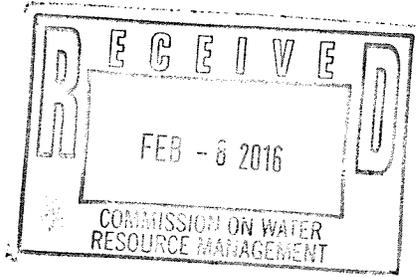


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WATER USE PERMIT PRO SE

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,	)	Case No. <u>CCH-MA15-01</u>
Integration of Appurtenant Rights and	)	
Amendments to Interim Instream Flow	)	Testimony of Fred Coffey
Standards; Na Wai Eha Surface Water	)	EXHIBITS "2355-Coffey-1" -
Management Areas of Waihee, Waiehu, Iao,	)	"2355-Coffey-3", CERTIFICATE
And Waikapu Streams, Maui	)	OF SERVICE
_____	)	

TESTIMONY OF FRED COFFEY

1. This testimony provides an update along with supplemental information to Surface Water Use Permit Application ("SUPA") No. 2355, TMK No. 3-2-018:003, Waiehu.

2. As noted on application, water usage was declared in 1989 to the Water Commission. Appurtenant Rights have been claimed and verified: LCA ref. poalima as boundary, NT ref. moo kalo, FT ref. 17 loi. I am owner and reside on this property.

QUANTIFICATION OF APPURTENANT RIGHTS

3. Property description: portion of R.P. 3230, L.C.Aw. 3275-L, Ap. 2. TMK No. 3-2-018:003. Documents previously submitted all confirm this location was in wetland kalo production: Land Court Award ref. poalima as boundary, Native Testimony ref. moo kalo, Foreign Testimony ref. 17 loi. Attached as “2355-Coffey-1” is a true and correct copy of LCA 3275-L, LCA 3275-L (English), Native Testimony stating moo kalo (large tracts of loi), Foreign Testimony.

4. Kamaaina ([all deceased now] during casual, undocumented conversations) familiar with this area all stated that this area was historically all kalo loi.

5. The leveled, entirely terraced area, and boundary lines (LCA & TMK), certainly suggest all parts of the LCA (1.2 acre) and TMK No. 3-2-018:003 (.55 acre) were using water at the time of the Land Court Award for wetland kalo. Attached as “2355-Coffey-2” is a true and correct copy of TMK No. 3-2-018:003 described as being an area of 55/100 acre, more or less.

6. The quantification of appurtenant rights is the amount of water sufficient to grow kalo on .55 acres using traditional methods.

7. My understanding is that, on average, taking into account fallow loi and uncultivated areas such as banks between loi, healthy wetland kalo requires between 100,000 and 300,000 gallons of water per acre per day (“gad”), and that areas with greater proportions of loi in cultivation will require an amount closer to the upper edge of this range.

8. Thus, in my best estimation, the water right appurtenant to TMK No. 3-2-018:003 is 165,000 gallons per day (“gpd”) (.55 acre x 300,000gad).

9. Recently, TMK No. 3-2-018:003 was slightly enlarged from .55 acre to .61 acre with the purchase of a remnant parcel of land (being a portion of L.C.Aw. 8559-B, Ap. 21 to William C. Lunalilo) containing an area of approximately 2,765 square feet, more or less. Identified as TMK No. 3-2-17-018. This remnant parcel was not ever able to be in wetland kalo production because of its topography: narrow, steeply sloped in 2 directions, terrain, and location. No appurtenant right is being claimed for this parcel. It is not a part of the above .55 acre water usage calculation. Attached as ”2355-Coffey-3” is a true and correct copy of a survey diagram of the remnant parcel; LCA 3275-L, Ap.2 and the 55/100 acre TMK No. 3-2-018:003 derived from it.

#### EVIDENCE IN SUPPORT OF THE AMOUNTS OF WATER REQUESTED UNDER WATER-USE PERMIT

##### EXISTING USES

10. From application, May 1, 2007 - April 30, 2008, calculated average daily use = 641.5 gallons.

11. Uses including yard watering and a non-commercial garden of a 2 family household: currently, the 2002 State of Hawaii Water System Standard for Maui County of 600 gpd per single family home seems adequate for above uses.

