363	Yes	1.00	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	Zone 3 - Sector 3 - Plat 017 : Parcel 023	Agriculture	No	Chapter 19.30A Agr. Dist.	No	350	Yes	0.25	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sector - Plat : Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sector - Plat : Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	2713	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	2713	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 023 (Zone Sector Plat Parcel)	Bananas	2.603	0.75	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 023 (Zone Sector Plat Parcel)	Orchard	2.603	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 023 (Zone Sector Plat Parcel)	Landscape	2.603	0.25	April	April	Trickle, drip	Other - Manual as needed
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 2 3 (Zone Sec Plat Parcel)	Papaya	2.603	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 2 3 (Zone Sec Plat Parcel)	Leafy vegetables	2.603	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 2 3 (Zone Sec Plat Parcel)	Nursery plants	2.603	0.25	April	April	Trickle, drip	Other - Timer as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 017 : Parcel 023	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.50	1000	1000	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
AGRON	Zone 3 - Sec 3 - Plat 017 : Parcel 023	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	400	400	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	1400 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1400 14	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-024

Section F – end use of area photos

Bananas

Foxtail palms

Leafy vegetables

EXHIBIT NO.
2189 WCEIC - 31

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	3753	☒	☐	☐	☐	
June 2007	3878	☒	☐	☐	☐	
July 2007	5780	☒	☐	☐	☐	
August 2007	10510	☒	☐	☐	☐	
September 2007	2006	☒	☐	☐	☐	
October 2007	859	☒	☐	☐	☐	
November 2007	561	☒	☐	☐	☐	
December 2007	453	☒	☐	☐	☐	
January 2008	995	☒	☐	☐	☐	
February 2008	1063	☒	☐	☐	☐	
March 2008	715	☒	☐	☐	☐	
April 2008	540	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	31112	**GPD**				
AVERAGE DAILY USE (Average of the above)	2593	**GPD**				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 024 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	1593	Yes	0.75	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
AGRON	3 - 3 - 017 : 024 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	1000	Yes	0.75	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sector - Plat : Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sector - Plat : Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	2593	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	2593	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 024 (Zone Sector Plat Parcel)	Nursery plants	2.819	0.75	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 024 (Zone Sector Plat Parcel)	Orchard	2.819	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 024 (Zone Sector Plat Parcel)	Bananas	2.819	0.50	April	April	Trickle, drip	Other - Timer as needed
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	3 - 3 - 0 1 7 : 0 2 4 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.50	900	900	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 0 1 7 : 0 2 4 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	250	250	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	13 1150	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	14 1150	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-025

Section F – end use of area photos

Lawn/ landscape

More lawn

EXHIBIT NO.
2189 WCEIC - 32

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	2208	☒	☐	☐	☐	
June 2007	2282	☒	☐	☐	☐	
July 2007	5909	☒	☐	☐	☐	
August 2007	6226	☒	☐	☐	☐	
September 2007	1005	☒	☐	☐	☐	
October 2007	1158	☒	☐	☐	☐	
November 2007	5	☒	☐	☐	☐	
December 2007	221	☒	☐	☐	☐	
January 2008	15	☒	☐	☐	☐	
February 2008	16	☒	☐	☐	☐	
March 2008	1082	☒	☐	☐	☐	
April 2008	1045	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	21172	**GPD**				
AVERAGE DAILY USE (Average of the above)	1764	**GPD**				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		**GPD**		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 025 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	1214	Yes	0.75	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 017 : 025 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	550	Yes	0.50	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	1764	**GPD**		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1764	**GPD**		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 025 (Zone Sector Plat Parcel)	Bananas	2.532	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 025 (Zone Sector Plat Parcel)	Macadamia nuts	2.532	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 025 (Zone Sector Plat Parcel)	Solanaceous	2.532	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 025 (Zone Sector Plat Parcel)	Landscape	2.532	0.50	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 025 (Zone Sec Plat Parcel)	Bananas	2.532	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 025 (Zone Sec Plat Parcel)	Orchard	2.532	0.25	April	April	Trickle, drip	Other - Timer as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 2 5	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.75	1750	1750	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	1750 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1750 14	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-026

