SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-044

Section F – end use of area photos

Tomatoes

Okra

Cucurbit

Sweet potato

EXHIBIT NO.
2189 WCEIC - 51

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	0	☒	☐	☐	☐	
June 2007	0	☒	☐	☐	☐	
July 2007	25	☒	☐	☐	☐	
August 2007	2	☒	☐	☐	☐	
September 2007	723	☒	☐	☐	☐	
October 2007	359	☒	☐	☐	☐	
November 2007	2	☒	☐	☐	☐	
December 2007	6	☒	☐	☐	☐	
January 2008	80	☒	☐	☐	☐	
February 2008	86	☒	☐	☐	☐	
March 2008	4	☒	☐	☐	☐	
April 2008	9	☒	☐	☐	☐	

SUM OF AVERAGE DAILY USE FOR THE MONTH	1295	**GPD**
AVERAGE DAILY USE (Average of the above)	108	**GPD**

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		**GPD**		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 044 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	108	Yes	0.25	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	108	**GPD**		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	108	**GPD**		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 044 (Zone - Sector - Plat : Parcel)	Cucurbit	2.116	0.25	April	April	Trickle, drip	Other - Manual as needed
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

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

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

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
(3) Zone - (3) Sec - (017) Plat : (044) Parcel	Leafy vegetables	2.116	0.50	April	April	Trickle, drip	Other - Manual as needed
(3) Zone - (3) Sec - (017) Plat : (044) Parcel	Cucurbit	2.116	0.50	April	April	Trickle, drip	Other - Manual as needed
(3) Zone - (3) Sec - (017) Plat : (044) Parcel	Solanaceous	2.116	0.25	April	April	Trickle, drip	Other - Manual as needed
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							

9. COMMENTS:

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-045

Section F – end use of area photos

String beans/ papaya

Bananas

String beans/ orchard

Papaya

Lawn

Foxtail palms/ orchard

EXHIBIT NO.
2189 WCEIC - 52

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 045 (Zone - Sector - Plat : Parcel)	Bananas	2.584	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 045 (Zone - Sector - Plat : Parcel)	Papayas	2.584	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 045 (Zone - Sector - Plat : Parcel)	Cucurbit	2.584	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 045 (Zone - Sector - Plat : Parcel)	Orchard	2.584	0.50	April	April	Trickle, drip	Other - Timer as needed
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	3107	☐	☒	☐	☐	
June 2007	3210	☐	☒	☐	☐	
July 2007	3107	☐	☒	☐	☐	
August 2007	19383	☒	☐	☐	☐	
September 2007	2855	☒	☐	☐	☐	
October 2007	1148	☒	☐	☐	☐	
November 2007	387	☒	☐	☐	☐	
December 2007	862	☒	☐	☐	☐	
January 2008	1129	☒	☐	☐	☐	
February 2008	121	☒	☐	☐	☐	
March 2008	1429	☒	☐	☐	☐	
April 2008	782	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	37519	**GPD**				
AVERAGE DAILY USE (Average of the above)	3127	**GPD**				

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		**GPD**		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 045 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	3127	Yes	1.50	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	3127	**GPD**		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	3127	**GPD**		
If total use requested is not equal to the total monthly average in Table 1, please explain.									
In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC									

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	3107	☐	☒	☐	☐	
June 2007	3210	☐	☒	☐	☐	
July 2007	3107	☐	☒	☐	☐	
August 2007	19383	☒	☐	☐	☐	
September 2007	2855	☒	☐	☐	☐	
October 2007	1148	☒	☐	☐	☐	
November 2007	387	☒	☐	☐	☐	
December 2007	862	☒	☐	☐	☐	
January 2008	1129	☒	☐	☐	☐	
February 2008	121	☒	☐	☐	☐	
March 2008	1429	☒	☐	☐	☐	
April 2008	782	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	37519	**GPD**				
AVERAGE DAILY USE (Average of the above)	3127	**GPD**				

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 045 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	3127	Yes	1.50	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	3127	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	3127	GPD		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 045 (Zone - Sector - Plat : Parcel)	Bananas	2.584	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 045 (Zone - Sector - Plat : Parcel)	Papayas	2.584	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 045 (Zone - Sector - Plat : Parcel)	Cucurbit	2.584	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 045 (Zone - Sector - Plat : Parcel)	Orchard	2.584	0.50	April	April	Trickle, drip	Other - Timer as needed
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 4 5 Zone Sec Plat Parcel	Cucurbit	2.584	0.50	April	April	Trickle, drip	Other - Timer as needed
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							

9. COMMENTS:

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-046

Section F – end use of area photos

Lawn/ bananas

Macadamia nuts

EXHIBIT NO.
2189 WCEIC - 53

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

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

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

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
N/A	3 - 3 - 017 : 046 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	0	Yes	0	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	0	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	0	GPD		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 046 (Zone - Sector - Plat : Parcel)	N/A	2.216	0	April	April	N/A	N/A
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	3 - 3 - 0 1 7 : 0 4 6 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.50	3975	3975	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 0 1 7 : 0 4 6 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	300	300	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	4275 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	4275 14	GPD	

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

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 4 6 (Zone - Sec - Plat : Parcel)	Bananas	2.216	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 4 6	Leafy vegetables	2.216	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 4 6	Solanaceous	2.216	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 4 6	Cucurbit	2.216	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 4 6	Papaya	2.216	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 4 6	Landscape	2.216	0.25	April	April	Multiple sprinklers	Other - Timer as needed
- - :							
- - :							
- - :							
- - :							
- - :							

9. COMMENTS:

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

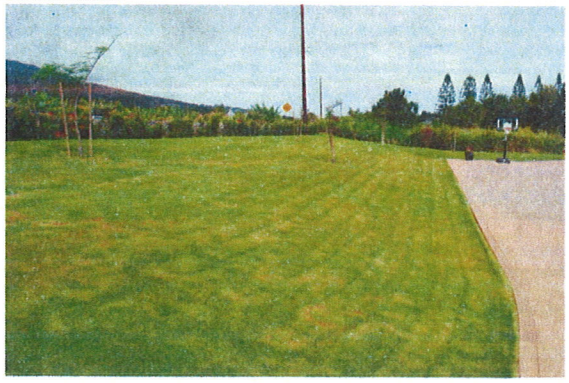
TMK: 3-3-017-047

Section F – end use of area photos

Plumeria

Bananas

Lawn/ landscape



More lawn

Leafy vegetables

Ornamentals

EXHIBIT NO.
2189 WCEIC - 54

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	4024	☐	☒	☐	☐	
June 2007	4159	☐	☒	☐	☐	
July 2007	4024	☐	☒	☐	☐	
August 2007	4024	☐	☒	☐	☐	
September 2007	4159	☐	☒	☐	☐	
October 2007	4024	☐	☒	☐	☐	
November 2007	4159	☐	☒	☐	☐	
December 2007	4024	☐	☒	☐	☐	
January 2008	4024	☐	☒	☐	☐	
February 2008	4302	☐	☒	☐	☐	
March 2008	4024	☐	☒	☐	☐	
April 2008	4159	☐	☒	☐	☐	

SUM OF AVERAGE DAILY USE FOR THE MONTH	49108	**GPD**
AVERAGE DAILY USE (Average of the above)	4092	**GPD**

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 047 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	1600	Yes	0.50	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
AGRON	3 - 3 - 017 : 047 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	1492	Yes	0.25	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
IRRLA	3 - 3 - 017 : 047 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	1000	Yes	0.50	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	4092	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	4092	GPD		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 047 (Zone - Sector - Plat : Parcel)	Bananas	2.127	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 047 (Zone - Sector - Plat : Parcel)	Leafy vegetables	2.127	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 047 (Zone - Sector - Plat : Parcel)	Ornamental plants	2.127	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 047 (Zone - Sector - Plat : Parcel)	Landscape	2.127	0.50	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 4 7	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	875	875	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	875 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	875 14	GPD	

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

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 4 7 Zone Sec Plat Parcel	Papaya	2.127	0.25	April	April	Trickle, drip	Other - Timer as needed
Zone Sec Plat Parcel							
Zone Sec Plat Parcel							
Zone Sec Plat Parcel							
Zone Sec Plat Parcel							
Zone Sec Plat Parcel							
Zone Sec Plat Parcel							
Zone Sec Plat Parcel							
Zone Sec Plat Parcel							
Zone Sec Plat Parcel							

9. COMMENTS:

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-048

Section F – end use of area photos

Sweet potato

Bananas

Landscape

Leafy vegetables

EXHIBIT NO.
2189 WCEIC - 55

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	3689	☒	☐	☐	☐	
June 2007	3812	☒	☐	☐	☐	
July 2007	4493	☒	☐	☐	☐	
August 2007	4216	☒	☐	☐	☐	
September 2007	3485	☒	☐	☐	☐	
October 2007	2842	☒	☐	☐	☐	
November 2007	208	☒	☐	☐	☐	
December 2007	2114	☒	☐	☐	☐	
January 2008	2837	☒	☐	☐	☐	
February 2008	3032	☒	☐	☐	☐	
March 2008	4273	☒	☐	☐	☐	
April 2008	2618	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	37618	**GPD**				
AVERAGE DAILY USE (Average of the above)	3135	**GPD**				

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 048 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	2885	Yes	1.00	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 017 : 048 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	250	Yes	0.25	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	3135	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	3135	GPD		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 048 (Zone - Sector - Plat : Parcel)	Bananas	2.059	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 048	Papaya	2.059	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 048	Solanaceous	2.059	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 048	Macadamia nuts	2.059	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 048	Landscape	2.059	0.25	April	April	Multiple sprinklers	Other - Timer as needed
- - :							
- - :							
- - :							
- - :							
- - :							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE •	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 4 8 (Zone - Sec - Plat : Parcel)	Cucurbit	2.059	0.25	April	April	Trickle drip	Other - Timer as needed

9. COMMENTS:

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require potable (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that do not require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 4 8	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	500	500	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	500 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	500 14	GPD	

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

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-049

Section F – end use of area photos

Macadamia nuts

EXHIBIT NO.
2189 WCEIC - 56

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

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

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

SUM OF AVERAGE DAILY USE FOR THE MONTH	0	**GPD**
AVERAGE DAILY USE (Average of the above)	0	**GPD**

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
N/A	3 - 3 - 017 : 049 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	0	Yes	0	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	0	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	0	GPD		
If total use requested is not equal to the total monthly average in Table 1, please explain.									
In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC									

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 049 (Zone - Sector - Plat : Parcel)	N/A	2.131	0	April	April	N/A	N/A
Zone - Sector - Plat : Parcel							
Zone - Sector - Plat : Parcel							
Zone - Sector - Plat : Parcel							
Zone - Sector - Plat : Parcel							
Zone - Sector - Plat : Parcel							
Zone - Sector - Plat : Parcel							
Zone - Sector - Plat : Parcel							
Zone - Sector - Plat : Parcel							
Zone - Sector - Plat : Parcel							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 4 9 Zone Sec Plat Parcel	Macadamia nuts	2.131	1.00	April	April	Trickle, drip	Other - Timer as needed
Zone Sec Plat Parcel							
Zone Sec Plat Parcel							
Zone Sec Plat Parcel							
Zone Sec Plat Parcel							
Zone Sec Plat Parcel							
Zone Sec Plat Parcel							
Zone Sec Plat Parcel							
Zone Sec Plat Parcel							
Zone Sec Plat Parcel							

9. COMMENTS:

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 4 9	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.00	4000	4000	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	4000 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	4000 14	GPD	