##### REASONABLE-BENEFICIAL USE ANALYSIS

12. I meet the “reasonable-beneficial use” standard, using water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is both reasonable and consistent with the state and county land use plans and public interest.

13. The quantity of water requested is necessary for the economic and efficient irrigation of the property yard and non-commercial garden, which includes non-edibles: ti, lauae fern, tropical flowers and ornamental potted plants, edibles: breadfruit, coconut, fig, mango, avocado, lychee, papaya, banana, coffee, star fruit, lemon, pomelo, lime, orange, grapefruit, calamondin, dragon fruit, cassava, mountain apple, lilikoi, pineapple, pepper, tomato, ginger, dryland taro, spinach, onion, sweet potato, beans, herbs. These items feed family, and are shared with neighbors and community members.

14. The use of water is economic and efficient because only what is needed is used. Pipes have been installed for efficiency. I am conservation minded. I am actively in control of each irrigation of this property.

15. Water use for agriculture on this Agriculture zoned property, agriculture and the maintenance of proper ecological balance and scenic beauty is both reasonable and consistent with state and county land use plans and the public trust.

16. Therefore, my use is “reasonable-beneficial.”

#### SUMMARY

17. Appurtenant rights entitle this property to 165,000 gallons per day. I request a permit for 600 gallons per day. This usage is reasonable-beneficial.

---

I, Fred Coffey, do declare under penalty of law that the foregoing is true and correct.

Dated: Wailuku, Hawaii, February 3, 2016.

  
\_\_\_\_\_  
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 Tel. (808) 242-5896

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

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

EXHIBIT LIST

PARTY: FRED COFFEY

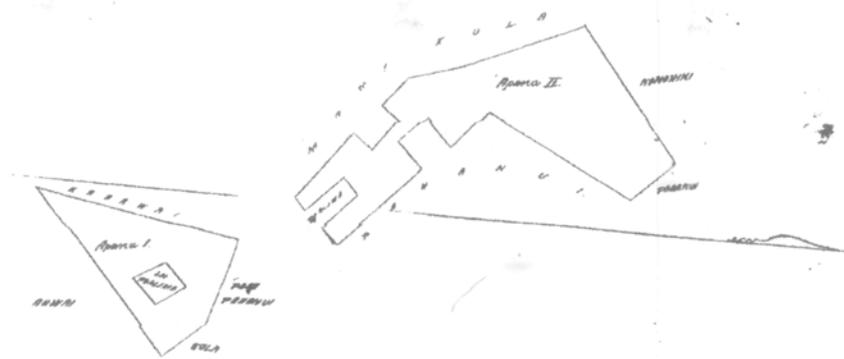
EX. NO.	DESCRIPTION	REFERENCES	REC'D INTO EVIDENCE
2355-Coffey-1	LCA 3275-L LCA 3275-L (English) Native Testimony Foreign Testimony	Direct Testimony of Fred Coffey	
2355-Coffey-2	TMK 3-2-018:003 Described as 55/100 acre	Direct Testimony of Fred Coffey	
2355-Coffey-3	Survey Diagram	Direct Testimony of Fred Coffey	

*Apana I. Ali Hauhi. E hormataku ku ana ma ke kiki Alihu o keia i pili ana me Maki.*  
*He. 10' Ho. 3.85 Eke ma Kahawai*  
*A. 48' Ho. 4.14 " " Uurui*  
*A. 43' Ho. .89 " " Kula*  
*A. 77' Ho. 1.86 " " Pahamui a hiki ma kahi i hormataku'i.*  
*A maloko oia Anafunui. 1/10 Eka.*

*Loi Palima. E hormataku ku ana ma ke kiki Alihina o keia ma ke kiki Alihina o keia kufana*  
*He. 75' Ho. 1.17 Eke*  
*A. 30' Ho. .68 Eke*  
*He. 58' Ho. .62 "*  
*He. 30' Ho. .68 "*  
*A. 50' Ho. .62 " a hiki ma kahi i hormataku'i. A maloko oia Anafunui 1/10 Eka.*