Section F – end use of area photos

Pahole fern

Squash/ tomatoes

Bananas

Citrus/ avocadoes

Dry land taro

Green onions

EXHIBIT NO.
2189 WCEIC - 33

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	13164	☒	☐	☐	☐	
June 2007	13602	☒	☐	☐	☐	
July 2007	5155	☒	☐	☐	☐	
August 2007	1488	☒	☐	☐	☐	
September 2007	4	☒	☐	☐	☐	
October 2007	3	☒	☐	☐	☐	
November 2007	131	☒	☐	☐	☐	
December 2007	336	☒	☐	☐	☐	
January 2008	573	☒	☐	☐	☐	
February 2008	612	☒	☐	☐	☐	
March 2008	3	☒	☐	☐	☐	
April 2008	6	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	35076	GPD				
AVERAGE DAILY USE (Average of the above)	2923	GPD				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 026 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	2923	Yes	1.25	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	2923	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	2923	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 026 (Zone Sector Plat Parcel)	Macadamia nuts	2.632	0.50	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 026 (Zone Sector Plat Parcel)	Cucurbit	2.632	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 026 (Zone Sector Plat Parcel)	Bananas	2.632	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 026 (Zone Sector Plat Parcel)	Dryland taro	2.632	0.25	April	April	Trickle, drip	Other - Manual as needed
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 2 6 (Zone Sec Plat Parcel)	Papapya	2.632	0.75	April	April	Trickle, drip	Other - Manual as needed
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-027

Section F – end use of area photos

Plumerias

Lawn/ landscape

Macadamia nuts

Foxtail palms

EXHIBIT NO.
2189 WCEIC - 34

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	282	☐	☒	☐	☐	
June 2007	291	☐	☒	☐	☐	
July 2007	607	☒	☐	☐	☐	
August 2007	685	☒	☐	☐	☐	
September 2007	558	☒	☐	☐	☐	
October 2007	264	☒	☐	☐	☐	
November 2007	20	☒	☐	☐	☐	
December 2007	112	☒	☐	☐	☐	
January 2008	156	☒	☐	☐	☐	
February 2008	167	☒	☐	☐	☐	
March 2008	123	☒	☐	☐	☐	
April 2008	160	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	3425	GPD				
AVERAGE DAILY USE (Average of the above)	285	GPD				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
IRRLA	Zone 3 - Sector 3 - Plat 017 : Parcel 027	Agriculture	No	Chapter 19.30A Agr. Dist.	No	285	Yes	0.25	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sector - Plat : Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sector - Plat : Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sector - Plat : Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	285	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	285	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.
There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 027 (Zone Sector Plat Parcel)	Landscape	2.342	0.25	April	April	Multiple sprinklers	Other - Manual as needed
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 2 7 (Zone Sec Plat Parcel)	Nursery plants	2.342	1.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 2 7 (Zone Sec Plat Parcel)	Orchard	2.342	0.25	April	April	Trickle, drip	Other - Manual as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	3 - 3 - 0 1 7 : 0 2 7 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	650	650	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
AGRON	3 - 3 - 0 1 7 : 0 2 7 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.25	2000	2000	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	14	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-028

Section F – end use of area photos

Papaya

Tropical flowers

Bananas

Dry land taro

Macadamia nuts

Orchard

EXHIBIT NO.
2189 WCEIC - 35

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	1339	☒	☐	☐	☐	
June 2007	1383	☒	☐	☐	☐	
July 2007	2933	☒	☐	☐	☐	
August 2007	3952	☒	☐	☐	☐	
September 2007	1329	☒	☐	☐	☐	
October 2007	1389	☒	☐	☐	☐	
November 2007	230	☒	☐	☐	☐	
December 2007	1088	☒	☐	☐	☐	
January 2008	1508	☒	☐	☐	☐	
February 2008	1612	☒	☐	☐	☐	
March 2008	2482	☒	☐	☐	☐	
April 2008	1688	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	20934	GPD				
AVERAGE DAILY USE (Average of the above)	1744	GPD				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 028 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	1150	Yes	1.00	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
AGRON	3 - 3 - 017 : 028 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	300	Yes	0.25	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
IRRLA	3 - 3 - 017 : 028 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	294	Yes	0.25	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	1744	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1744	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 028 (Zone Sector Plat Parcel)	Macadamia nuts	2.252	0.50	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 028 (Zone Sector Plat Parcel)	Bananas	2.252	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 028 (Zone Sector Plat Parcel)	Nursery plants	2.252	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 028 (Zone Sector Plat Parcel)	Landscape	2.252	0.25	April	April	Multiple sprinklers	Other - Manual as needed
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 017 : Parcel 028	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	950	950	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	Zone 3 - Sec 3 - Plat 017 : Parcel 028	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	350	350	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	1300 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1300 14	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-029