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

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

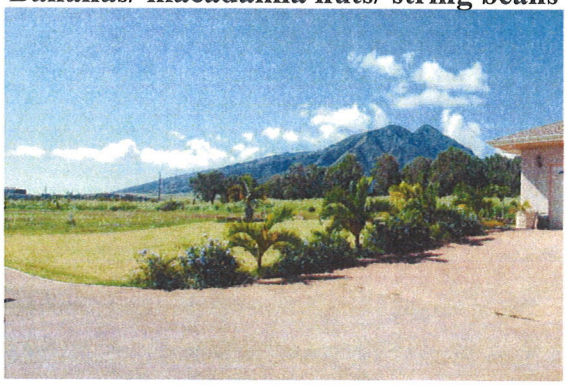
TMK: 3-3-017-050

Section F – end use of area photos

Lawn

Bananas/ macadamia nuts/ string beans

Eggplant/ bananas



Foxtail palms

Lawn/ landscape

EXHIBIT NO.
2189 WCEIC - 57

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	915	☒	☐	☐	☐	
June 2007	946	☒	☐	☐	☐	
July 2007	2405	☒	☐	☐	☐	
August 2007	2316	☒	☐	☐	☐	
September 2007	1426	☒	☐	☐	☐	
October 2007	1121	☒	☐	☐	☐	
November 2007	557	☒	☐	☐	☐	
December 2007	592	☒	☐	☐	☐	
January 2008	1032	☒	☐	☐	☐	
February 2008	1103	☒	☐	☐	☐	
March 2008	1333	☒	☐	☐	☐	
April 2008	1165	☒	☐	☐	☐	

SUM OF AVERAGE DAILY USE FOR THE MONTH	14913	**GPD**
AVERAGE DAILY USE (Average of the above)	1243	**GPD**

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 050 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	700	Yes	0.25	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 017 : 050 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	543	Yes	0.50	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	1243	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1243	GPD		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 050 (Zone - Sector - Plat : Parcel)	Orchard	2.015	0.25	April	April	Other - Hose water	Other - Manual as needed
3 - 3 - 017 : 050 (Zone - Sector - Plat : Parcel)	Landscape	2.015	0.50	April	April	Multiple sprinklers	Other - Manual as needed
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 5 0 (Zone - Sec - Plat : Parcel)	Leafy vegetables	2.015	0.75	April	April	Trickle, drip	Other - Manual as needed
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							

9. COMMENTS:

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 5 0	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.75	1400	1400	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	1400 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1400 14	GPD	

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

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-051

Section F – end use of area photos

Citrus/Lawn

Lawn/ fox tail palms

EXHIBIT NO.
2189 WCEIC - 58

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	515	☒	☐	☐	☐	
June 2007	532	☒	☐	☐	☐	
July 2007	15	☒	☐	☐	☐	
August 2007	465	☒	☐	☐	☐	
September 2007	309	☒	☐	☐	☐	
October 2007	226	☒	☐	☐	☐	
November 2007	1147	☒	☐	☐	☐	
December 2007	678	☒	☐	☐	☐	
January 2008	1032	☒	☐	☐	☐	
February 2008	1103	☒	☐	☐	☐	
March 2008	374	☒	☐	☐	☐	
April 2008	281	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	6678	**GPD**				
AVERAGE DAILY USE (Average of the above)	556	**GPD**				

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 051 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	306	Yes	0.25	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 017 : 051 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	250	Yes	0.25	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	556	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	556	GPD		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 051 (Zone - Sector - Plat : Parcel)	Orchard	2.122	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 051 (Zone - Sector - Plat : Parcel)	Landscape	2.122	0.25	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 5 1 (Zone - Sec - Plat : Parcel)	Dry land taro	2.122	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 5 1 (Zone - Sec - Plat : Parcel)	Leafy vegetables	2.122	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 5 1 (Zone - Sec - Plat : Parcel)	Nursery plants	2.122	0.25	April	April	Trickle, drip	Other - Timer as needed
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							

9. COMMENTS:

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	3 - 3 - 0 1 7 : 0 5 1 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.00	2150	2150	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
AGRON	3 - 3 - 0 1 7 : 0 5 1 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	850	850	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	3000 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	3000 14	GPD	

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

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 5 1 (Zone - Sec - Plat : Parcel)	Dry land taro	2.122	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 5 1 (Zone - Sec - Plat : Parcel)	Leafy vegetables	2.122	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 5 1 (Zone - Sec - Plat : Parcel)	Nursery plants	2.122	0.25	April	April	Trickle, drip	Other - Timer as needed
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							

9. COMMENTS:

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	3 - 3 - 0 1 7 : 0 5 1 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.00	2150	2150	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
AGRON	3 - 3 - 0 1 7 : 0 5 1 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	850	850	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	3000 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	3000 14	GPD	

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

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-052

Section F – end use of area photos

Potatoes

Bananas

Cucurbit

Green onions

Leafy vegetables

Livestock (goats)

EXHIBIT NO.
2189 WCEIC - 59

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	0	☒	☐	☐	☐	
June 2007	0	☒	☐	☐	☐	
July 2007	0	☒	☐	☐	☐	
August 2007	0	☒	☐	☐	☐	
September 2007	0	☒	☐	☐	☐	
October 2007	0	☒	☐	☐	☐	
November 2007	0	☒	☐	☐	☐	
December 2007	0	☒	☐	☐	☐	
January 2008	2	☒	☐	☐	☐	
February 2008	2	☒	☐	☐	☐	
March 2008	0	☒	☐	☐	☐	
April 2008	0	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	3	**GPD**				
AVERAGE DAILY USE (Average of the above)	0	**GPD**				

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		**GPD**		
Uses that **do not** require potable water									
N/A	3 - 3 - 017 : 052 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	0	Yes	0	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	0	**GPD**		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	0	**GPD**		
If total use requested is not equal to the total monthly average in Table 1, please explain.									
In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC									

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 052 (Zone - Sector - Plat : Parcel)	N/A	2.381	0	April	April	N/A	N/A
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 5 2 Zone Sec Plat Parcel	Bananas	2.381	0.50	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 5 2 Zone Sec Plat Parcel	Cucurbit	2.381	0.50	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 5 2 Zone Sec Plat Parcel	Papaya	2.381	0.50	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 5 2 Zone Sec Plat Parcel	Leafy vegetables	2.381	0.25	April	April	Trickle, drip	Other - Manual as needed
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							

9. COMMENTS:

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

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 5 2	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.75	4500	4500	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	4500 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	4500 14	GPD	

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

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-053

Section F – end use of area photos

Bananas/ papaya

Macadamia nuts/ livestock

Bananas/ landscape

EXHIBIT NO.
2189 WCEIC - 60

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	4264	☒	☐	☐	☐	
June 2007	4406	☒	☐	☐	☐	
July 2007	5144	☒	☐	☐	☐	
August 2007	6638	☒	☐	☐	☐	
September 2007	4802	☒	☐	☐	☐	
October 2007	5628	☒	☐	☐	☐	
November 2007	1499	☒	☐	☐	☐	
December 2007	584	☒	☐	☐	☐	
January 2008	863	☒	☐	☐	☐	
February 2008	922	☒	☐	☐	☐	
March 2008	3364	☒	☐	☐	☐	
April 2008	1723	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	39837	**GPD**				
AVERAGE DAILY USE (Average of the above)	3320	**GPD**				

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		**GPD**		
Uses that **do not** require potable water									
AGRON	3 - 3 - 017 : 053 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	2500	Yes	0.75	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
AGRLI	3 - 3 - 017 : 053 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	320	Yes	0.25	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
AGRCP	3 - 3 - 017 : 053 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	500	Yes	0.25	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	3320	**GPD**		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	3320	**GPD**		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 053 (Zone - Sector - Plat : Parcel)	Nursery plants	2.189	0.75	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 053 (Zone - Sector - Plat : Parcel)	Bananas	2.189	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 053 (Zone - Sector - Plat : Parcel)	Livestock	2.189	0.25	April	April	Other - Hose water	Other - Manual as needed
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
Zone 3 - Sec 3 - Plat 017 : Parcel 053	Nursery plants	2.189	0.25	April	April	Trikle, drip	Other - Manual as needed
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							

9. COMMENTS:

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRON	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 5 3	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	750	750	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	750 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	750 14	GPD	

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

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-054

Section F – end use of area photos

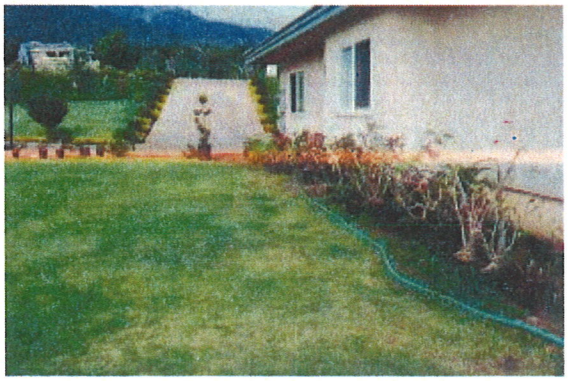
Bananas/ string beans

Tomatoes

Landscape/ macadamia nut trees

Palms

More palms/ landscape



Potted plants/ landscape

EXHIBIT NO.
2189 WCEIC - 61

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	3306	☒	☐	☐	☐	
June 2007	3416	☒	☐	☐	☐	
July 2007	1616	☒	☐	☐	☐	
August 2007	1551	☒	☐	☐	☐	
September 2007	1348	☒	☐	☐	☐	
October 2007	676	☒	☐	☐	☐	
November 2007	222	☒	☐	☐	☐	
December 2007	566	☒	☐	☐	☐	
January 2008	551	☒	☐	☐	☐	
February 2008	589	☒	☐	☐	☐	
March 2008	1312	☒	☐	☐	☐	
April 2008	1175	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	16328	**GPD**				
AVERAGE DAILY USE (Average of the above)	1361	**GPD**				

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		**GPD**		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 054 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	1000	Yes	0.75	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 017 : 054 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	361	Yes	0.25	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	1361	**GPD**		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1361	**GPD**		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 054 (Zone - Sector - Plat : Parcel)	Leafy vegetables	2.187	0.25	April	April	Multiple sprinklers	Other - Timer as needed
3 - 3 - 017 : 054 (Zone - Sector - Plat : Parcel)	Bananas	2.187	0.25	April	April	Multiple sprinklers	Other - Timer as needed
3 - 3 - 017 : 054 (Zone - Sector - Plat : Parcel)	Landscape	2.187	0.25	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
Zone 3 - Sec 3 - Plat 017 : Parcel 054	Leafy vegetables	2.187	1.00	April	April	Trickle, drip	Other - Timer as needed
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							

9. COMMENTS:

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 5 4	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.00	2000	2000	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	2000 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	2000 14	GPD	

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

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-055

Section F – end use of area photos

Landscape

More landscape

Lawn

EXHIBIT NO.
2189 WCEIC - 62

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	540	☒	☐	☐	☐	
June 2007	458	☒	☐	☐	☐	
July 2007	851	☒	☐	☐	☐	
August 2007	1410	☒	☐	☐	☐	
September 2007	575	☒	☐	☐	☐	
October 2007	1039	☒	☐	☐	☐	
November 2007	805	☒	☐	☐	☐	
December 2007	378	☒	☐	☐	☐	
January 2008	720	☒	☐	☐	☐	
February 2008	770	☒	☐	☐	☐	
March 2008	893	☒	☐	☐	☐	
April 2008	921	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	9360	GPD				
AVERAGE DAILY USE (Average of the above)	780	GPD				

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		**GPD**		
Uses that **do not** require potable water									
IRRLA	3 - 3 - 017 : 055 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	780	Yes	0.75	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	780	**GPD**		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	780	**GPD**		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 055 (Zone - Sector - Plat : Parcel)	Landscape	2.817	0.75	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 5 5 (Zone - Sec - Plat : Parcel)	Bananas	2.817	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 5 5 (Zone - Sec - Plat : Parcel)	Papaya	2.817	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 5 5 (Zone - Sec - Plat : Parcel)	Orchard	2.817	0.50	April	April	Trickle, drip	Other - Timer as needed
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							

