

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

Alan T. Egusa

DECLARATION OF Alan T. Egusa

I, Alan T. Egusa, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 155 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, December 30, 2015.

Alan J. Egusa

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

I purchased Lot 155 effective 4-28-15, cob. My intention is to build my home and set the 2 acres up as a small permaculture farm. My estimate for water use is 80,000 gallons per month via drip irrigation for fruit tree saplings and the vegetable garden.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

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

Case No. CCH-MA 15-01

DECLARATION OF:

Britton Stisher

DECLARATION OF Britton Stisher

I, Britton Stisher, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 158 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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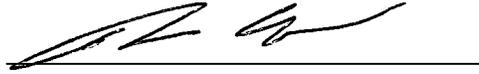
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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, 12-31-15.



ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

Since 2008 Brit Stisher DBA Waiakoa Tree Farms has been raising containerized landscape plants along with bananas and other citrus and avocados. We are in the process of increasing production with hydroponic greenhouse tomatoes.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

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

Case No. CCH-MA 15-01

DECLARATION OF:

SHAHIN R. MOUSAVI

DECLARATION OF SHAHIN R. MOUSAVI

I, SHAHIN R. MOUSAVI, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 159 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, December 18, 2015.

Shel R. Mann

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

A. Kent James

DECLARATION OF A. Kent James

I, A. Kent James, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 160 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, December 30, 2015

A handwritten signature in cursive script, appearing to read "A. Kent Jones". The signature is written in black ink and is positioned below the date line.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

BELLA R. AKIOTA

DECLARATION OF BELLA R. AKIOTA

I, BELLA R. AKIOTA, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.
2. I am an owner of Lot 461 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.
3. I am a member of the Wailuku Country Estates Community Association.
4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.
5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, DECEMBER 22, 2015

Isella P. Angelo

COMMISSION ON WATER RESOURCE MANAGEMENT
STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

James W. Warren and Hunnetta
Javier- Warren

DECLARATION OF James W. Warren and Hunnetta Javier- Warren

I, Hunnetta Javier-Warren, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.
2. I am an owner of Lot 2142 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.
3. I am a member of the Wailuku Country Estates Community Association.
4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.
5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, 01/04/2016.

Warren

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

JCMA Enterprises, LLC.
Gerald Klappert, Manager

DECLARATION OF _____

JCMA Enterprises, LLC.
Gerald Klappert, Manager

I, JCMA Enterprises, LLC.
Gerald Klappert, Manager, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 163 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, December 14, 2015.

Gerald Klappert, Manager
JCM Enterprises, L.L.C.