Section F – end use of area photos

Papaya

Bananas

Landscape/ lawn

Orchard

EXHIBIT NO.
2189 WCEIC - 36

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	3033	☒	☐	☐	☐	
June 2007	3134	☒	☐	☐	☐	
July 2007	1950	☒	☐	☐	☐	
August 2007	1873	☒	☐	☐	☐	
September 2007	1898	☒	☐	☐	☐	
October 2007	1675	☒	☐	☐	☐	
November 2007	735	☒	☐	☐	☐	
December 2007	1510	☒	☐	☐	☐	
January 2008	1579	☒	☐	☐	☐	
February 2008	1688	☒	☐	☐	☐	
March 2008	1794	☒	☐	☐	☐	
April 2008	1683	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	22553	**GPD**				
AVERAGE DAILY USE (Average of the above)	1879	**GPD**				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 029 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	1379	Yes	0.50	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 017 : 029 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	500	Yes	0.50	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	1879	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1879	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.
There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 029 (Zone Sector Plat Parcel)	Papaya	2.395	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 029 (Zone Sector Plat Parcel)	Orchard	2.395	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 029 (Zone Sector Plat Parcel)	Landscape	2.395	0.50	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 017 : Parcel 029	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.00	1800	1800	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	1800 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1800 14	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 2 9 (Zone Sec Plat Parcel)	Papaya	2.395	0.50	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 2 9 (Zone Sec Plat Parcel)	Orchard	2.395	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 2 9 (Zone Sec Plat Parcel)	Leafy vegetables	2.395	0.25	April	April	Trickle, drip	Other - Manual as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-030

Section F – end use of area photos

Papaya

Leafy vegetables

Dry land taro

Livestock

Cucurbit

EXHIBIT NO.
2189 WCEIC - 37

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	186	☒	☐	☐	☐	
June 2007	193	☒	☐	☐	☐	
July 2007	7239	☒	☐	☐	☐	
August 2007	155	☒	☐	☐	☐	
September 2007	887	☒	☐	☐	☐	
October 2007	944	☒	☐	☐	☐	
November 2007	40	☒	☐	☐	☐	
December 2007	133	☒	☐	☐	☐	
January 2008	773	☒	☐	☐	☐	
February 2008	826	☒	☐	☐	☐	
March 2008	825	☒	☐	☐	☐	
April 2008	791	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	12992	GPD				
AVERAGE DAILY USE (Average of the above)	1083	GPD				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 030 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	1083	Yes	0.50	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	1083	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1083	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 030 (Zone Sector Plat Parcel)	Dry land taro	2.36	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 030 (Zone Sector Plat Parcel)	Cucurbit	2.36	0.25	April	April	Trickle, drip	Other - Manual as needed
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 017 : Parcel 030	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.00	1950	1950	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
AGRLI	Zone 3 - Sec 3 - Plat 017 : Parcel 030	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	150	150	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	2100 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	2100 14	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 030 (Zone Sec Plat Parcel)	Dry land taro	2.36	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 030 (Zone Sec Plat Parcel)	Papaya	2.36	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 030 (Zone Sec Plat Parcel)	Bananas	2.36	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 030 (Zone Sec Plat Parcel)	Solanaceous	2.36	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 030 (Zone Sec Plat Parcel)	Livestock	2.36	0.25	April	April	Other - Hose water	Other - Manual as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 3 0 (Zone Sec Plat Parcel)	Dry land taro	2.36	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 3 0 (Zone Sec Plat Parcel)	Papaya	2.36	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 3 0 (Zone Sec Plat Parcel)	Bananas	2.36	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 3 0 (Zone Sec Plat Parcel)	Solanaceous	2.36	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 3 0 (Zone Sec Plat Parcel)	Livestock	2.36	0.25	April	April	Other - Hose water	Other - Manual as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 3 0 (Zone Sec Plat Parcel)	Dry land taro	2.36	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 3 0 (Zone Sec Plat Parcel)	Papaya	2.36	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 3 0 (Zone Sec Plat Parcel)	Bananas	2.36	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 3 0 (Zone Sec Plat Parcel)	Solanaceous	2.36	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 3 0 (Zone Sec Plat Parcel)	Livestock	2.36	0.25	April	April	Other - Hose water	Other - Manual as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-031