9. COMMENTS:

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 5 5	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.50	2900	2900	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	2900 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	2900 14	GPD	

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

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-056

Section F – end use of area photos

Solanaceous

Bananas

Cucurbit

Green onions

Lawn

Leafy vegetables

EXHIBIT NO.
2189 WCEIC - 63

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	3343	☒	☐	☐	☐	
June 2007	3445	☒	☐	☐	☐	
July 2007	2333	☒	☐	☐	☐	
August 2007	2676	☒	☐	☐	☐	
September 2007	3870	☒	☐	☐	☐	
October 2007	2404	☒	☐	☐	☐	
November 2007	605	☒	☐	☐	☐	
December 2007	1447	☒	☐	☐	☐	
January 2008	1983	☒	☐	☐	☐	
February 2008	2120	☒	☐	☐	☐	
March 2008	4353	☒	☐	☐	☐	
April 2008	4280	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	32858	GPD				
AVERAGE DAILY USE (Average of the above)	2738	GPD				

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		**GPD**		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 056 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	1900	Yes	0.50	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 017 : 056 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	838	Yes	0.75	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	2738	**GPD**		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	2738	**GPD**		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 056 (Zone - Sector - Plat : Parcel)	Landscape	2.194	0.75	April	April	Multiple sprinklers	Other - Timer as needed
3 - 3 - 017 : 056 (Zone - Sector - Plat : Parcel)	Leafy vegetables	2.194	0.50	April	April	Trickle, drip	Other - Manual as needed
- - - : (Zone - Sector - Plat : Parcel)							
- - - : (Zone - Sector - Plat : Parcel)							
- - - : (Zone - Sector - Plat : Parcel)							
- - - : (Zone - Sector - Plat : Parcel)							
- - - : (Zone - Sector - Plat : Parcel)							
- - - : (Zone - Sector - Plat : Parcel)							
- - - : (Zone - Sector - Plat : Parcel)							
- - - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
(3) - (3) - (0 1 7) : (0 5 6) (Zone - Sec - Plat : Parcel)	Leafy vegetables	2.194	0.25	April	April	Trickle, drip	Other - Manual as needed

9. COMMENTS:

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	3 - 3 - 0 1 7 : 0 5 6 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	800	800	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	750 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	750 14	GPD	

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

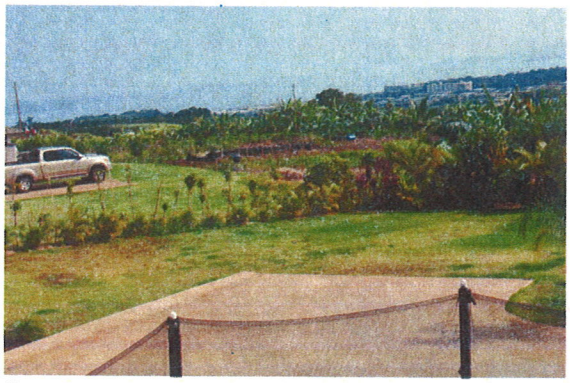
There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

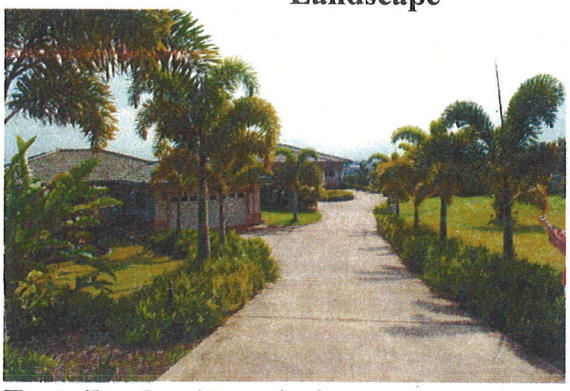
TMK: 3-3-017-057

Section F – end use of area photos



Sod

Landscape



Foxtail palms/ luwa'e fern

EXHIBIT NO.
2189 WCEIC - 64

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	1923	☒	☐	☐	☐	
June 2007	1987	☒	☐	☐	☐	
July 2007	3208	☒	☐	☐	☐	
August 2007	2863	☒	☐	☐	☐	
September 2007	1665	☒	☐	☐	☐	
October 2007	1613	☒	☐	☐	☐	
November 2007	851	☒	☐	☐	☐	
December 2007	1633	☒	☐	☐	☐	
January 2008	1819	☒	☐	☐	☐	
February 2008	1945	☒	☐	☐	☐	
March 2008	1862	☒	☐	☐	☐	
April 2008	1717	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	23086	**GPD**				
AVERAGE DAILY USE (Average of the above)	1924	**GPD**				

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRON	3 - 3 - 017 : 057 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	1174	Yes	0.50	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 017 : 057 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	750	Yes	0.50	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	1924	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1924	GPD		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 057 (Zone - Sector - Plat : Parcel)	Sod	2.029	0.50	April	April	Multiple sprinklers	Other - Timer as needed
3 - 3 - 017 : 057 (Zone - Sector - Plat : Parcel)	Landscape	2.029	0.50	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 5 7 (Zone - Sec - Plat : Parcel)	Sod	2.029	0.25	April	April	Multiple sprinklers	Other - Timer as needed
3 - 3 - 0 1 7 : 0 5 7 (Zone - Sec - Plat : Parcel)	Orchard	2.029	0.25	April	April	Trickle, drip	Other - Timer as needed
- - - : (Zone - Sec - Plat : Parcel)							
- - - : (Zone - Sec - Plat : Parcel)							
- - - : (Zone - Sec - Plat : Parcel)							
- - - : (Zone - Sec - Plat : Parcel)							
- - - : (Zone - Sec - Plat : Parcel)							
- - - : (Zone - Sec - Plat : Parcel)							
- - - : (Zone - Sec - Plat : Parcel)							
- - - : (Zone - Sec - Plat : Parcel)							
- - - : (Zone - Sec - Plat : Parcel)							

9. COMMENTS:

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	3 - 3 - 0 1 7 : 0 5 7 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	500	500	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
AGRON	3 - 3 - 0 1 7 : 0 5 7 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	600	600	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	1100 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1100 14	GPD	

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

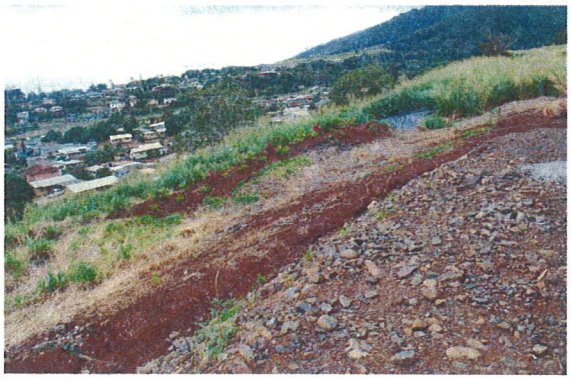
There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-058

Section F – end use of area photos



Landscape

EXHIBIT NO.
2189 WCEIC - 65

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	0	☒	☐	☐	☐	
June 2007	0	☒	☐	☐	☐	
July 2007	3	☒	☐	☐	☐	
August 2007	1	☒	☐	☐	☐	
September 2007	5	☒	☐	☐	☐	
October 2007	4	☒	☐	☐	☐	
November 2007	0	☒	☐	☐	☐	
December 2007	15	☒	☐	☐	☐	
January 2008	4	☒	☐	☐	☐	
February 2008	4	☒	☐	☐	☐	
March 2008	8	☒	☐	☐	☐	
April 2008	909	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	953	**GPD**				
AVERAGE DAILY USE (Average of the above)	79	**GPD**				

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
IRROTH	3 - 3 - 017 : 058 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	79	Yes	0.25	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	79	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	79	GPD		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 058 (Zone - Sector - Plat : Parcel)	Ground cover	2.052	0.25	April	April	Other - Hose water	Other - Manual as needed
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 5 8 (Zone - Sec - Plat : Parcel)	Leafy vegetables	2.052	0.75	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 5 8 (Zone - Sec - Plat : Parcel)	Landscape	2.052	0.50	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							

9. COMMENTS:

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require potable (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that do not require potable water										
AGRCP	3 - 3 - 0 1 7 : 0 5 8 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.75	2000	2000	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 0 1 7 : 0 5 8 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.50	800	800	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	2800 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	2800 14	GPD	

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

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-059

Section F – end use of area photos

Foxtail palms/ landscape

More foxtail palms

EXHIBIT NO.
2189 WCEIC - 66

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	2202	☒	☐	☐	☐	
June 2007	2275	☒	☐	☐	☐	
July 2007	6675	☒	☐	☐	☐	
August 2007	6274	☒	☐	☐	☐	
September 2007	2681	☒	☐	☐	☐	
October 2007	1669	☒	☐	☐	☐	
November 2007	201	☒	☐	☐	☐	
December 2007	180	☒	☐	☐	☐	
January 2008	1263	☒	☐	☐	☐	
February 2008	1350	☒	☐	☐	☐	
March 2008	2022	☒	☐	☐	☐	
April 2008	1524	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	28317	**GPD**				
AVERAGE DAILY USE (Average of the above)	2360	**GPD**				

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		**GPD**		
Uses that **do not** require potable water									
IRRLA	3 - 3 - 017 : 059 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	2360	Yes	1.00	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	2360	**GPD**		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	2360	**GPD**		

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

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

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

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		**GPD**		
Uses that **do not** require potable water									
IRRLA	3 - 3 - 017 : 059 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	2360	Yes	1.00	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	2360	**GPD**		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	2360	**GPD**		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 059 (Zone - Sector - Plat : Parcel)	Landscape	2.04	1.00	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 5 9 Zone Sec Plat Parcel	Orchard	2.04	0.50	April	April	Trickle, drip	Other - Timer as needed
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							

9. COMMENTS:

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 5 9	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.50	800	800	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	800 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	800 14	GPD	

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

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-060

Section F – end use of area photos

Macadamia nuts (vacant)

EXHIBIT NO.
2189 WCEIC - 67

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

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

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

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ Zone - ___ Sector - ___ Plat : ___ Parcel								
	___ Zone - ___ Sector - ___ Plat : ___ Parcel								
	___ Zone - ___ Sector - ___ Plat : ___ Parcel								
	___ Zone - ___ Sector - ___ Plat : ___ Parcel								
					TOTAL POTABLE USE		**GPD**		
Uses that **do not** require potable water									
N/A	3 Zone - 3 Sector - 017 Plat : 060 Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	0	Yes	0	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ Zone - ___ Sector - ___ Plat : ___ Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ Zone - ___ Sector - ___ Plat : ___ Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ Zone - ___ Sector - ___ Plat : ___ Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	0	**GPD**		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	0	**GPD**		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 060 (Zone - Sector - Plat : Parcel)	N/A	2.127	0	April	April	N/A	N/A
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 6 0 Zone Sec Plat Parcel	Macadamia nuts	2.127	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 6 0 Zone Sec Plat Parcel	Orchard	2.127	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 6 0 Zone Sec Plat Parcel	Landscape	2.127	0.50	April	April	Multiple sprinklers	Other - Timer as needed
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							

9. COMMENTS:

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	3 - 3 - 0 1 7 : 0 6 0 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.00	3000	3000	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 0 1 7 : 0 6 0 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.50	650	650	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	3650 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	3650 14	GPD	

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

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-061

Section F – end use of area photos

Vacant

EXHIBIT NO.
2189 WCEIC - 68

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		**GPD**		
Uses that **do not** require potable water									
N/A	3 - 3 - 017 : 061 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	0	Yes	0	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	0	**GPD**		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	0	**GPD**		
If total use requested is not equal to the total monthly average in Table 1, please explain.									
In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC									