ADDENDUM TO DECLARATION

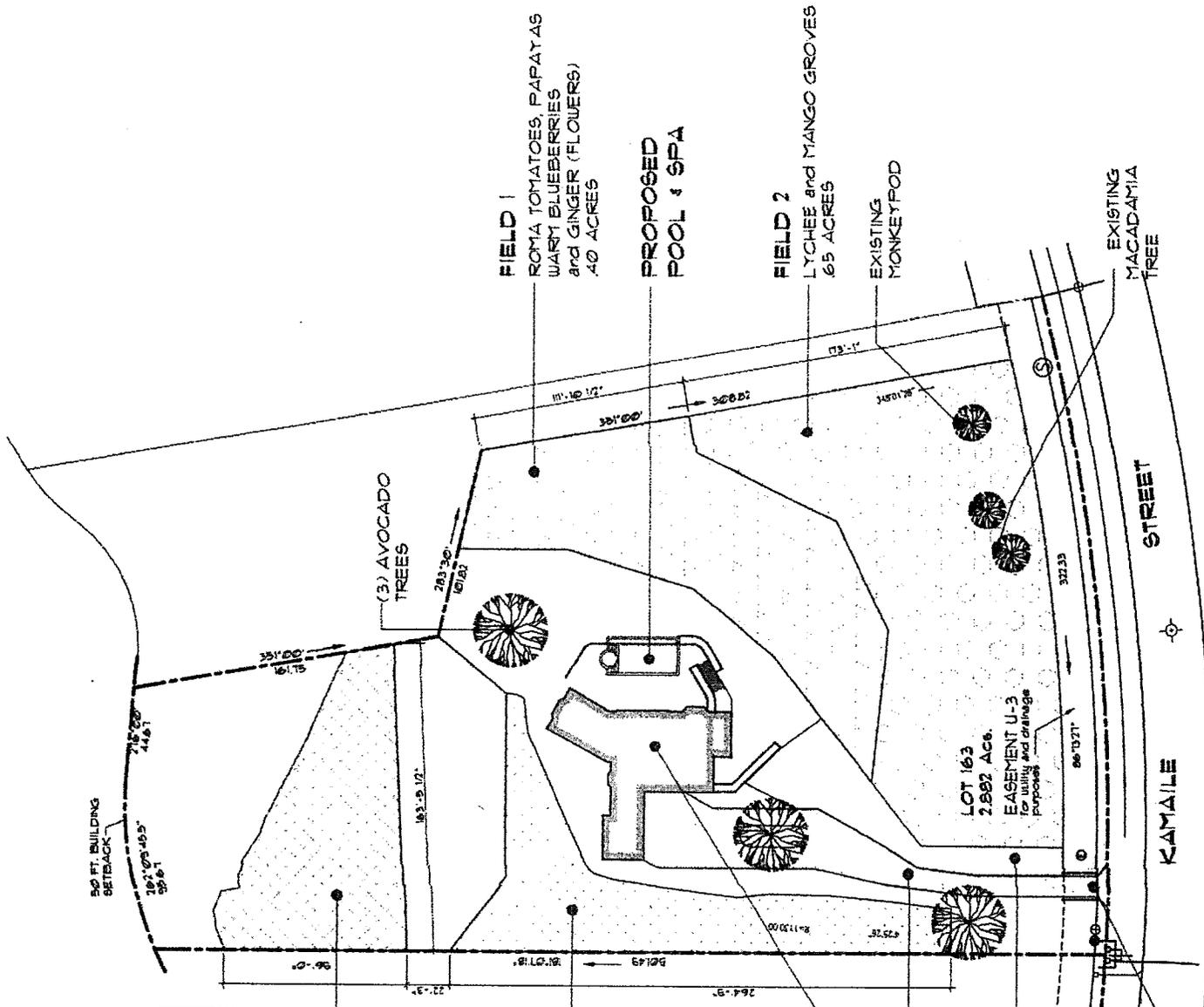
I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

Since purchasing our lot at Wailuku Country Estates in 2012, we (JCMA Enterprises, L.L.C.) have prepared and submitted a farm plan to grow lychee and mango trees on .65 acres, tomatoes, papayas, red & pink ginger (flowers), and additional fruits & vegetables on .4 acres, coffee on .43 acres, and plant lilikoi vines, Samoan coconut and 3 avocado trees (about .25 acres). We have an existing macadamia nut tree.

We plan to use drip irrigation for all of our crops.

We are planting crops that we enjoy eating and using ourselves, as well as selling the excess at farmer's markets, or to other purchasers such as local grocery stores.

We need continued irrigation water for the crops we intend to grow, which are those we listed above.



LOT AREA: 2.882 ACRES
 TOTAL PLANTING AREA: 1.48 ACRES (51.3%)

FIELD 5
 COFFEE TREES

2.4 ACRES

FIELD 4
 COFFEE TREES
 .19 ACRES

PROPOSED FIRST FARM DWELLING
 PROPOSED CONCRETE DRIVEWAY

FIELD 3
 SAMOAN COCONUTS

NOT CALCULATED

CONCRETE DRIVE and FORD PER CIVIL DWGS.

FIELD 1
 ROMA TOMATOES, PAPAYAS and WARM BLUEBERRIES and GINGER (FLOWERS)
 .40 ACRES

PROPOSED POOL & SPA

FIELD 2
 LYCHEE and MANGO GROVES
 .65 ACRES

EXISTING MONKEYPOD

LOT 163
 2.882 ACRES
 EASEMENT U-3 for utility and drainage purposes

EXISTING MACADAMIA TREE

STREET

KAMAILE

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

Tim Carter

DECLARATION OF Tim Carter

I, Tim Carter, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 1164 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

EXHIBIT NO.