Section F – end use of area photos

Papaya/ foxtail palms

Cucurbit/ bananas

Cucurbit

Lawn

Okra

Foxtail palms

EXHIBIT NO.
2189 WCEIC - 38

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	7403	☒	☐	☐	☐	
June 2007	7650	☒	☐	☐	☐	
July 2007	4067	☒	☐	☐	☐	
August 2007	4312	☒	☐	☐	☐	
September 2007	1336	☒	☐	☐	☐	
October 2007	612	☒	☐	☐	☐	
November 2007	202	☒	☐	☐	☐	
December 2007	1188	☒	☐	☐	☐	
January 2008	735	☒	☐	☐	☐	
February 2008	786	☒	☐	☐	☐	
March 2008	1568	☒	☐	☐	☐	
April 2008	793	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	30652	GPD				
AVERAGE DAILY USE (Average of the above)	2554	GPD				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 031 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	1604	Yes	0.75	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 017 : 031 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	500	Yes	0.50	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
AGRON	3 - 3 - 017 : 031 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	450	Yes	0.25	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sector - Plat : Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	2554	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	2554	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 031 (Zone Sector Plat Parcel)	Nursery plants	2.399	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 031 (Zone Sector Plat Parcel)	Cucurbit	2.399	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 031 (Zone Sector Plat Parcel)	Bananas	2.399	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 031 (Zone Sector Plat Parcel)	Landscape	2.399	0.50	April	April	Multiple sprinklers	Other - Manual as needed
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 3 1 (Zone Sec Plat Parcel)	Bananas	2.399	0.50	April	April	Trickle, drip	Other - Timer as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 3 1	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.50	1000	1000	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	1000 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1000 14	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-032

Section F – end use of area photos

Orchard

Bananas

Leafy vegetables

More bananas

EXHIBIT NO.
2189 WCEIC - 39

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	0	☒	☐	☐	☐	
June 2007	0	☒	☐	☐	☐	
July 2007	0	☒	☐	☐	☐	
August 2007	0	☒	☐	☐	☐	
September 2007	0	☒	☐	☐	☐	
October 2007	0	☒	☐	☐	☐	
November 2007	0	☒	☐	☐	☐	
December 2007	0	☒	☐	☐	☐	
January 2008	0	☒	☐	☐	☐	
February 2008	0	☒	☐	☐	☐	
March 2008	0	☒	☐	☐	☐	
April 2008	0	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	0	GPD				
AVERAGE DAILY USE (Average of the above)	0	GPD				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
N/A	3 - 3 - 017 : 032 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	0	Yes	0	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	0	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	0	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 032 (Zone Sector Plat Parcel)	N/A	2.173	0	April	April	N/A	N/A
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 017 : Parcel 032	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.50	2750	2750	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	Zone 3 - Sec 3 - Plat 017 : Parcel 032	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	250	250	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	3000 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	3000 14	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 032 (Zone Sec Plat Parcel)	Bananas	2.173	0.50	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 032 (Zone Sec Plat Parcel)	Leafy vegetables	2.173	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 032 (Zone Sec Plat Parcel)	Papaya	2.173	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 032 (Zone Sec Plat Parcel)	Orchard	2.173	0.50	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 032 (Zone Sec Plat Parcel)	Landscape	2.173	0.25	April	April	Multiple sprinklers	Other - Manual as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-033