*Apana II. Ali Pofuea. E hormataku ku ana ma ke kiki Kama o keia*  
*A. 47 1/2 Ho. .30 Eke ma Pahamui*  
*A. 45 1/2 Ho. 1.00 " " Palima*  
*A. 47 1/2 Ho. .45 " " "*  
*He. 48 1/2 Ho. 1.00 " " "*  
*A. 47 1/2 Ho. .43 " " Pahamui*  
*A. 46 Ho. 2.26 " " "*  
*He. 45 1/2 Ho. .50 " " Palima*  
*A. 46 Ho. .70 " " "*  
*A. 45 1/2 Ho. .50 " " "*  
*A. 46 Ho. .98 " " Pahamui*  
*A. 26 Ho. 3.22 " " "*  
*A. 42 1/2 Ho. 1.12 " " "*  
*He. 51 Ho. 3.20 " " Uurui*  
*He. 23 1/2 Ho. 2.55 " " Kula*  
*He. 17 Ho. 1.00 " " "*  
*He. 53 1/2 Ho. .75 " " Maki*  
*A. 36 1/2 Ho. .74 " " Palima*  
*He. 53 1/2 Ho. .75 " " "*  
*He. 36 1/2 Ho. .74 " " "*  
*He. 53 1/2 Ho. 1.64 " " Maki a hiki ma kahi i hormataku'i.*  
*A maloko oia Anafunui 1 2/10 Eka.*

*John S. Gowen.*  
*(Maui Amosina)*



*Ukua pua loa* *14.00*

*W. H. W.*  
*G. M. Robertson*  
*J. H. Smith*  
*J. Kekaulahas*

*Honolulu Januari 3, 1853.*

KAMANSLE - WAIEHU - MAUI  
APANA 1

L. C. A. 3275L  
 R. P. 3230  
 Bk. 5, Page 470

Ili Kaulu. Beginning at the North corner of this land, joining Mahi

S. 10° W.	3.85 chains along Kahawai
N. 48° E.	4.14 chains " Auwai
N. 43° W.	.89 chains " Kula
N. 77° W.	1.86 chains " Pahauui to the beginning.
	Area. .55 Acres

Ili Poalima. Beginning at the East corner o keia mai ke East corner of this Kuleana

S. 73½° W.	1.17 chains
N. 30° W.	.68 chains
S. 50° W.	.62 chains
S. 30° E.	.68 chains
N. 50° E.	.62 chains to the beginning.
	Area. 4/100 Acre

APANA 2

Ili Poopua. Beginning at the South corner

N. 47½° E.	.30 chains along Pahauui
N. 45½° W.	1.00 chain " Poalima
N. 47½° E.	.45 chains " "
S. 45½° E.	1.00 chain " Pahauui
N. 47½° E.	.43 chains " "
N. 46° W.	2.26 chains " Poalima
S. 45½° W.	.50 chains " "
N. 46° W.	.70 chains " "
N. 45½° E.	.50 chains " Pahauui
N. 46° W.	.98 chains " "
N. 26° E.	3.22 chains " "

(con't.)

(con't.)