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 061 (Zone - Sector - Plat : Parcel)	N/A	3.392	0	April	April	N/A	N/A
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	3 - 3 - 0 1 7 : 0 6 1 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	2.25	4000	4000	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 0 1 7 : 0 6 1 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.50	400	400	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	4400 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	4400 14	GPD	

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

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 6 1 (Zone - Sec - Plat : Parcel)	Macadamia nuts	3.392	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 6 1	Bananas	3.392	0.75	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 6 1	Orchard	3.392	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 6 1	Leafy vegetables	3.392	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 6 1	Landscape	3.392	0.50	April	April	Multiple sprinklers	Other - Timer as needed
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							

9. COMMENTS:

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-062

Section F – end use of area photos

Macadamia nuts (vacant)

Macadamia nuts (vacant)

EXHIBIT NO.
2189 WCEIC - 69

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

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

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

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		**GPD**		
Uses that **do not** require potable water									
N/A	3 - 3 - 017 : 062 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	0	Yes	0	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	0	**GPD**		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	0	**GPD**		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 062 (Zone - Sector - Plat : Parcel)	N/A	3.874	0	April	April	N/A	N/A
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 6 2 Zone Sec Plat Parcel	Macadamia nuts	3.874	0.75	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 6 2 Zone Sec Plat Parcel	Bananas	3.874	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 6 2 Zone Sec Plat Parcel	Papaya	3.874	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 6 2 Zone Sec Plat Parcel	Orchard	3.874	1.00	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 6 2 Zone Sec Plat Parcel	Landscape	3.874	0.50	April	April	Multiple sprinklers	Other - Timer as needed
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							

9. COMMENTS:

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-063

Section F – end use of area photos

Lawn

Landscape/ lawn

EXHIBIT NO.
2189 WCEIC - 70

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	1124	☒	☐	☐	☐	
June 2007	1162	☒	☐	☐	☐	
July 2007	6560	☒	☐	☐	☐	
August 2007	43	☒	☐	☐	☐	
September 2007	408	☒	☐	☐	☐	
October 2007	517	☒	☐	☐	☐	
November 2007	1063	☒	☐	☐	☐	
December 2007	1063	☒	☐	☐	☐	
January 2008	1615	☒	☐	☐	☐	
February 2008	1726	☒	☐	☐	☐	
March 2008	1086	☒	☐	☐	☐	
April 2008	1713	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	18079	**GPD**				
AVERAGE DAILY USE (Average of the above)	1507	**GPD**				

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ Zone - ___ Sector - ___ Plat : ___ Parcel								
	___ Zone - ___ Sector - ___ Plat : ___ Parcel								
	___ Zone - ___ Sector - ___ Plat : ___ Parcel								
	___ Zone - ___ Sector - ___ Plat : ___ Parcel								
					TOTAL POTABLE USE		**GPD**		
Uses that **do not** require potable water									
IRRLA	3 Zone - 3 Sector - 017 Plat : 063 Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	1507	Yes	0.50	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ Zone - ___ Sector - ___ Plat : ___ Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ Zone - ___ Sector - ___ Plat : ___ Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ Zone - ___ Sector - ___ Plat : ___ Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	1507	**GPD**		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1507	**GPD**		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to Instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 063 (Zone - Sector - Plat : Parcel)	Landscape	2.247	0.50	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 6 3 (Zone - Sec - Plat : Parcel)	Leafy vegetables	2.247	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 6 3 (Zone - Sec - Plat : Parcel)	Orchard	2.247	0.50	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 6 3 (Zone - Sec - Plat : Parcel)	Bananas	2.247	0.50	April	April	Trickle, drip	Other - Manual as needed
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							

9. COMMENTS:

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 6 3	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.25	2450	2450	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	2450 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	2450 14	GPD	

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

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-064

Section F – end use of area photos

Landscape

Orchard

More landscape

Lawn

EXHIBIT NO.
2189 WCEIC - 71

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	4686	☒	☐	☐	☐	
June 2007	4842	☒	☐	☐	☐	
July 2007	4431	☒	☐	☐	☐	
August 2007	3114	☒	☐	☐	☐	
September 2007	1477	☒	☐	☐	☐	
October 2007	1387	☒	☐	☐	☐	
November 2007	932	☒	☐	☐	☐	
December 2007	1329	☒	☐	☐	☐	
January 2008	1674	☒	☐	☐	☐	
February 2008	1789	☒	☐	☐	☐	
March 2008	1901	☒	☐	☐	☐	
April 2008	4162	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	31725	**GPD**				
AVERAGE DAILY USE (Average of the above)	2644	**GPD**				

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		**GPD**		
Uses that **do not** require potable water									
IRRLA	3 - 3 - 017 : 064 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	2644	Yes	1.00	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	2644	**GPD**		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	2644	**GPD**		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 064 (Zone - Sector - Plat : Parcel)	Landscape	2.196	1.00	April	April	Multiple sprinklers	Other - Timer as needed
Zone - Sector - Plat : Parcel							
Zone - Sector - Plat : Parcel							
Zone - Sector - Plat : Parcel							
Zone - Sector - Plat : Parcel							
Zone - Sector - Plat : Parcel							
Zone - Sector - Plat : Parcel							
Zone - Sector - Plat : Parcel							
Zone - Sector - Plat : Parcel							
Zone - Sector - Plat : Parcel							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 6 4 Zone Sec Plat Parcel	Orchard	2.196	0.75	April	April	Trickle, drip	Other - Timer as needed
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							

9. COMMENTS:

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-065

Section F – end use of area photos

Vacant

Vacant

EXHIBIT NO.
2189 WCEIC - 72

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	0	☒	☐	☐	☐	
June 2007	0	☒	☐	☐	☐	
July 2007	0	☒	☐	☐	☐	
August 2007	1	☒	☐	☐	☐	
September 2007	0	☒	☐	☐	☐	
October 2007	0	☒	☐	☐	☐	
November 2007	0	☒	☐	☐	☐	
December 2007	0	☒	☐	☐	☐	
January 2008	0	☒	☐	☐	☐	
February 2008	0	☒	☐	☐	☐	
March 2008	0	☒	☐	☐	☐	
April 2008	0	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	2	**GPD**				
AVERAGE DAILY USE (Average of the above)	0	**GPD**				

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		**GPD**		
Uses that **do not** require potable water									
N/A	3 - 3 - 017 : 065 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	0	Yes	0	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	0	**GPD**		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	0	**GPD**		
If total use requested is not equal to the total monthly average in Table 1, please explain.									
In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC									

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 065 (Zone - Sector - Plat : Parcel)	N/A	2.076	0	April	April	N/A	N/A
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 6 5 (Zone - Sec - Plat : Parcel)	Orchard	2.076	0.50	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 6 5 (Zone - Sec - Plat : Parcel)	Bananas	2.076	0.50	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 6 5 (Zone - Sec - Plat : Parcel)	Papaya	2.076	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 6 5 (Zone - Sec - Plat : Parcel)	Landscape	2.076	0.25	April	April	Multiple sprinklers	Other - Manual as needed
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							

9. COMMENTS:

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	3 - 3 - 0 1 7 : 0 6 5 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.25	3250	3250	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 0 1 7 : 0 6 5 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	250	250	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	3500 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	3500 14	GPD	

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

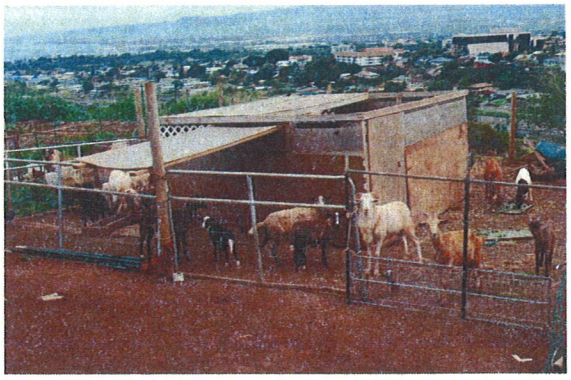
There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-066

Section F – end use of area photos



Livestock

Bananas

Landscape/ lawn

More livestock

EXHIBIT NO.
2189 WCEIC - 73

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	2794	☒	☐	☐	☐	
June 2007	2887	☒	☐	☐	☐	
July 2007	997	☒	☐	☐	☐	
August 2007	2515	☒	☐	☐	☐	
September 2007	1806	☒	☐	☐	☐	
October 2007	159	☒	☐	☐	☐	
November 2007	68	☒	☐	☐	☐	
December 2007	104	☒	☐	☐	☐	
January 2008	3392	☒	☐	☐	☐	
February 2008	3626	☒	☐	☐	☐	
March 2008	0	☒	☐	☐	☐	
April 2008	87	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	18434	**GPD**				
AVERAGE DAILY USE (Average of the above)	1536	**GPD**				

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		**GPD**		
Uses that **do not** require potable water									
AGRLI	3 - 3 - 017 : 066 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	750	Yes	0.50	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 017 : 066 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	786	Yes	0.50	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	1536	**GPD**		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1536	**GPD**		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 066 (Zone - Sector - Plat : Parcel)	Livestock	2.017	0.50	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 066 (Zone - Sector - Plat : Parcel)	Landscape	2.017	0.50	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 6 6 (Zone - Sec - Plat : Parcel)	Leafy vegetables	2.017	0.50	April	Apri	Trickle, drip	Other - Manual as needed
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							

9. COMMENTS:

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 6 6	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.50	1625	1625	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	1625 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1625 14	GPD	

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

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-067

Section F – end use of area photos

Lawn/ landscape

More lawn/ landscape

Lawn

EXHIBIT NO.
2189 WCEIC - 74

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		**GPD**		
Uses that **do not** require potable water									
IRRLA	3 - 3 - 017 : 067 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	254	Yes	0.25	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	254	**GPD**		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	254	**GPD**		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 067 (Zone - Sector - Plat : Parcel)	Landscape	2.178	0.25	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 6 7 (Zone - Sec - Plat : Parcel)	Macadamia nuts	2.178	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 6 7 (Zone - Sec - Plat : Parcel)	Orchard	2.178	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 6 7 (Zone - Sec - Plat : Parcel)	Bananas	2.178	0.25	April	April	Trickle, drip	Other - Timer as needed
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							

9. COMMENTS:

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 6 7	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.25	3000	3000	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	3000 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	3000 14	GPD	

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

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-068

Section F – end use of area photos

Vacant

EXHIBIT NO.
2189 WCEIC - 75

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

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

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

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
N/A	3 - 3 - 017 : 068 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	0	Yes	0	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) - 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	0	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	0	GPD		
If total use requested is not equal to the total monthly average in Table 1, please explain.									
In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC									

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 068 (Zone - Sector - Plat : Parcel)	N/A	2.631	0	April	April	N/A	N/A
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 6 8 (Zone - Sec - Plat : Parcel)	Bananas	2.631	0.50	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 6 8 (Zone - Sec - Plat : Parcel)	Leafy vegetables	2.631	0.50	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 6 8 (Zone - Sec - Plat : Parcel)	Papaya	2.631	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 6 8 (Zone - Sec - Plat : Parcel)	Orchard	2.631	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 6 8 (Zone - Sec - Plat : Parcel)	Landscape	2.631	0.50	April	April	Multiple sprinklers	Other - Manual as needed
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							

9. COMMENTS:

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	3 - 3 - 0 1 7 : 0 6 8 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.50	3900	3900	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 0 1 7 : 0 6 8 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.50	500	500	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	4400 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	4400 14	GPD	