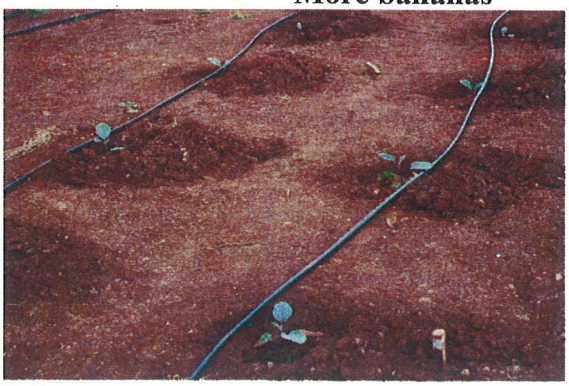
Section F – end use of area photos

String beans

Bananas

Cucurbit

More bananas



Solanaceous

EXHIBIT NO.
2189 WCEIC - 40

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	958	☒	☐	☐	☐	
June 2007	0	☒	☐	☐	☐	
July 2007	2180	☒	☐	☐	☐	
August 2007	1650	☒	☐	☐	☐	
September 2007	1826	☒	☐	☐	☐	
October 2007	1663	☒	☐	☐	☐	
November 2007	292	☒	☐	☐	☐	
December 2007	1855	☒	☐	☐	☐	
January 2008	562	☒	☐	☐	☐	
February 2008	601	☒	☐	☐	☐	
March 2008	1385	☒	☐	☐	☐	
April 2008	1144	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	14115	GPD				
AVERAGE DAILY USE (Average of the above)	1176	GPD				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 033 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	1176	Yes	0.50	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	1176	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1176	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 033 Zone Sector Plat Parcel	Bananas	2.147	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 033 Zone Sector Plat Parcel	Cucurbit	2.147	0.25	April	April	Trickle, drip	Other - Manual as needed
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 017 : Parcel 033	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.75	1600	1600	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	Zone 3 - Sec 3 - Plat 017 : Parcel 033	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	250	250	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	13 1850	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	14 1850	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 3 3 (Zone Sec Plat Parcel)	Solanaceous	2.147	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 3 3 (Zone Sec Plat Parcel)	Leafy vegetables	2.147	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 3 3 (Zone Sec Plat Parcel)	Cucurbit	2.147	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 3 3 (Zone Sec Plat Parcel)	Landscape	2.147	0.25	April	April	Multiple sprinklers	Other - Manual as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-034

Section F – end use of area photos

Vacant

EXHIBIT NO.
2189 WCEIC - 41

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	0	☒	☐	☐	☐	
June 2007	0	☒	☐	☐	☐	
July 2007	0	☒	☐	☐	☐	
August 2007	0	☒	☐	☐	☐	
September 2007	0	☒	☐	☐	☐	
October 2007	0	☒	☐	☐	☐	
November 2007	0	☒	☐	☐	☐	
December 2007	0	☒	☐	☐	☐	
January 2008	0	☒	☐	☐	☐	
February 2008	0	☒	☐	☐	☐	
March 2008	0	☒	☐	☐	☐	
April 2008	0	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	0	GPD				
AVERAGE DAILY USE (Average of the above)	0	GPD				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
N/A	3 - 3 - 017 : 034 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	0	Yes	0	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	0	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	0	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 034 (Zone Sector Plat Parcel)	N/A	2.095	0	April	April	N/A	N/A
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 3 4	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.25	3725	3725	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 3 4	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	300	300	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	13 4025	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	14 4025	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 034 (Zone Sec Plat Parcel)	Macadamia nuts	2.095	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 034 (Zone Sec Plat Parcel)	Bananas	2.095	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 034 (Zone Sec Plat Parcel)	Leafy vegetables	2.095	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 034 (Zone Sec Plat Parcel)	Cucurbit	2.095	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 034 (Zone Sec Plat Parcel)	Landscape	2.095	0.25	April	April	Trickle, drip	Other - Timer as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-035

Section F – end use of area photos

String beans

Okra

Eggplant

Bananas

EXHIBIT NO.
2189 WCEIC - 42

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	38	☒	☐	☐	☐	
June 2007	39	☒	☐	☐	☐	
July 2007	1910	☒	☐	☐	☐	
August 2007	1287	☒	☐	☐	☐	
September 2007	1580	☒	☐	☐	☐	
October 2007	783	☒	☐	☐	☐	
November 2007	222	☒	☐	☐	☐	
December 2007	443	☒	☐	☐	☐	
January 2008	918	☒	☐	☐	☐	
February 2008	982	☒	☐	☐	☐	
March 2008	0	☒	☐	☐	☐	
April 2008	1401	☒	☐	☐	☐	

SUM OF AVERAGE DAILY USE FOR THE MONTH	9602	GPD
AVERAGE DAILY USE (Average of the above)	800	GPD

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 035 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	550	Yes	0.25	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 017 : 035 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	250	Yes	0.25	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	800	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	800	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 035 Zone Sector Plat Parcel	Bananas	2.783	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 035 Zone Sector Plat Parcel	Landscape	2.783	0.25	April	April	Multiple sprinklers	Other - Timer as needed
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 035 (Zone Sec Plat Parcel)	Bananas	2.783	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 035 (Zone Sec Plat Parcel)	Solanaceous	2.783	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 035 (Zone Sec Plat Parcel)	Cucurbit	2.783	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 035 (Zone Sec Plat Parcel)	Leafy vegetables	2.783	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 035 (Zone Sec Plat Parcel)	Landscape	2.783	0.25	April	April	Trickle, drip	Other - Timer as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 017 : Parcel 035	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.50	2250	2250	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	Zone 3 - Sec 3 - Plat 017 : Parcel 035	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	250	250	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	13 2500	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	14 2500	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-036