2189 WCEIC - 415

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, "Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, "Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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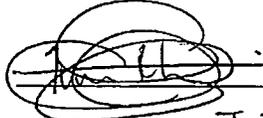
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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, 1/4/14


_____ :
Tim Castro

COMMISSION ON WATER RESOURCE MANAGEMENT
STATE OF HAWAII

Surface Water Use Permit Applications,) Case No. CCH-MA 15-01
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow) DECLARATION OF
Standards, Na Wai Eha Surface Water) KATHLEEN A. BROWN
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

DECLARATION OF KATHLEEN A. BROWN

I, Kathleen A. Brown, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.
2. I am an owner of Lot 165 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.
3. I am a member of the Wailuku Country Estates Community Association.
4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.
5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, January 27 2016

Kathleen A. Brown

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

Steven L Hatfield

DECLARATION OF Steven L Hatfield

I, Steven L Hatfield, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 166 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

EXHIBIT NO.
2189 WCEIC - 417

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, "Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, "Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, 12-30-15

Steve Hatfield

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

Lot 166 TMK 3-3-017-166

A plan to increase agricultural activities each year to maximize the usage of the property for agricultural production is in place. Therefore more water will be needed than is currently used. The land is in fallow this year, therefore the amount of water used this year does not represent required usage of the agricultural development. The plan is to use the maximum amount of water allowed currently 80,000 gallons per month.

Citrus trees are being planted to provide income from sales to stores – Meyers lemons are in big demand according to our survey. Other fruits and vegetables are in the plan around the citrus trees. Without the water the ag production would not be possible. The irrigation is set up in sections with 2 control boxes for efficiency and water conservation, using drip lines. The dragon fruit makes an esthetic benefit to the property. The dry taro still requires a lot of water. With healthy eating becoming a norm, a big opportunity exists on this property and the whole subdivision to capitalize on growing edible agriculture products. The edible ag products usually require more water. ie. mellons, tomatoes, kale, spinach, etc.

As population increases on Maui, WCEIC provides one of the most logical locations to grow the crops to meet the need for Maui. The future starts here with this planning.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

ROMAN CZERWINSKI

DECLARATION OF ROMAN CZERWINSKI

I, Roman Czerwinski, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 167 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

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9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, Dec. 14, 2015.

Roman [Signature]

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

I have a nursery where I grow several types of palm trees for resale. Approx. field stock of my plants is 500 trees. Approx. potted stock of my plants is 350 plants.

I have been using non-potable water approx. 80-90,000 gal./monthly and that use is necessary to continue maintaining the grown of those trees.

Czerwinski Nursery, WCE lot 167, December 2015



Bismarcia and Foxtail



Coco palms



Johanis and Loulu palms



Arecea



Manila potted



Bismarcia and Royal potted

COMMISSION ON WATER RESOURCE MANAGEMENT
STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

Jeff Charbonneau

DECLARATION OF Jeff Charbonneau

I, Jeff Charbonneau, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.
2. I am an owner of Lot 168 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.
3. I am a member of the Wailuku Country Estates Community Association.
4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.
5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, December 14, 2015.

Tell Phantomeau

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

I purchased my lot in Wailuku Country Estates in 2006. I have been growing macadamia trees, bananas, mangoes, coconuts, oranges, vegetables and a variety of palms.

I plan to sell the palm trees and convert to a more beneficial crop of fruit trees and an assortment of flowers for sale. I use drip irrigation and need continued irrigation water for the crops.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

SIBLEY & ZAIDA JUAN

DECLARATION OF SIBLEY & ZAIDA JUAN

I, Sibley + Zaida Juan, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.
2. I am an owner of Lot 169 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.
3. I am a member of the Wailuku Country Estates Community Association.
4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.
5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, December 11, 2015

Shelby Ann
Zucchi Jr

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

ALAN A. NOUCHI

DECLARATION OF ALAN A. NOUCHI

I, ALAN A. NOUCHI, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 170 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, December 16, 2015.

Alan A. Kerei

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

Cathy Pellegrin

DECLARATION OF

Cathy Pellegrin

I, Cathy Pellegrin, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 111 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, December 12, 2015.