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

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-069

Section F – end use of area photos

Papaya

Bananas

Lawn/ landscape

Livestock

Orchard

EXHIBIT NO.
2189 WCEIC - 76

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	8214	☒	☐	☐	☐	
June 2007	8488	☒	☐	☐	☐	
July 2007	8462	☒	☐	☐	☐	
August 2007	3757	☒	☐	☐	☐	
September 2007	7609	☒	☐	☐	☐	
October 2007	3306	☒	☐	☐	☐	
November 2007	698	☒	☐	☐	☐	
December 2007	1594	☒	☐	☐	☐	
January 2008	3011	☒	☐	☐	☐	
February 2008	3218	☒	☐	☐	☐	
March 2008	1854	☒	☐	☐	☐	
April 2008	1760	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	51971	**GPD**				
AVERAGE DAILY USE (Average of the above)	4331	**GPD**				

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 069 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	3831	Yes	1.50	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 017 : 069 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	500	Yes	0.50	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	4331	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	4331	GPD		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 069 (Zone - Sector - Plat : Parcel)	Papaya	2.989	0.25	April	April	Multiple sprinklers	Other - Timer as needed
3 - 3 - 017 : 069	Bananas	2.989	0.75	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 069	Orchard	2.989	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 069	Landscape	2.989	0.50	April	April	Multiple sprinklers	Other - Timer as needed
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 6 9 Zone Sec Plat Parcel	Livestock	2.989	0.50	April	April	Other - Hose water	Other - Manual as needed
Zone Sec Plat Parcel							
Zone Sec Plat Parcel							
Zone Sec Plat Parcel							
Zone Sec Plat Parcel							
Zone Sec Plat Parcel							
Zone Sec Plat Parcel							
Zone Sec Plat Parcel							
Zone Sec Plat Parcel							
Zone Sec Plat Parcel							

9. COMMENTS:

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

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

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

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

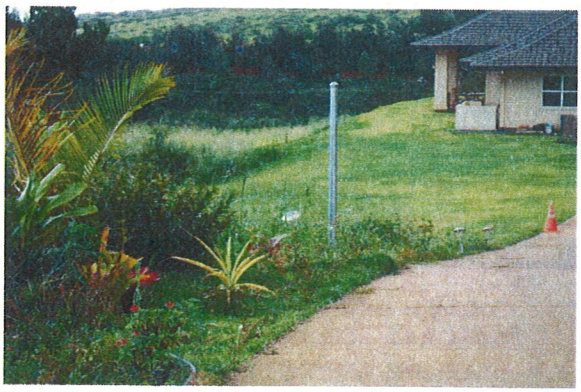
SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-070

Section F – end use of area photos

Landscape



Landscape

Lawn

EXHIBIT NO.
2189 WCEIC - 77

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	2439	☒	☐	☐	☐	
June 2007	2520	☒	☐	☐	☐	
July 2007	2341	☒	☐	☐	☐	
August 2007	3977	☒	☐	☐	☐	
September 2007	1180	☒	☐	☐	☐	
October 2007	1001	☒	☐	☐	☐	
November 2007	23	☒	☐	☐	☐	
December 2007	307	☒	☐	☐	☐	
January 2008	985	☒	☐	☐	☐	
February 2008	1053	☒	☐	☐	☐	
March 2008	981	☒	☐	☐	☐	
April 2008	931	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	17738	**GPD**				
AVERAGE DAILY USE (Average of the above)	1478	**GPD**				

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
IRRLA	3 - 3 - 017 : 070 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	1478	Yes	0.75	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	1478	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1478	GPD		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 070 (Zone - Sector - Plat : Parcel)	Landscape	2.118	0.75	April	April	Multiple sprinklers	Other - Timer as needed
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 7 0 (Zone Sec Plat Parcel)	Dry land taro	2.118	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 7 0 (Zone Sec Plat Parcel)	Orchard	2.118	0.50	April	April	Trickle, drip	Other - Timer as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	3 - 3 - 0 1 7 : 0 7 0 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.75	1900	1900	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	1900 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1900 14	GPD	

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

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-071

Section F – end use of area photos

Orchard

Bananas

Cucurbit

Landscape

Lawn

Lawn/ landscape

EXHIBIT NO.
2189 WCEIC - 78

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	8999	☒	☐	☐	☐	
June 2007	9299	☒	☐	☐	☐	
July 2007	8020	☒	☐	☐	☐	
August 2007	10740	☒	☐	☐	☐	
September 2007	2530	☒	☐	☐	☐	
October 2007	2465	☒	☐	☐	☐	
November 2007	352	☒	☐	☐	☐	
December 2007	2958	☒	☐	☐	☐	
January 2008	2628	☒	☐	☐	☐	
February 2008	2809	☒	☐	☐	☐	
March 2008	3024	☒	☐	☐	☐	
April 2008	4098	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	57922	**GPD**				
AVERAGE DAILY USE (Average of the above)	4827	**GPD**				

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 071 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	3977	Yes	0.75	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 017 : 071 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	850	Yes	0.75	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	4827	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	4827	GPD		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 071 (Zone - Sector - Plat : Parcel)	Bananas	2.215	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 071 (Zone - Sector - Plat : Parcel)	Cucurbit	2.215	0.50	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 071 (Zone - Sector - Plat : Parcel)	Landscape	2.215	0.75	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

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

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

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
[redacted] - [redacted] - 0 [redacted] [redacted] : 0 7 1 Zone Sec Plat Parcel	Cucurbit	2.215	0.25	April	April	Trickle, drip	Other - Manual as needed
Zone Sec Plat Parcel							
Zone Sec Plat Parcel							
Zone Sec Plat Parcel							
Zone Sec Plat Parcel							
Zone Sec Plat Parcel							
Zone Sec Plat Parcel							
Zone Sec Plat Parcel							
Zone Sec Plat Parcel							
Zone Sec Plat Parcel							

9. COMMENTS:

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-072

Section F – end use of area photos

Vacant

EXHIBIT NO.
2189 WCEIC - 79

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

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

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

SUM OF AVERAGE DAILY USE FOR THE MONTH	0	**GPD**
AVERAGE DAILY USE (Average of the above)	0	**GPD**

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		**GPD**		
Uses that **do not** require potable water									
N/A	3 - 3 - 017 : 072 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	0	Yes	0	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	0	**GPD**		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	0	**GPD**		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 072 (Zone - Sector - Plat : Parcel)	N/A	2.212	0	April	April	N/A	N/A
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 7 2 Zone Sec Plat Parcel	Leafy vegetables	2.212	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 7 2 Zone Sec Plat Parcel	Macadamia nuts	2.212	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 7 2 Zone Sec Plat Parcel	Nursery plants	2.212	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 7 2 Zone Sec Plat Parcel	Orchard	2.212	0.50	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 7 2 Zone Sec Plat Parcel	Landscape	2.212	0.25	April	April	Multiple sprinklers	Other - Timer as needed
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							
- - : Zone Sec Plat Parcel							

9. COMMENTS:

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	3 - 3 - 0 1 7 : 0 7 2 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.50	4000	4000	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 0 1 7 : 0 7 2 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	250	250	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	4250 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	4250 14	GPD	

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

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-073

Section F – end use of area photos

Palms

Macadamia nuts/ lawn

Landscape

More macadamia nuts

EXHIBIT NO.
2189 WCEIC - 80

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	3185	☒	☐	☐	☐	
June 2007	3291	☒	☐	☐	☐	
July 2007	4779	☒	☐	☐	☐	
August 2007	4406	☒	☐	☐	☐	
September 2007	2147	☒	☐	☐	☐	
October 2007	2939	☒	☐	☐	☐	
November 2007	901	☒	☐	☐	☐	
December 2007	986	☒	☐	☐	☐	
January 2008	1403	☒	☐	☐	☐	
February 2008	1500	☒	☐	☐	☐	
March 2008	3266	☒	☐	☐	☐	
April 2008	3332	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	32136	**GPD**				
AVERAGE DAILY USE (Average of the above)	2678	**GPD**				

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		**GPD**		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 073 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	2178	Yes	1.00	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 017 : 073 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	500	Yes	0.50	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	2678	**GPD**		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	2678	**GPD**		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 073 (Zone - Sector - Plat : Parcel)	Macadamia nuts	3.394	0.75	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 073 (Zone - Sector - Plat : Parcel)	Leafy vegetables	3.394	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 073 (Zone - Sector - Plat : Parcel)	Landscape	3.394	0.50	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 7 3 (Zone - Sec - Plat : Parcel)	Leafy vegetables	3.394	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 7 3 (Zone - Sec - Plat : Parcel)	Solanaceous	3.394	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 7 3 (Zone - Sec - Plat : Parcel)	Orchard	3.394	0.75	April	April	Trickle, drip	Other - Timer as needed
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							

9. COMMENTS:

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 7 3	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.25	1700	1700	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	1700 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1700 14	GPD	

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

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-074

Section F – end use of area photos

Lawn/ macadamia nuts

Dry land taro

More dry land taro

EXHIBIT NO.
2189 WCEIC - 81

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	1544	☒	☐	☐	☐	
June 2007	1595	☒	☐	☐	☐	
July 2007	231	☒	☐	☐	☐	
August 2007	3738	☒	☐	☐	☐	
September 2007	1780	☒	☐	☐	☐	
October 2007	1375	☒	☐	☐	☐	
November 2007	798	☒	☐	☐	☐	
December 2007	1147	☒	☐	☐	☐	
January 2008	1913	☒	☐	☐	☐	
February 2008	2044	☒	☐	☐	☐	
March 2008	1937	☒	☐	☐	☐	
April 2008	1811	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	19911	GPD				
AVERAGE DAILY USE (Average of the above)	1659	GPD				

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 074 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	1200	Yes	0.50	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 017 : 074 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	459	Yes	0.50	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	1659	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1659	GPD		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to Instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 074 (Zone - Sector - Plat : Parcel)	Macadamia nuts	2.792	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 074 (Zone - Sector - Plat : Parcel)	Landscape	2.792	0.50	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 7 4 (Zone - Sec - Plat : Parcel)	Dry land taro	2.792	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 7 4 (Zone - Sec - Plat : Parcel)	Orchard	2.792	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 7 4 (Zone - Sec - Plat : Parcel)	Nursery plants	2.792	0.25	April	April	Trickle, drip	Other - Timer as needed
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							

9. COMMENTS:

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	3 - 3 - 0 1 7 : 0 7 4 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.00	1950	1950	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
AGRON	3 - 3 - 0 1 7 : 0 7 4 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	600	600	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	2550 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	2550 14	GPD	

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

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-075

Section F – end use of area photos

Ti leaf

Asparagus

Dry land taro

Ti leaf/ landscape

EXHIBIT NO.
2189 WCEIC - 82

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	2849	☒	☐	☐	☐	
June 2007	2944	☒	☐	☐	☐	
July 2007	2583	☒	☐	☐	☐	
August 2007	698	☒	☐	☐	☐	
September 2007	3314	☒	☐	☐	☐	
October 2007	1797	☒	☐	☐	☐	
November 2007	162	☒	☐	☐	☐	
December 2007	1227	☒	☐	☐	☐	
January 2008	1412	☒	☐	☐	☐	
February 2008	1510	☒	☐	☐	☐	
March 2008	2648	☒	☐	☐	☐	
April 2008	3601	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	24744	GPD				
AVERAGE DAILY USE (Average of the above)	2062	GPD				

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require potable (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that do not require potable water									
AGRCP	3 - 3 - 017 : 075 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	1562	Yes	0.50	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 017 : 075 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	500	Yes	0.50	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	2062	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	2062	GPD		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 075 (Zone - Sector - Plat : Parcel)	Ornamental plants	2.538	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 075 (Zone - Sector - Plat : Parcel)	Dry land taro	2.538	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 075 (Zone - Sector - Plat : Parcel)	Landscape	2.538	0.50	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 7 5 (Zone - Sec - Plat : Parcel)	Leafy vegetables	2.538	0.50	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 7 5 (Zone - Sec - Plat : Parcel)	Orchard	2.538	0.50	April	April	Trickle, drip	Other - Manual as needed
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							