Section F – end use of area photos

Bamboo

Bananas

Organic vegetable garden

Palms/ landscape/ orchard

More palms

EXHIBIT NO.
2189 WCEIC - 43

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	2417	☒	☐	☐	☐	
June 2007	2498	☒	☐	☐	☐	
July 2007	1937	☒	☐	☐	☐	
August 2007	1892	☒	☐	☐	☐	
September 2007	2312	☒	☐	☐	☐	
October 2007	1977	☒	☐	☐	☐	
November 2007	655	☒	☐	☐	☐	
December 2007	1465	☒	☐	☐	☐	
January 2008	1642	☒	☐	☐	☐	
February 2008	1755	☒	☐	☐	☐	
March 2008	1848	☒	☐	☐	☐	
April 2008	2014	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	22412	GPD				
AVERAGE DAILY USE (Average of the above)	1868	GPD				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 036 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	1618	Yes	1.25	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 017 : 036 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	250	Yes	0.25	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	1868	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1868	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 036 Zone Sector Plat Parcel	Orchard	2.728	1.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 036 Zone Sector Plat Parcel	Landscape	2.728	0.25	April	April	Trickle, drip	Other - Timer as needed
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 3 6 (Zone Sec Plat Parcel)	Leafy vegetables	2.728	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 3 6 (Zone Sec Plat Parcel)	Cucurbit	2.728	0.50	April	April	Trickle, drip	Other - Timer as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 3 6	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.75	1600	1600	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	13 1600	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	14 1600	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-037

Section F – end use of area photos

Papaya

Lawn/ orchard

Bananas

Dry land taro

Lawn

EXHIBIT NO.
2189 WCEIC - 44

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	3859	☒	☐	☐	☐	
June 2007	3988	☒	☐	☐	☐	
July 2007	2651	☒	☐	☐	☐	
August 2007	2302	☒	☐	☐	☐	
September 2007	2330	☒	☐	☐	☐	
October 2007	1720	☒	☐	☐	☐	
November 2007	276	☒	☐	☐	☐	
December 2007	1505	☒	☐	☐	☐	
January 2008	1891	☒	☐	☐	☐	
February 2008	2021	☒	☐	☐	☐	
March 2008	2351	☒	☐	☐	☐	
April 2008	2039	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	26934	**GPD**				
AVERAGE DAILY USE (Average of the above)	2244	**GPD**				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 037 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	1994	Yes	0.75	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 017 : 037 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	250	Yes	0.25	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	2244	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	2244	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 037 (Zone Sector Plat Parcel)	Macadamia nuts	2.043	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 037 (Zone Sector Plat Parcel)	Orchard	2.043	0.50	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 037 (Zone Sector Plat Parcel)	Landscape	2.043	0.25	April	April	Multiple sprinklers	Other - Manual as needed
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 3 7	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.50	1150	1150	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	1150 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1150 14	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 037 (Zone Sec Plat Parcel)	Orchard	2.043	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 037 (Zone Sec Plat Parcel)	Bananas	2.043	0.25	April	April	Trickle, drip	Other - Manual as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-038

Section F – end use of area photos

Foxtail palms

Landscape

Lawn/ landscape

Orchard

EXHIBIT NO.
2189 WCEIC - 45

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	1461	☐	☒	☐	☐	
June 2007	1509	☐	☒	☐	☐	
July 2007	1461	☐	☒	☐	☐	
August 2007	1461	☐	☒	☐	☐	
September 2007	1509	☐	☒	☐	☐	
October 2007	1215	☒	☐	☐	☐	
November 2007	1281	☒	☐	☐	☐	
December 2007	1088	☒	☐	☐	☐	
January 2008	1422	☒	☐	☐	☐	
February 2008	1520	☒	☐	☐	☐	
March 2008	2609	☒	☐	☐	☐	
April 2008	1220	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	17755	GPD				
AVERAGE DAILY USE (Average of the above)	1480	GPD				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
IRRLA	3 - 3 - 017 : 038 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	1480	Yes	0.50	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	1480	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1480	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 038 (Zone Sector Plat Parcel)	Landscape	2.078	0.50	April	April	Multiple sprinklers	Other - Manual as needed
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 3 8	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.75	1800	1800	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
AGRON	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 3 8	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	600	600	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	2400 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	2400 14	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 3 8 (Zone Sec Plat Parcel)	Nursery plants	2.078	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 3 8 (Zone Sec Plat Parcel)	Orchard	2.078	0.50	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 3 8 (Zone Sec Plat Parcel)	Leafy vegetables	2.078	0.25	April	April	Trickle, drip	Other - Manual as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-039