Cathy Flynn

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)

Case No. CCH-MA 15-01

DECLARATION OF:

Ty Len Larsow

DECLARATION OF

Ty Len Larsow

I, Ty Len Larsow, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.
2. I am an owner of Lot 4173 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.
3. I am a member of the Wailuku Country Estates Community Association.
4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.
5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, 12/16/2015.



A handwritten signature in black ink, consisting of several fluid, overlapping strokes, positioned above a horizontal line.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

TED J TUFTY

DECLARATION OF _____

TED J TUFTY

I, TED J TUFTY, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 174 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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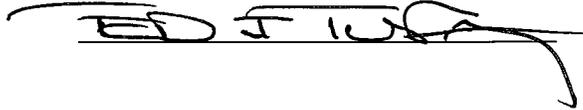
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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, DECEMBER 11, 2015.

A handwritten signature in black ink, appearing to read "ED J. WEA", written over a horizontal line.

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

Since purchasing my lot at Wailuku Country Estates, I have been growing a variety of vegetables and fruit. I use drip irrigation for all my crops. What crops I do not use, I donate to the needy. I need to continue

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)

Case No. CCH-MA 15-01

DECLARATION OF:

MALCOLM WONG

DECLARATION OF MALCOLM WONG

I, MALCOLM WONG, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 175 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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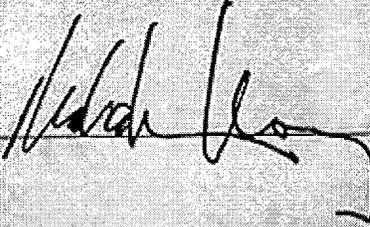
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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, Dec 16, 2015



ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

Since purchasing Lot 175 in 2007, I have been growing mango, papaya, taro, lilikoi, coconut, macadamia nut and have an aquaponics system (1,000 sq. ft.) with fish growing lettuces, kale, coffee, strawberries, basil, cabbage, watercress, mizuna and flowers (at the moment).



























COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

PETER BACH

DECLARATION OF PETER BACH

I, PETER BACH, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 176 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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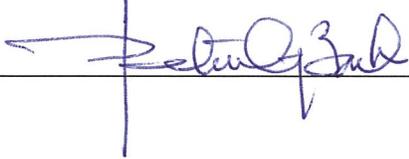
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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, Dec 30- 2015.



ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

Current/Existing Crops

- Dragon Fruit
- Guava
- Jack Fruit
- Mango
- Basil
- Mint

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

CESAR + TANYA DULAY

DECLARATION OF Same

I, SAME, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 177 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, 12-10-2015.

Cumby

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

Current existing macadamia trees 75 trees, avocados, bananas 100 trees, papayas, marungays, alukons, beans, dragon fruits, cassavas, coconuts 15 trees, mangoes 16 trees, squash, jack fruits, etc.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

Harold Teraka

DECLARATION OF Harold Teraka

I, Harold Teraka, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 178 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, 12-14-15.

Harold K. ...

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

I am the new owner of the property. I am in the process of acquiring a building permit from the County of Maui.

Previous water meter readings do not apply to my use.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)

Case No. CCH-MA 15-01

DECLARATION OF:

MARY LOU BUENDIA

DECLARATION OF

MARY LOU BUENDIA

I, MARY LOU BUENDIA, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 4179 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

EXHIBIT NO.
2189 WCEIC - 429

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

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9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, "Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, "Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, 12/23/2015

[Handwritten Signature]

COMMISSION ON WATER RESOURCE MANAGEMENT
STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

HENRY RALAR JR.

DECLARATION OF HENRY RALAR JR.

I, HENRY RALAR JR., declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 181 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, DECEMBER 29, 2015.

Hyalee K. J.

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

I purchased my Wailuku Country Estates Lot 181 in 2006. Since then I have been growing and selling a large selection of various palm trees and plants. My source of business is a landscape contractor. Irrigation water is very important to me as I sell all my plants, trees and crops to landscape contractors. I have approximately ½ acre lawn and landscape area which includes grass, ground cover and plants around two homes. I use drip irrigation and underground landscape irrigation and will need continued irrigation on my lot.