9. COMMENTS:

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	3 - 3 - 0 1 7 : 0 7 5 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.00	1700	1700	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	1700 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1700 14	GPD	

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

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-076

Section F – end use of area photos

Landscape

Landscape/ lawn

Lawn

EXHIBIT NO.
2189 WCEIC - 83

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	4856	☒	☐	☐	☐	
June 2007	5018	☒	☐	☐	☐	
July 2007	3307	☒	☐	☐	☐	
August 2007	4218	☒	☐	☐	☐	
September 2007	961	☒	☐	☐	☐	
October 2007	0	☒	☐	☐	☐	
November 2007	717	☒	☐	☐	☐	
December 2007	770	☒	☐	☐	☐	
January 2008	0	☒	☐	☐	☐	
February 2008	0	☒	☐	☐	☐	
March 2008	1523	☒	☐	☐	☐	
April 2008	1818	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	23189	GPD				
AVERAGE DAILY USE (Average of the above)	1932	GPD				

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING. • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
IRRLA	3 - 3 - 017 : 076	Agriculture	No	Chapter 19.30A Agr. Dist.	No	1932	Yes	1.00	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sector - Plat : Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sector - Plat : Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sector - Plat : Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	1932	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1932	GPD		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 076 (Zone - Sector - Plat : Parcel)	Landscape	2.255	1.00	April	April	Multiple sprinklers	Other - Timer as needed

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 7 6 (Zone - Sec - Plat : Parcel)	Orchard	2.255	0.50	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 7 6 (Zone - Sec - Plat : Parcel)	Ornamental plants	2.255	0.25	April	April	Trickle, drip	Other - Manual as needed
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							

9. COMMENTS:

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-077

Section F – end use of area photos

Macadamia nuts (vacant)

More macadamia nuts (vacant)

EXHIBIT NO.
2189 WCEIC - 84

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

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

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

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
N/A	3 - 3 - 017 : 077 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	0	Yes	0	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	0	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	0	GPD		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 077 (Zone - Sector - Plat : Parcel)	N/A	2.701	0	April	April	N/A	N/A
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 7 7 (Zone - Sec - Plat : Parcel)	Macadamia nuts	2.701	1.00	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 7 7 (Zone - Sec - Plat : Parcel)	Orchard	2.701	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 7 7 (Zone - Sec - Plat : Parcel)	Ornamental plants	2.701	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 7 7 (Zone - Sec - Plat : Parcel)	Landscape	2.701	0.50	April	April	Multiple sprinklers	Other - Timer as needed
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							

9. COMMENTS:

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	COUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	3 - 3 - 0 1 7 : 0 7 7 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.50	2850	2850	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
AGRON	3 - 3 - 0 1 7 : 0 7 7 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	600	600	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
IRRLA	3 - 3 - 0 1 7 : 0 7 7 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.50	500	500	☒ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	3950 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	3950 14	GPD	

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

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-078

Section F – end use of area photos

Papaya

Leafy vegetables

Macadamia nuts

Orchard

EXHIBIT NO.
2189 WCEIC - 85

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	0	☒	☐	☐	☐	
June 2007	0	☒	☐	☐	☐	
July 2007	803	☒	☐	☐	☐	
August 2007	811	☒	☐	☐	☐	
September 2007	1060	☒	☐	☐	☐	
October 2007	1125	☒	☐	☐	☐	
November 2007	57	☒	☐	☐	☐	
December 2007	118	☒	☐	☐	☐	
January 2008	291	☒	☐	☐	☐	
February 2008	311	☒	☐	☐	☐	
March 2008	734	☒	☐	☐	☐	
April 2008	785	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	6093	GPD				
AVERAGE DAILY USE (Average of the above)	508	GPD				

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

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY

(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 078 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	508	Yes	0.25	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	508	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	508	GPD		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 078 Zone Sector Plat Parcel	Leafy vegetables	2.903	0.25	April	April	Trickle, drip	Other - Manual as needed
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							
- - : Zone Sector Plat Parcel							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 7 8 (Zone - Sec - Plat : Parcel)	Bananas	2.903	0.50	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 7 8 (Zone - Sec - Plat : Parcel)	Macadamia nuts	2.903	0.75	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 7 8 (Zone - Sec - Plat : Parcel)	Papaya	2.903	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 7 8 (Zone - Sec - Plat : Parcel)	Orchard	2.903	0.50	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 0 1 7 : 0 7 8 (Zone - Sec - Plat : Parcel)	Leafy vegetables	2.903	0.25	April	April	Trickle, drip	Other - Manual as needed
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							

9. COMMENTS:

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	Zone 3 - Sec 3 - Plat 0 1 7 : Parcel 0 7 8	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	2.25	3450	3450	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	3450 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	3450 14	GPD	

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

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-079

Section F – end use of area photos

Macadamia nuts (vacant)

Vacant

EXHIBIT NO.
2189 WCEIC - 86

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	0	☒	☐	☐	☐	
June 2007	0	☒	☐	☐	☐	
July 2007	0	☒	☐	☐	☐	
August 2007	0	☒	☐	☐	☐	
September 2007	0	☒	☐	☐	☐	
October 2007	0	☒	☐	☐	☐	
November 2007	0	☒	☐	☐	☐	
December 2007	0	☒	☐	☐	☐	
January 2008	5	☒	☐	☐	☐	
February 2008	5	☒	☐	☐	☐	
March 2008	0	☒	☐	☐	☐	
April 2008	0	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	9	GPD				
AVERAGE DAILY USE (Average of the above)	1	GPD				

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
N/A	3 - 3 - 017 : 079 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	0	Yes	0	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	0	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	0	GPD		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 079 (Zone - Sector - Plat : Parcel)	N/A	2.128	0	April	April	N/A	N/A
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 7 9 (Zone Sec Plat Parcel)	Bananas	2.128	0.50	April	April	Multiple sprinklers	Other - Timer as needed
3 - 3 - 0 1 7 : 0 7 9 (Zone Sec Plat Parcel)	Leafy vegetables	2.128	0.50	April	April	Multiple sprinklers	Other - Timer as needed
3 - 3 - 0 1 7 : 0 7 9 (Zone Sec Plat Parcel)	Papaya	2.128	0.25	April	April	Multiple sprinklers	Other - Timer as needed
3 - 3 - 0 1 7 : 0 7 9 (Zone Sec Plat Parcel)	Landscape	2.128	0.25	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require potable (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that do not require potable water										
AGRCP	3 - 3 - 0 1 7 : 0 7 9 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.50	3650	3650	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	3650 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	3650 14	GPD	

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

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

SWUPA-E (NA WAI EHA, MAUI)

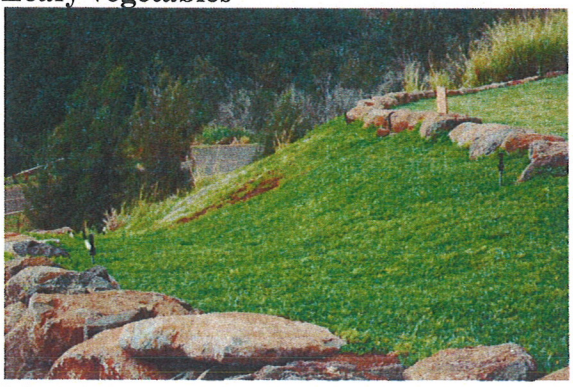
PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-080

Section F – end use of area photos

Leafy vegetables

Landscape



More landscape

Lawn

EXHIBIT NO.
2189 WCEIC - 87

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	0	☒	☐	☐	☐	
June 2007	0	☒	☐	☐	☐	
July 2007	0	☒	☐	☐	☐	
August 2007	103	☒	☐	☐	☐	
September 2007	211	☒	☐	☐	☐	
October 2007	5	☒	☐	☐	☐	
November 2007	9	☒	☐	☐	☐	
December 2007	39	☒	☐	☐	☐	
January 2008	54	☒	☐	☐	☐	
February 2008	58	☒	☐	☐	☐	
March 2008	111	☒	☐	☐	☐	
April 2008	2810	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	3399	**GPD**				
AVERAGE DAILY USE (Average of the above)	283	**GPD**				

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
IRRLA	3 - 3 - 017 : 080 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	283	Yes	0.25	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	283	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	283	GPD		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 080 (Zone - Sector - Plat : Parcel)	Landscape	2.304	0.25	April	April	Multiple sprinklers	Other - Timer as needed
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							

APPLICATION FOR SURFACE WATER USE PERMIT -- PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require potable (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that do not require potable water										
AGRCP	3 - 3 - 0 1 7 : 0 8 0 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.25	2900	2900	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 0 1 7 : 0 8 0 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	250	250	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	3150 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	3150 14	GPD	

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

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - [illegible] - 0 [illegible] [illegible] : 0 8 0	Leafy vegetables	2.304	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 8 0	Bananas	2.304	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 8 0	Orchard	2.304	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 8 0	Landscape	2.304	0.25	April	April	Multiple sprinklers	Other - Timer as needed
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							

9. COMMENTS:

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

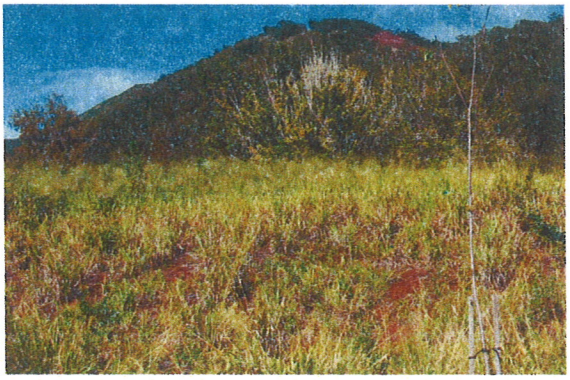
SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-081

Section F – end use of area photos

Pines (vacant)



Macadamia nuts (vacant)

EXHIBIT NO.
2189 WCEIC - 88

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

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

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

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

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY

(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
N/A	3 - 3 - 017 : 081 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	0	Yes	0	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	0	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	0	GPD		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 081 (Zone - Sector - Plat : Parcel)	N/A	2.277	0	April	April	N/A	N/A
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
					TOTAL POTABLE USE			12	GPD	
Uses that **do not** require potable water										
AGRCP	3 - 3 - 0 1 7 : 0 8 1 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.25	2600	2600	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 0 1 7 : 0 8 1 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.50	600	600	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
					TOTAL NON POTABLE USE			13 3200	GPD	
					TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =			14 3200	GPD	

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

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to Instructions.)	8 IRRIGATION PRACTICE (Refer to Instructions.)
3 - 3 - 0 1 7 : 0 8 1 (Zone - Sec - Plat : Parcel)	Macadamia nuts	2.277	0.75	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 8 1	Bananas	2.277	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 8 1	Orchard	2.277	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 8 1	Landscape	2.277	0.50	April	April	Multiple sprinklers	Other - Timer as needed
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							

9. COMMENTS:

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-082

Section F – end use of area photos

Vacant

EXHIBIT NO.
2189 WCEIC - 89

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

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

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

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
N/A	3 - 3 - 017 : 082 Zone - Sector - Plat : Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	0	Yes	0	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sector - Plat : Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sector - Plat : Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sector - Plat : Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	0	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	0	GPD		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 082 (Zone - Sector - Plat : Parcel)	N/A	2.147	0	April	April	N/A	N/A
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries • Photograph of the area of proposed use	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
[redacted]	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	[12]	GPD	
Uses that **do not** require potable water										
AGRCP	3 - [redacted] - [redacted] : 0 8 2 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.25	3300	3300	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 0 1 7 : 0 8 2 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.50	600	600	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	3900 [13]	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	3900 [14]	GPD

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

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 8 2 (Zone - Sec - Plat : Parcel)	Leafy vegetables	2.147	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 8 2	Bananas	2.147	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 8 2	Orchard	2.147	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 8 2	Landscape	2.147	0.50	April	April	Multiple sprinklers	Other - Timer as needed
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							