KAMANELE - WAIEHU - MAUI  
APANA 2

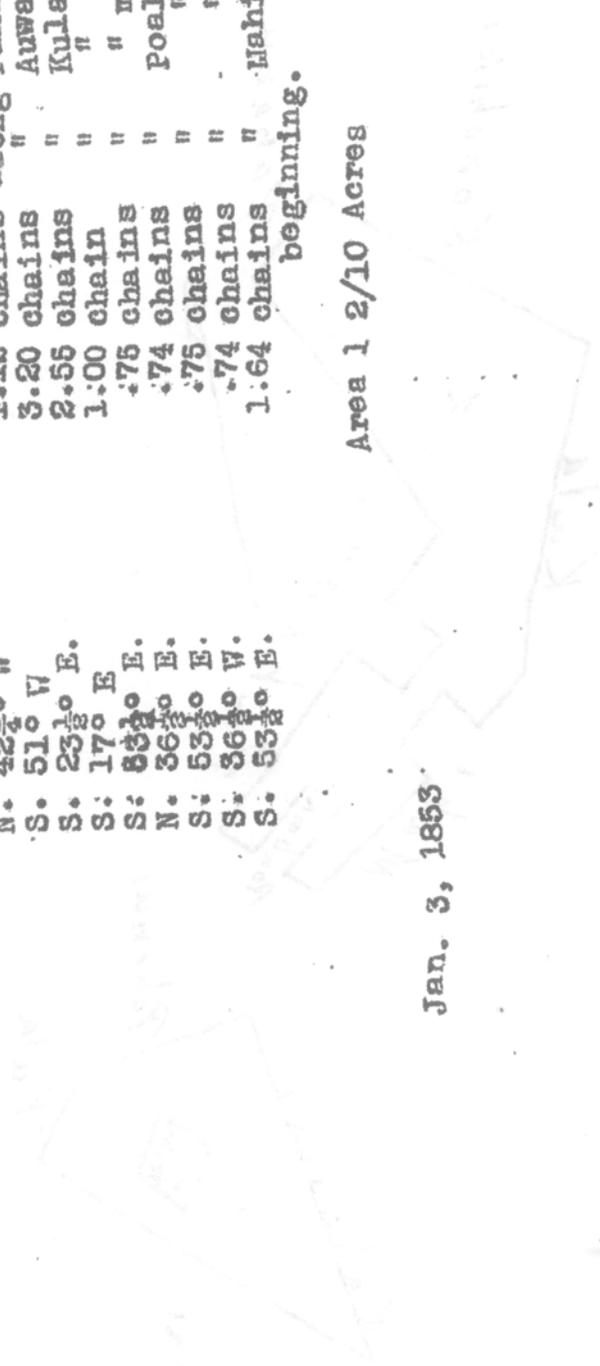
L. C. A. 3275L  
R. P. 3230  
Bk. 5, Page 470

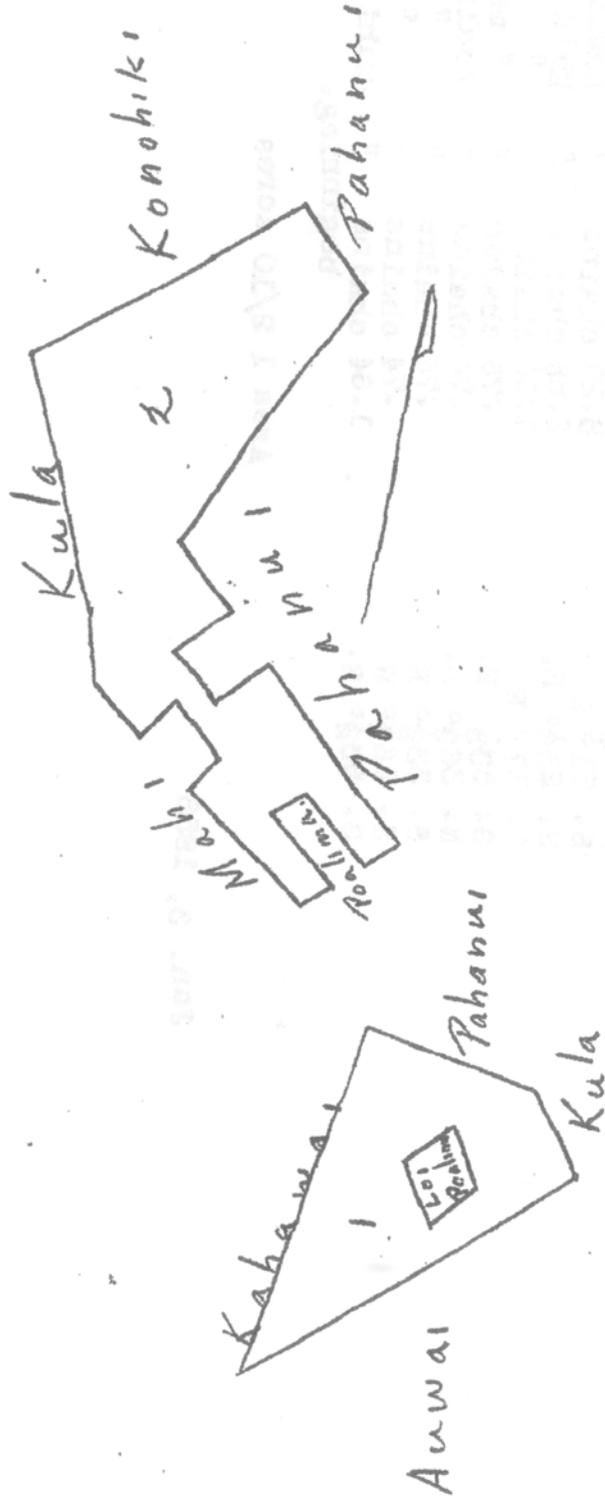
N. 42 $\frac{1}{2}$ ° W  
S. 51° W  
S. 23 $\frac{1}{2}$ ° E.  
S. 17° E  
S. 88 $\frac{1}{2}$ ° E.  
N. 36 $\frac{1}{2}$ ° E.  
S. 53 $\frac{1}{2}$ ° E.  
S. 36 $\frac{1}{2}$ ° W.  
S. 53 $\frac{1}{2}$ ° E.