Section F – end use of area photos

Papaya

Bananas

Lawn/ landscape

Green onions/ leafy vegetables

Livestock

EXHIBIT NO.
2189 WCEIC - 46

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	260	☒	☐	☐	☐	
June 2007	269	☒	☐	☐	☐	
July 2007	199	☒	☐	☐	☐	
August 2007	208	☒	☐	☐	☐	
September 2007	283	☒	☐	☐	☐	
October 2007	128	☒	☐	☐	☐	
November 2007	24	☒	☐	☐	☐	
December 2007	21	☒	☐	☐	☐	
January 2008	42	☒	☐	☐	☐	
February 2008	44	☒	☐	☐	☐	
March 2008	40	☒	☐	☐	☐	
April 2008	57	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	1574	GPD				
AVERAGE DAILY USE (Average of the above)	131	GPD				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRLI	3 - 3 - 017 : 039 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	131	Yes	0.25	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sector - Plat : Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sector - Plat : Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sector - Plat : Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	131	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	131	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 039 Zone Sector Plat Parcel	Livestock	2.026	0.25	April	April	Other - Hose water	Other - Manual as needed
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	3 - 3 - 0 1 7 : 0 3 9 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.00	2425	2425	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 0 1 7 : 0 3 9 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	300	300	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	2725 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	2725 14	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 039 (Zone Sec Plat Parcel)	Papaya	2.026	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 039 (Zone Sec Plat Parcel)	Solanaceous	2.026	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 039 (Zone Sec Plat Parcel)	Bananas	2.026	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 039 (Zone Sec Plat Parcel)	Leafy vegetables	2.026	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 039 (Zone Sec Plat Parcel)	Landscape	2.026	0.25	April	April	Multiple sprinklers	Other - Manual as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-040

Section F – end use of area photos

Macadamia nuts

Livestock

More macadamia nuts

EXHIBIT NO.
2189 WCEIC - 47

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	0	☒	☐	☐	☐	
June 2007	0	☒	☐	☐	☐	
July 2007	0	☒	☐	☐	☐	
August 2007	0	☒	☐	☐	☐	
September 2007	0	☒	☐	☐	☐	
October 2007	0	☒	☐	☐	☐	
November 2007	0	☒	☐	☐	☐	
December 2007	0	☒	☐	☐	☐	
January 2008	0	☒	☐	☐	☐	
February 2008	0	☒	☐	☐	☐	
March 2008	0	☒	☐	☐	☐	
April 2008	0	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	0	GPD				
AVERAGE DAILY USE (Average of the above)	0	GPD				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
N/A	3 - 3 - 017 : 040 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	0	Yes	0	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	0	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	0	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 040 (Zone Sector Plat Parcel)	N/A	2.009	0	April	April	N/A	N/A
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 4 0	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.50	4000	4000	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	4000 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	4000 14	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 4 0 (Zone Sec Plat Parcel)	Macadamia nuts	2.009	1.50	April	April	Trickle, drip	Other - Timer as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-041