9. COMMENTS:

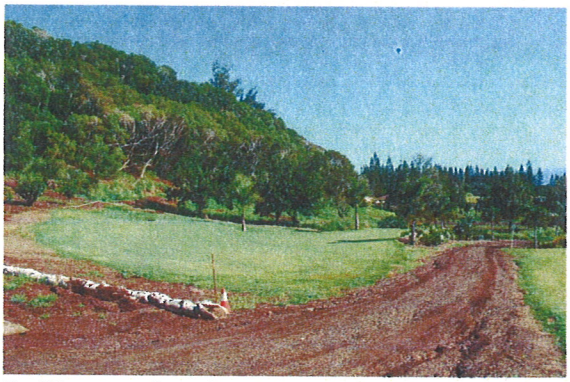
There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems,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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-083

Section F – end use of area photos



Sod/ macadamia nuts

Landscape

More macadamia nuts

EXHIBIT NO.
2189 WCEIC - 90

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	2307	☒	☐	☐	☐	
June 2007	2384	☒	☐	☐	☐	
July 2007	2229	☒	☐	☐	☐	
August 2007	2735	☒	☐	☐	☐	
September 2007	2944	☒	☐	☐	☐	
October 2007	1587	☒	☐	☐	☐	
November 2007	1240	☒	☐	☐	☐	
December 2007	609	☒	☐	☐	☐	
January 2008	1105	☒	☐	☐	☐	
February 2008	1181	☒	☐	☐	☐	
March 2008	1242	☒	☐	☐	☐	
April 2008	312	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	19875	GPD				
AVERAGE DAILY USE (Average of the above)	1656	GPD				

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ Zone - ___ Sector - ___ Plat : ___ Parcel								
	___ Zone - ___ Sector - ___ Plat : ___ Parcel								
	___ Zone - ___ Sector - ___ Plat : ___ Parcel								
	___ Zone - ___ Sector - ___ Plat : ___ Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 Zone - 3 Sector - 017 Plat : 083 Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	850	Yes	0.25	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 Zone - 3 Sector - 017 Plat : 083 Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	806	Yes	0.50	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ Zone - ___ Sector - ___ Plat : ___ Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ Zone - ___ Sector - ___ Plat : ___ Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	1656	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1656	GPD		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 083 (Zone - Sector - Plat : Parcel)	Macadamia nuts	2.586	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 083 (Zone - Sector - Plat : Parcel)	Landscape	2.586	0.50	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
					TOTAL POTABLE USE			12	GPD	
Uses that **do not** require potable water										
AGRCP	3 - 3 - 0 1 7 : 0 8 3 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.00	2000	2000	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 0 1 7 : 0 8 3 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	300	300	300	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
					TOTAL NON POTABLE USE			2300 13	GPD	
					TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =			2300 14	GPD	

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

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 8 3 (Zone - Sec - Plat : Parcel)	Orchard	2.586	0.50	April	April	Tricke, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 8 3 (Zone - Sec - Plat : Parcel)	Bananas	2.586	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 8 3 (Zone - Sec - Plat : Parcel)	Landscape	2.586	0.25	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							

9. COMMENTS:

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-084

Section F – end use of area photos

Macadamia nuts (vacant)

EXHIBIT NO.
2189 WCEIC - 91

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	0	☒	☐	☐	☐	
June 2007	0	☒	☐	☐	☐	
July 2007	0	☒	☐	☐	☐	
August 2007	4	☒	☐	☐	☐	
September 2007	0	☒	☐	☐	☐	
October 2007	0	☒	☐	☐	☐	
November 2007	0	☒	☐	☐	☐	
December 2007	0	☒	☐	☐	☐	
January 2008	0	☒	☐	☐	☐	
February 2008	0	☒	☐	☐	☐	
March 2008	0	☒	☐	☐	☐	
April 2008	0	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	4	GPD				
AVERAGE DAILY USE (Average of the above)	0	GPD				

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require potable (drinking) water									
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
					TOTAL POTABLE USE		GPD		
Uses that do not require potable water									
N/A	3 - 3 - 017 : 084 (Zone - Sector - Plat : Parcel)	Agriculture	No	Chapter 19.30A Agr. Dist.	No	0	Yes	0	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sector - Plat : Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sector - Plat : Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sector - Plat : Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	0	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	0	GPD		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 084 (Zone - Sector - Plat : Parcel)	N/A	2.755	0	April	April	N/A	N/A
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
IRRLA	3 - 3 - 0 1 7 : 0 8 4 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.50	500	500	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons
AGRCP	3 - 3 - 0 1 7 : 0 8 4 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.00	2500	2500	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	3000 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	3000 14	GPD	

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

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 8 4 (Zone - Sec - Plat : Parcel)	Bananas	2.755	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 8 4	Leafy vegetables	2.755	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 8 4	Cucurbit	2.755	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 8 4	Ornamental plants	2.755	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 8 4	Orchard	2.755	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 8 4	Landscape	2.755	0.50	April	April	Multiple sprinklers	Other - Timer as needed
- - :							
- - :							
- - :							
- - :							
- - :							

9. COMMENTS:

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-085

Section F – end use of area photos

Lawn/ macadamia nuts

EXHIBIT NO.
2189 WCEIC - 92

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	53	☒	☐	☐	☐	
June 2007	55	☒	☐	☐	☐	
July 2007	584	☒	☐	☐	☐	
August 2007	323	☒	☐	☐	☐	
September 2007	352	☒	☐	☐	☐	
October 2007	164	☒	☐	☐	☐	
November 2007	21	☒	☐	☐	☐	
December 2007	15	☒	☐	☐	☐	
January 2008	119	☒	☐	☐	☐	
February 2008	128	☒	☐	☐	☐	
March 2008	231	☒	☐	☐	☐	
April 2008	653	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	2697	GPD				
AVERAGE DAILY USE (Average of the above)	225	GPD				

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

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY

(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
IRRLA	3 - 3 - 017 : 085 Zone - Sector - Plat : Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	225	Yes	0.25	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sector - Plat : Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sector - Plat : Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sector - Plat : Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	225	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	225	GPD		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 085 (Zone - Sector - Plat : Parcel)	Landscape	2.246	0.25	April	April	Multiple sprinklers	Other - Timer as needed

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	3 - 3 - 0 1 7 : 0 8 5 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.00	2200	2200	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
AGRON	3 - 3 - 0 1 7 : 0 8 5 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	650	650	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
IRRLA	3 - 3 - 0 1 7 : 0 8 5 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	300	300	☒ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	3150 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	3150 14	GPD	

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

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 8 5 (Zone - Sec - Plat : Parcel)	Macadamia nuts	2.246	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 8 5 (Zone - Sec - Plat : Parcel)	Orchard	2.246	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 8 5 (Zone - Sec - Plat : Parcel)	Ornamental plants	2.246	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 8 5 (Zone - Sec - Plat : Parcel)	Landscape	2.246	0.25	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							

9. COMMENTS:

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-086

Section F – end use of area photos

Bananas

Livestock

More bananas

EXHIBIT NO.
2189 WCEIC - 93

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		**GPD**		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 086 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	931	Yes	0.50	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	931	**GPD**		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	931	**GPD**		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 086 (Zone - Sector - Plat : Parcel)	Orchard	2.183	0.50	April	April	Trickle, drip	Other - Timer as needed
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require potable (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that do not require potable water										
AGRCP	3 - 3 - 0 1 7 : 0 8 6 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.50	1200	1200	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
AGRLI	3 - 3 - 0 1 7 : 0 8 6 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	200	200	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
IRRLA	3 - 3 - 0 1 7 : 0 8 6 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.50	650	650	☒ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	2050 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	2050 14	GPD	

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

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 8 6 (Zone - Sec - Plat : Parcel)	Bananas	2.183	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 8 6 (Zone - Sec - Plat : Parcel)	Livestock	2.183	0.25	April	April	Other - Hose water	Other - Manual as needed
3 - 3 - 0 1 7 : 0 8 6 (Zone - Sec - Plat : Parcel)	Landscape	2.183	0.50	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							

9. COMMENTS:

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-087

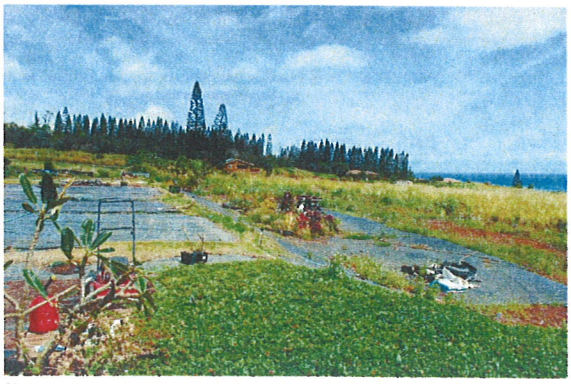
Section F – end use of area photos

Sod

Orchard

Sod

Sod



Sod

EXHIBIT NO.
2189 WCEIC - 94

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	1245	☒	☐	☐	☐	
June 2007	1287	☒	☐	☐	☐	
July 2007	1609	☒	☐	☐	☐	
August 2007	1856	☒	☐	☐	☐	
September 2007	1566	☒	☐	☐	☐	
October 2007	2017	☒	☐	☐	☐	
November 2007	555	☒	☐	☐	☐	
December 2007	1494	☒	☐	☐	☐	
January 2008	2029	☒	☐	☐	☐	
February 2008	2169	☒	☐	☐	☐	
March 2008	3218	☒	☐	☐	☐	
April 2008	2717	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	21763	**GPD**				
AVERAGE DAILY USE (Average of the above)	1814	**GPD**				

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRON	3 - 3 - 017 : 087 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	1814	Yes	1.25	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL NON-POTABLE USE	1814	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1814	GPD		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 087 (Zone - Sector - Plat : Parcel)	Sod	2.718	0.75	April	April	Multiple sprinklers	Other - Timer as needed
3 - 3 - 017 : 087 (Zone - Sector - Plat : Parcel)	Nursery plants	2.718	0.50	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 8 7 (Zone Sec Plat Parcel)	Nursery plants	2.718	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 8 7 (Zone Sec Plat Parcel)	Orchard	2.718	0.25	April	April	Trickle, drip	Other - Timer as needed
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							
- - : (Zone Sec Plat Parcel)							

9. COMMENTS:

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require potable (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that do not require potable water										
AGRCP	3 - 3 - 0 1 7 : 0 8 7 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	850	850	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
AGRON	3 - 3 - 0 1 7 : 0 8 7 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	600	600	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	1450 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1450 14	GPD	

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

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

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		**GPD**		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 088 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	75	Yes	0.25	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL NON-POTABLE USE	75	**GPD**		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	75	**GPD**		

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

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

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

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 088 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	75	Yes	0.25	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL NON-POTABLE USE	75	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	75	GPD		
If total use requested is not equal to the total monthly average in Table 1, please explain.									
In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku WC									

EXHIBIT NO.
2189 WCEIC - 95

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	65	☒	☐	☐	☐	
June 2007	68	☒	☐	☐	☐	
July 2007	99	☒	☐	☐	☐	
August 2007	104	☒	☐	☐	☐	
September 2007	97	☒	☐	☐	☐	
October 2007	61	☒	☐	☐	☐	
November 2007	35	☒	☐	☐	☐	
December 2007	42	☒	☐	☐	☐	
January 2008	62	☒	☐	☐	☐	
February 2008	66	☒	☐	☐	☐	
March 2008	119	☒	☐	☐	☐	
April 2008	88	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	906	GPD				
AVERAGE DAILY USE (Average of the above)	75	GPD				