1.12 chains along Pahanui  
3.20 chains " Auwai  
2.55 chains " Kula  
1.00 chain " " mahi  
.75 chains " " Poalima  
.74 chains " " "  
.75 chains " " "  
.74 chains " " Mahi to the  
1.64 chains " beginning.

Area 1 2/10 Acres

Jan. 3, 1853





No. Naloaithu aluino mai Kona i ka wa o Ka-  
meleamcha II. Aole ma ka hualua.

Maauka Kean, Waithe Kahaunui, Maikai Pahi-  
ma, Maalaea Pali o Waialeale.

Maikai

Julai 25.

Kaalo Kahaunui

Ua oiaia mai ma i ka wa o Pehi 29, 1827.

Maauka Kahaunui

Ua ike au i upana kaalo ma ma kaha elua ma  
ka ike o Ohianui i Maikai. No ka wa o  
mau o 1825, 3 pua ma ma kaalo. Aole ma ka hualua,

Maauka Kahaunui, Waithe Kahaunui, Maikai Kahaunui,  
Maalaea Kahaunui.

Kahaunui, 3275 D

Julai 25.

Kahaunui Kahaunui

Ua ike au ma Naloaithu i ka wa o Pehi 1827. Ua  
ike hoi au i upana maikai ma ma ike o Maikai.

1. Maauka Kahaunui ma Kahaunui

" 2. " " " Kahaunui.

" 3. Kahaunui " Kahaunui

No ka wa o Kahaunui ma ma Kahaunui ma ma Kahaunui, 2,  
i ka wa o Kahaunui II. No ka wa o Kahaunui ma ma  
ka upana ma ma Kahaunui ma ma Kahaunui, Kahaunui  
ma ma Kahaunui ma ma Kahaunui, Aole ma ka hualua.

Maauka Kahaunui, Waithe Kahaunui, Maikai Kahaunui  
Maalaea Pali

2 Maauka Kahaunui, Waithe Kahaunui o Kahaunui,  
Maikai ma ma Maalaea Kahaunui.

3 Maauka Kahaunui, Waithe Pali, Maikai Kahaunui  
Maalaea Kahaunui.



EXHIBIT "A"

All of that certain parcel of land (being a portion of the land(s) described in in and covered by Royal Patent Number 3230, Land Commission Award Number 3275-L, Apana 2 to Kamanele), situate at Waiehu, Island and County of Maui, State of Hawaii, and more particularly described as follows:

Beginning at a concrete post on the north angle of this lot near the South of Road, same being the north corner of the whole piece and running by Magnetic Bearings as follows:

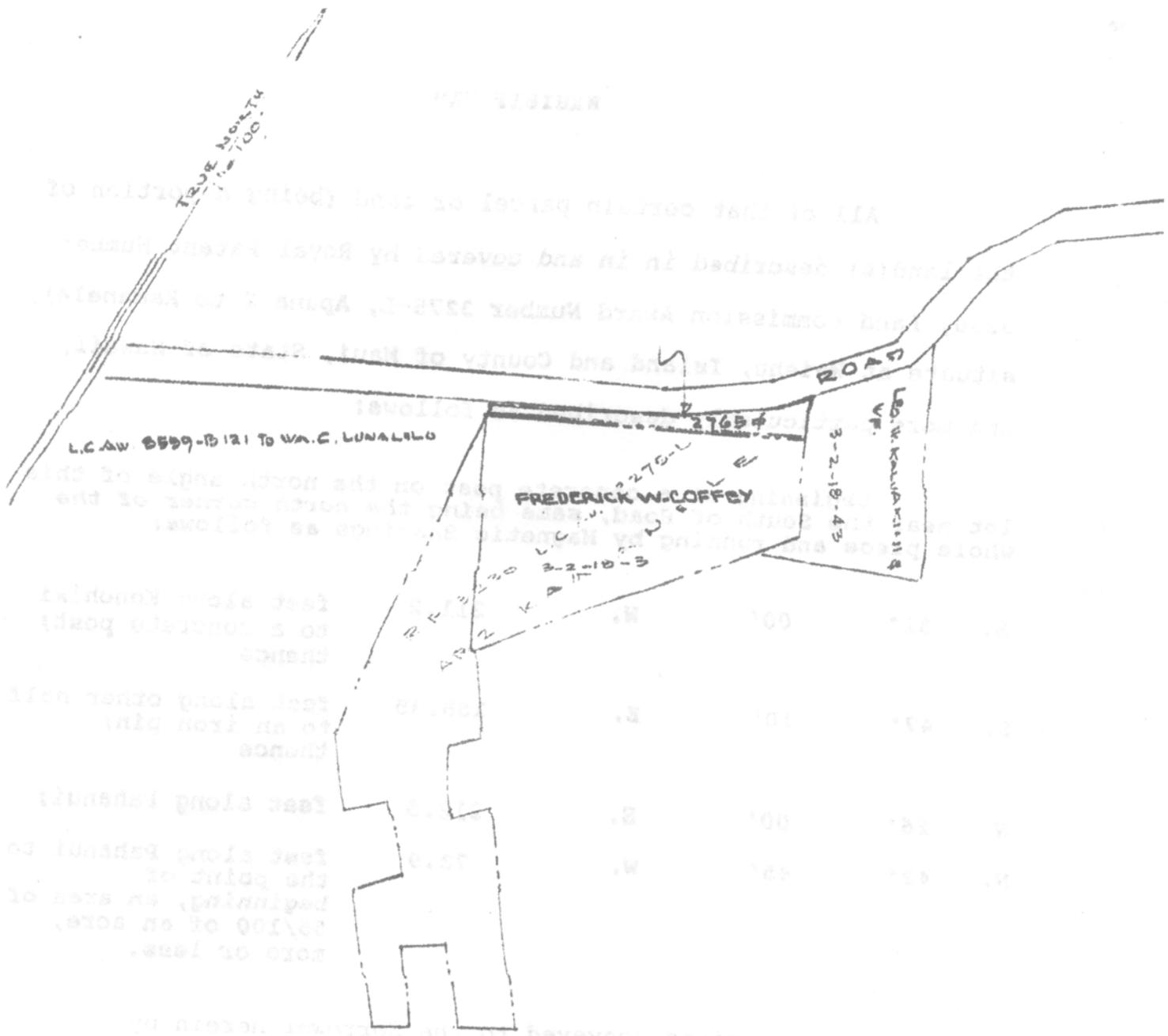
S.	51°	00'	W.	211.2	feet along Konohiki to a concrete post; thence
S.	47°	10'	E.	165.35	feet along other half to an iron pin; thence
N.	26°	00'	E.	212.5	feet along Pahanui;
N.	42°	45'	W.	73.9	feet along Pahanui to the point of beginning, an area of 55/100 of an acre, more or less.

Being the same premises conveyed to the Borrower herein by Instrument dated \_\_\_\_\_, recorded in said Bureau as Document No. \_\_\_\_\_.

SUBJECT, HOWEVER, to the following:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.

END OF EXHIBIT "A"



SUBJECT, HOWEVER, TO THE FOLLOWING:

Reservation in favor of the State of Hawaii of all mineral and metallic mines.

END OF EXHIBIT

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications, ) Case No.. CCH-MA15-01  
Integration of Appurtenant Rights and )  
Amendments to the Interim Instream Flow )  
Standards, Na Wai Eha Surface Water )  
Management Areas of Waihee, Waiehu, Iao and )  
Waikapu Streams, Maui )  
\_\_\_\_\_ )

CERTIFICATE OF SERVICE

On FEB. 4, 2016, a copy of the foregoing document was served on the following parties

by U.S. mail, postage prepaid, or electronic service, as indicated below:

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