I have the following plants and trees growing on about ½ acre:

24	Johanus Palms
12	Foxtail Palms
20	Royal Palms Fieldstock
40	Betal Nut Palms
10	Coconut
24	Phoenix Palms
12	Lauhala Trees Fieldstock
20	Assorted Plumeria Trees
3	Autograph Trees

Various fruit trees; orange, lime, lemon, mango and papaya and banana trees

400 various ground covers in pots
100 1 gal. various shrubs in pots
4 dozen various potted plants
10 coffee plants
1 dozen bamboo trees

COMMISSION ON WATER RESOURCE MANAGEMENT
STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01
DECLARATION OF:
MAGDALENA RUMBAOA

DECLARATION OF MAGDALENA RUMBAOA

I, Magdalena Rumbaoa, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.
2. I am an owner of Lot 182 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.
3. I am a member of the Wailuku Country Estates Community Association.
4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.
5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, 1-4-16.

Magdalena J. Rumbao

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

We need water for our vegetables.

Thank you.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)	Case No. CCH-MA 15-01
Integration of Appurtenant Rights and)	
Amendments to the Interim Instream Flow)	DECLARATION OF:
Standards, Na Wai Eha Surface Water)	
Management Areas of Waihee, Waiehu, Iao)	<u>AUDREY MONIZ</u>
and Waikapu Streams, Maui)	
)	

DECLARATION OF AUDREY MONIZ

I, Audrey Moniz, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.
2. I am an owner of Lot 183 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.
3. I am a member of the Wailuku Country Estates Community Association.
4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.
5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, "Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, "Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, December 23, 2015.

Audrey S. Moniz

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

Crops growing on Lot 183

Leafy Vegetables

Bananas

Egg Plants

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

Alex Springer

DECLARATION OF Alexander Kurt Springer

I, Alex, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 184 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE

AND CORRECT.

DATED: Wailuku, Hawaii,

Alex Sperry

January 2, 2015

Addendum to Declaration.

I am growing bananas, papayas, squash
citrus fruit & have a commercial
plant nursery. I use a combination of
spray & drip irrigation. The plants
are commercially sold.

I need continued irrigation water
for my crops.

Alex Sperry

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

I am growing bananas, papayas, squash, citrus fruit and have a commercial plant nursery. I use a combination of spray and drip irrigation. The plants are commercially sold.

I need continued irrigation water for my crops.

EXHIBIT
2189-WCEIC-434

[RESERVED]

EXHIBIT
2189-WCEIC-435

[RESERVED]

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

Evangeline Faulons

DECLARATION OF Evangeline Faulons

I, Evangeline Faulons, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.
2. I am an owner of Lot 32 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.
3. I am a member of the Wailuku Country Estates Community Association.
4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.
5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, "Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, "Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, Jan 25, 2016.

Wanglia Fendler

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

We grow several varieties of bananas, sugar cane, avocados, mangoes, mac nuts, cassavas.

EXHIBIT
2189-WCEIC-437

[RESERVED]

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

Fidel Lopez

DECLARATION OF Fidel Lopez

I, Fidel Lopez, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.
2. I am an owner of Lot 39 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.
3. I am a member of the Wailuku Country Estates Community Association.
4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.
5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

EXHIBIT NO.

2189 WCEIC - 438

6. As a member of the Wailuku Country Estates Community Association, I understand that pursuant to the Unilateral Water Use Agreement effective November 28, 2002 signed by the developer of Wailuku Country Estates on behalf of itself and the Wailuku Country Estates Community Association (a true and accurate copy of which marked as an exhibit in this proceeding), I am limited to receiving 540 gallons per day of potable water from the County of Maui Department of Water Supply; I may only use such potable water for domestic purposes within a dwelling; and I am not entitled to agricultural water rates from the County of Maui Department of Water Supply.

7. I also understand that the Unilateral Water Use Agreement expressly requires that I use the non-potable water provided by the Wailuku Country Estates Irrigation Company for all outdoor purposes, including for irrigation and agricultural purposes.

8. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

9. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, "Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, "Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, 1-26-16.

Paul Long

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

Bananas

Mango

Papayas

Coconut

Need my water.