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 088 (Zone - Sector - Plat : Parcel)	Bananas	2.34	0.25	April	April	Trickle, drip	Other - Manual as needed
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require potable (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that do not require potable water										
AGRCP	3 - 3 - 0 1 7 : 0 8 8 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.25	2500	2500	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 0 1 7 : 0 8 8 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	600	600	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	3100 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	3100 14	GPD	

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

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 8 8 (Zone - Sec - Plat : Parcel)	Orchard	2.34	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 8 8 (Zone - Sec - Plat : Parcel)	Dry land taro	2.34	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 8 8 (Zone - Sec - Plat : Parcel)	Bananas	2.34	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 8 8 (Zone - Sec - Plat : Parcel)	Landscape	2.34	0.25	April	April	Multiple sprinklers	Other - Timer as needed
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							

9. COMMENTS:

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-089

Section F – end use of area photos

Plumeria

Landscape

Nursery

Orchard

Papaya

EXHIBIT NO.
2189 WCEIC - 96

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	1800	☒	☐	☐	☐	
June 2007	1860	☒	☐	☐	☐	
July 2007	2774	☒	☐	☐	☐	
August 2007	2297	☒	☐	☐	☐	
September 2007	2682	☒	☐	☐	☐	
October 2007	1365	☒	☐	☐	☐	
November 2007	1196	☒	☐	☐	☐	
December 2007	1847	☒	☐	☐	☐	
January 2008	1664	☒	☐	☐	☐	
February 2008	1778	☒	☐	☐	☐	
March 2008	1214	☒	☐	☐	☐	
April 2008	1319	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	21796	GPD				
AVERAGE DAILY USE (Average of the above)	1816	GPD				

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

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY

(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRON	3 - 3 - 017 : 089 Zone - Sector - Plat : Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	1200	Yes	0.50	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 017 : 089 Zone - Sector - Plat : Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	616	Yes	0.50	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sector - Plat : Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sector - Plat : Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	1816	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1816	GPD		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 089 (Zone - Sector - Plat : Parcel)	Nursery plants	2.091	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 089 (Zone - Sector - Plat : Parcel)	Landscape	2.091	0.50	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require potable (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
					TOTAL POTABLE USE			12	GPD	
Uses that do not require potable water										
AGRCP	3 - 3 - 0 1 7 : 0 8 9 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.50	1200	1200	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
					TOTAL NON POTABLE USE			1200 13	GPD	
					TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =			1200 14	GPD	

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

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 8 9 Zone Sec Plat Parcel	Orchard	2.091	0.50	April	April	Trickle, drip	Other - Timer as needed
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							

9. COMMENTS:

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-090

Section F – end use of area photos

Macadamia nuts (vacant)

Vacant

EXHIBIT NO.
2189 WCEIC - 97

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	0	☒	☐	☐	☐	
June 2007	0	☒	☐	☐	☐	
July 2007	4	☒	☐	☐	☐	
August 2007	0	☒	☐	☐	☐	
September 2007	0	☒	☐	☐	☐	
October 2007	0	☒	☐	☐	☐	
November 2007	0	☒	☐	☐	☐	
December 2007	0	☒	☐	☐	☐	
January 2008	0	☒	☐	☐	☐	
February 2008	0	☒	☐	☐	☐	
March 2008	0	☒	☐	☐	☐	
April 2008	0	☒	☐	☐	☐	

SUM OF AVERAGE DAILY USE FOR THE MONTH	4	GPD
AVERAGE DAILY USE (Average of the above)	0	GPD

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
N/A	3 - 3 - 017 : 090 Zone - Sector - Plat : Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	0	Yes	0	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sector - Plat : Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sector - Plat : Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sector - Plat : Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	0	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	0	GPD		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 090 (Zone - Sector - Plat : Parcel)	N/A	2.761	0	April	April	N/A	N/A
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 9 0 (Zone - Sec - Plat : Parcel)	Bananas	2.761	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 9 0	Papaya	2.761	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 9 0	Leafy vegetables	2.761	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 9 0	Solanaceous	2.761	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 9 0	Orchard	2.761	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 9 0	Landscape	2.761	0.25	April	April	Multiple sprinklers	Other - Timer as needed
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							

9. COMMENTS:

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	3 - 3 - 0 1 7 : 0 9 0 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	2.00	4550	4550	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 0 1 7 : 0 9 0 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	250	250	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	4800 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	4800 14	GPD	

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

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-091

Section F – end use of area photos

Lawn

Lawn/ landscape

EXHIBIT NO.
2189 WCEIC - 98

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	1682	☒	☐	☐	☐	
June 2007	1739	☒	☐	☐	☐	
July 2007	1947	☒	☐	☐	☐	
August 2007	2370	☒	☐	☐	☐	
September 2007	2775	☒	☐	☐	☐	
October 2007	2697	☒	☐	☐	☐	
November 2007	775	☒	☐	☐	☐	
December 2007	1824	☒	☐	☐	☐	
January 2008	637	☒	☐	☐	☐	
February 2008	681	☒	☐	☐	☐	
March 2008	909	☒	☐	☐	☐	
April 2008	727	☒	☐	☐	☐	

SUM OF AVERAGE DAILY USE FOR THE MONTH	18762	GPD
AVERAGE DAILY USE (Average of the above)	1564	GPD

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		**GPD**		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 091 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	864	Yes	0.25	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 017 : 091 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	700	Yes	0.50	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	1564	**GPD**		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1564	**GPD**		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 091 (Zone - Sector - Plat : Parcel)	Bananas	2.148	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 017 : 091 (Zone - Sector - Plat : Parcel)	Landscape	2.148	0.50	April	April	Multiple sprinklers	Other - Timer as needed
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 9 1 (Zone - Sec - Plat : Parcel)	Bananas	2.148	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 9 1 (Zone - Sec - Plat : Parcel)	Orchard	2.148	0.50	April	April	Trickle, drip	Other - Timer as needed
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							
- - : (Zone - Sec - Plat : Parcel)							

9. COMMENTS:

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

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	3 - 3 - 0 1 7 : 0 9 1 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.75	1650	1650	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	1650 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	1650 14	GPD	

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

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-092

Section F – end use of area photos

Papayas

Bananas

Orchard

Landscape

EXHIBIT NO.
2189 WCEIC - 99

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	7561	☒	☐	☐	☐	
June 2007	7813	☒	☐	☐	☐	
July 2007	6198	☒	☐	☐	☐	
August 2007	3654	☒	☐	☐	☐	
September 2007	3126	☒	☐	☐	☐	
October 2007	1395	☒	☐	☐	☐	
November 2007	113	☒	☐	☐	☐	
December 2007	1620	☒	☐	☐	☐	
January 2008	2294	☒	☐	☐	☐	
February 2008	2456	☒	☐	☐	☐	
March 2008	3158	☒	☐	☐	☐	
April 2008	2503	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	41889	GPD				
AVERAGE DAILY USE (Average of the above)	3491	GPD				

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

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY

(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 092 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	3191	Yes	1.25	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 017 : 092 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	300	Yes	0.25	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	3491	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	3491	GPD		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 092 (Zone - Sector - Plat : Parcel)	Leafy vegetables	2.199	0.50	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 092	Bananas	2.199	0.50	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 092	Papaya	2.199	0.25	April	April	Trickle, drip	Other - Manual as needed
3 - 3 - 017 : 092	Landscape	2.199	0.25	April	April	Multiple sprinklers	Other - Timer as needed
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
(3) - (3) - (0 1 7) : (0 9 2) (Zone - Sec - Plat : Parcel)	Cucurbit	2.199	0.25	April	April	Trickle, drip	Other - Manual as needed
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							
Zone - Sec - Plat : Parcel							

9. COMMENTS:

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	3 - 3 - 0 1 7 : 0 9 2 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	700	700	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	700 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	700 14	GPD	

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

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-093

Section F – end use of area photos

Vacant

EXHIBIT NO.
2189 WCEIC - 100

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	1529	☒	☐	☐	☐	
June 2007	1580	☒	☐	☐	☐	
July 2007	0	☒	☐	☐	☐	
August 2007	0	☒	☐	☐	☐	
September 2007	0	☒	☐	☐	☐	
October 2007	0	☒	☐	☐	☐	
November 2007	0	☒	☐	☐	☐	
December 2007	0	☒	☐	☐	☐	
January 2008	0	☒	☐	☐	☐	
February 2008	0	☒	☐	☐	☐	
March 2008	0	☒	☐	☐	☐	
April 2008	0	☒	☐	☐	☐	

SUM OF AVERAGE DAILY USE FOR THE MONTH	3109	GPD
AVERAGE DAILY USE (Average of the above)	259	GPD

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

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY

(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
AGRCP	3 - 3 - 017 : 093 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	259	Yes	0.25	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	259	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	259	GPD		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 093 (Zone - Sector - Plat : Parcel)	Macadamia nuts	2.26	0.25	April	April	Trickle, drip	Other - Manual as needed
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1 TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	2 CROP	2 TOTAL ACREAGE	4 NET IRRIGATED ACREAGE	5 BEGIN GROWTH PERIOD (Month)	6 END GROWTH PERIOD (Month)	7 IRRIGATION SYSTEM (Refer to instructions.)	8 IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 9 3 (Zone - Sec - Plat : Parcel)	Bananas	2.26	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 9 3	Papaya	2.26	0.25	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 9 3	Orchard	2.26	0.50	April	April	Trickle, drip	Other - Timer as needed
3 - 3 - 0 1 7 : 0 9 3	Landscape	2.26	0.25	April	April	Multiple sprinklers	Other - Timer as needed
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							

9. COMMENTS:

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

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1	2	3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require **potable** (drinking) water										
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL POTABLE USE	12	GPD	
Uses that **do not** require potable water										
AGRCP	3 - 3 - 0 1 7 : 0 9 3 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	1.25	2850	2850	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
IRRLA	3 - 3 - 0 1 7 : 0 9 3 Zone Sec Plat Parcel	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☒ No	0.25	250	250	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone - Sec - Plat : Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
							TOTAL NON POTABLE USE	3100 13	GPD	
							TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	3100 14	GPD	

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

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

SWUPA-E (NA WAI EHA, MAUI)

PHOTOS OF EXISTING AGRICULTURAL USE

TMK: 3-3-017-094

Section F – end use of area photos

Landscape/ lawn

EXHIBIT NO.
2189 WCEIC - 101

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

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

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	4216	☒	☐	☐	☐	
June 2007	4356	☒	☐	☐	☐	
July 2007	2435	☒	☐	☐	☐	
August 2007	3318	☒	☐	☐	☐	
September 2007	2373	☒	☐	☐	☐	
October 2007	1975	☒	☐	☐	☐	
November 2007	147	☒	☐	☐	☐	
December 2007	1418	☒	☐	☐	☐	
January 2008	2611	☒	☐	☐	☐	
February 2008	2791	☒	☐	☐	☐	
March 2008	2959	☒	☐	☐	☐	
April 2008	2898	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	31497	GPD				
AVERAGE DAILY USE (Average of the above)	2625	GPD				

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

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

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE		GPD		
Uses that **do not** require potable water									
IRRLA	3 - 3 - 017 : 094 Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	2625	Yes	1.50	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for $95.00. Any amount over 80,000 gallon has an excess water charge of $2.00 per thousand gallons.
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								See Water Meter Readings Spreadsheet submitted with application
					TOTAL NON-POTABLE USE	2625	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	2625	GPD		

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

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

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

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

TABLE 3: IRRIGATION INFORMATION

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

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 017 : 094 (Zone - Sector - Plat : Parcel)	Landscape	2.685	1.50	April	April	Multiple sprinklers	Other - Timer as needed
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							
- - :							

APPLICATION FOR SURFACE WATER USE PERMIT – PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

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

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
3 - 3 - 0 1 7 : 0 9 4 (Zone - Sec - Plat : Parcel)	Bananas	2.685	0.50	April	April	Trickle, drip	Other - Manual as needed

9. COMMENTS:

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