Section F – end use of area photos

Potted plants

Macadamia nuts

Bananas

Landscape

Macadamia nuts/ dry land taro

Lawn/ landscape

EXHIBIT NO.
2189 WCEIC - 48

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	4235	☒	☐	☐	☐	
June 2007	4376	☒	☐	☐	☐	
July 2007	4846	☒	☐	☐	☐	
August 2007	2535	☒	☐	☐	☐	
September 2007	466	☒	☐	☐	☐	
October 2007	635	☒	☐	☐	☐	
November 2007	199	☒	☐	☐	☐	
December 2007	24	☒	☐	☐	☐	
January 2008	39	☒	☐	☐	☐	
February 2008	42	☒	☐	☐	☐	
March 2008	0	☒	☐	☐	☐	
April 2008	12	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	17409	GPD				
AVERAGE DAILY USE (Average of the above)	1451	GPD				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 041 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	750	Yes	0.25	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
AGRON	3 - 3 - 017 : 041 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	251	Yes	0.25	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
IRRLA	3 - 3 - 017 : 041 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	450	Yes	0.50	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	1451	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1451	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 041 (Zone Sector Plat Parcel)	Bananas	2.033	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 041 (Zone Sector Plat Parcel)	Nursery	2.033	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 041 (Zone Sector Plat Parcel)	Landscape	2.033	0.50	April	April	Trickle, drip	Other - Manual as needed
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 4 1 (Zone Sec Plat Parcel)	Dry land taro	2.033	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 4 1 (Zone Sec Plat Parcel)	Nursery	2.033	0.25	April	April	Trickle, drip	Other - Timer as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 4 1	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	1000	1000	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
AGRON	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 4 1	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	850	850	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	13 1850	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	14 1850	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-042

Section F – end use of area photos

Foxtail palms

Landscape

EXHIBIT NO.
2189 WCEIC - 49

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	0	☒	☐	☐	☐	
June 2007	0	☒	☐	☐	☐	
July 2007	0	☒	☐	☐	☐	
August 2007	0	☒	☐	☐	☐	
September 2007	0	☒	☐	☐	☐	
October 2007	0	☒	☐	☐	☐	
November 2007	0	☒	☐	☐	☐	
December 2007	0	☒	☐	☐	☐	
January 2008	0	☒	☐	☐	☐	
February 2008	0	☒	☐	☐	☐	
March 2008	0	☒	☐	☐	☐	
April 2008	0	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	0	GPD				
AVERAGE DAILY USE (Average of the above)	0	GPD				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
N/A	3 - 3 - 017 : 042 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	0	Yes	0	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	0	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	0	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 042 (Zone Sector Plat Parcel)	N/A	2.212	0	April	April	N/A	N/A
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 017 : Parcel 042	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.25	3800	3800	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	Zone 3 - Sec 3 - Plat 017 : Parcel 042	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.50	600	600	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	4400 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	4400 14	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 017 : Parcel 042	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.25	3800	3800	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	Zone 3 - Sec 3 - Plat 017 : Parcel 042	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.50	600	600	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	4400 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	4400 14	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 042 (Zone Sec Plat Parcel)	Bananas	2.212	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 042 (Zone Sec Plat Parcel)	Orchard	2.212	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 042 (Zone Sec Plat Parcel)	Papaya	2.212	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 042 (Zone Sec Plat Parcel)	Landscape	2.212	0.50	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-043

Section F – end use of area photos

Macadamia nuts (vacant)

More macadamia nuts (vacant)

EXHIBIT NO.
2189 WCEIC - 50

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	0	☒	☐	☐	☐	
June 2007	0	☒	☐	☐	☐	
July 2007	0	☒	☐	☐	☐	
August 2007	0	☒	☐	☐	☐	
September 2007	0	☒	☐	☐	☐	
October 2007	0	☒	☐	☐	☐	
November 2007	0	☒	☐	☐	☐	
December 2007	0	☒	☐	☐	☐	
January 2008	0	☒	☐	☐	☐	
February 2008	0	☒	☐	☐	☐	
March 2008	0	☒	☐	☐	☐	
April 2008	0	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	0	**GPD**				
AVERAGE DAILY USE (Average of the above)	0	**GPD**				

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
N/A	3 - 3 - 017 : 043 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	0	Yes	0	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	0	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	0	GPD		

If total use requested is not equal to the total monthly average in Table 1, please explain.

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.
There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC

SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 043 (Zone Sector Plat Parcel)	N/A	2.098	0	April	April	N/A	N/A
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							
- - : (Zone Sector Plat Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 017 : Parcel 043	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.25	3850	3850	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	Zone 3 - Sec 3 - Plat 017 : Parcel 043	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	300	300	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	13 4150	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	14 4150	GPD	

15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 043 (Zone Sec Plat Parcel)	Macadamia nuts	2.098	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 043 (Zone Sec Plat Parcel)	Bananas	2.098	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 043 (Zone Sec Plat Parcel)	Leafy vegetables	2.098	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 043 (Zone Sec Plat Parcel)	Orchard	2.098	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 043 (Zone Sec Plat Parcel)	Solanaceous	2.098	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 043 (Zone Sec Plat Parcel)	Landscape	2.098	0.25	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.