EXHIBIT
2189-WCEIC-439

[RESERVED]

EXHIBIT
2189-WCEIC-440

[RESERVED]

EXHIBIT
2189-WCEIC-441

[RESERVED]

EXHIBIT
2189-WCEIC-442

[RESERVED]

EXHIBIT
2189-WCEIC-443

[RESERVED]

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

Timothy J. Baehand

DECLARATION OF Timothy J. Baehand

I, Timothy J. Baehand, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.
2. I am an owner of Lot 68 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.
3. I am a member of the Wailuku Country Estates Community Association.
4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.
5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, "Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, "Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, December 16, 2015.

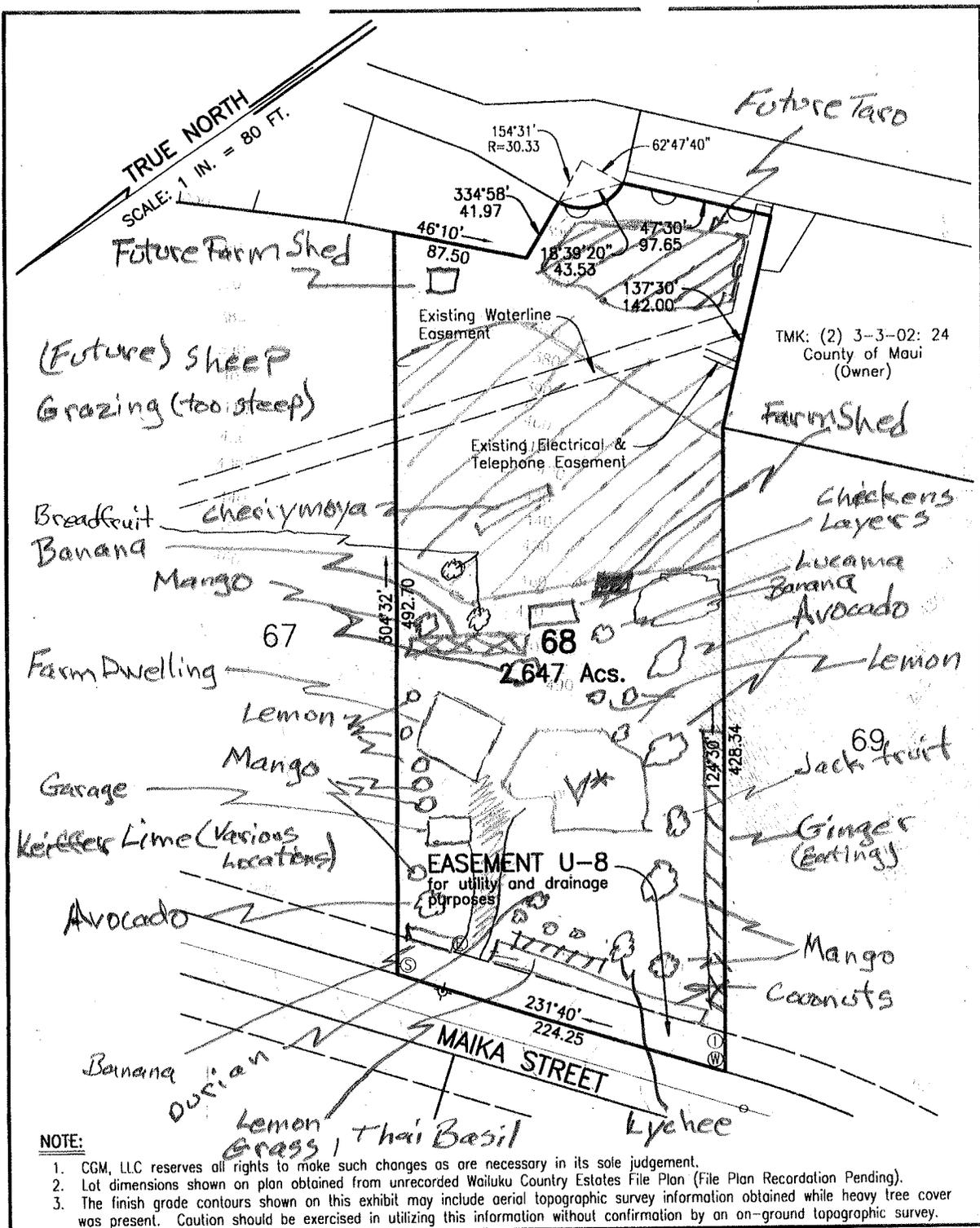
Timothy R. Beehand

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

My wife (Patchara Theros) and I purchased the land in 2013. The primary reason was to have our own farm land. My wife used farm land in Haiku for 18 years. Then in 2012 the land owner died and she lost use of the land ... including her mature fruit trees (papaya, chesimoya, lemon, mango and bananas).

Farming is extremely expensive and cost (and access) of fresh water is a major line item. This lot was one of the few in the county having access to fresh water at a reasonable price. However, the normal soil moisture is too low (and rain to infrequent) to grow any fruit trees unless supplemental water is available. Enclosed is our farm plan stating how the land will be used. If fresh (non-potable) water is available, we will be able to make the land a sustainable and fertile place to produce food.



PLOT PLAN for Lot 68 WAILUKU COUNTRY ESTATES

V = Seasonal vegetables
bean, cabbage, okra
pumpkin, papaya
 30% goat grazing
 30% fruit trees
 20% vegetables

- 100.00 Lot Dimension
- ⓂⓈⓔ Utility—Water, Irrigation, Sewer and Electric
- ⊕ Fire Hydrant
- Property Line
- ~~~ Finish Grade Contour
- No Vehicle Access Permitted

File Plan Lot No.: 68
Tax Map Key:
Street Address and Name:
Lot Size (Sq.Ft.): 2.647 Acs.
Date: February 10, 2003

Letter	Description	Date	Buyer's Signature	Date

Scale
 1 in. = 80 ft.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

Brooks H. Tamaye

DECLARATION OF Brooks H. Tamaye

I, Brooks H. Tamaye, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 72 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, "Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, "Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, 1-27-16

Ben H. Tamm

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

I am a new lot owner and plan to farm existing macadamia nut trees to other crops such as taro and bananas.

EXHIBIT
2189-WCEIC-446

[RESERVED]

EXHIBIT
2189-WCEIC-447

[RESERVED]

EXHIBIT
2189-WCEIC-448

[RESERVED]

EXHIBIT
2189-WCEIC-449

[RESERVED]

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)

Case No. CCH-MA 15-01

DECLARATION OF:

Dain P. Kane

DECLARATION OF

Dain P. Kane

I, Dain P. Kane, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 95 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, "Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, "Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, December 30, 2015.

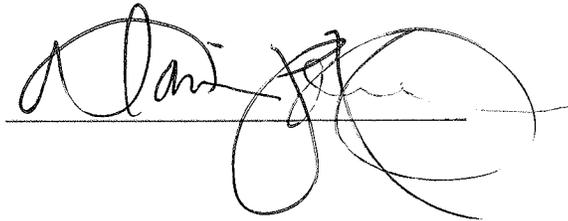


EXHIBIT
2189-WCEIC-451

[RESERVED]

EXHIBIT
2189-WCEIC-452

[RESERVED]

EXHIBIT
2189-WCEIC-453

[RESERVED]

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

Timothy J. Leis

DECLARATION OF Timothy J. Leis

I, Timothy J. Leis, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.
2. I am an owner of Lot U112 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.
3. I am a member of the Wailuku Country Estates Community Association.
4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.
5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, "Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, "Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, 27 Jan 2016

Timothy Lei

EXHIBIT
2189-WCEIC-455

[RESERVED]

EXHIBIT

2189-WCEIC-456

[RESERVED]

EXHIBIT
2189-WCEIC-457

[RESERVED]

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,) Case No. CCH-MA 15-01
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

DECLARATION OF:

Brandy Gaddis

DECLARATION OF Brandy Gaddis

I, Brandy Gaddis, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.
2. I am an owner of Lot 126 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.
3. I am a member of the Wailuku Country Estates Community Association.
4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.
5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, "Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, "Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, January 27, 2016.



ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

1.5 acres of dryland taro since 2010.