PUBLIC NOTICE

To Announce the
DESIGNATION OF THE SURFACE WATER HYDROLOGIC UNITS OF WAIHEE, WAIEHU, IAO and WAIKAPU STREAMS (NA WAI EHA) AS SURFACE WATER MANAGEMENT AREAS
By the
COMMISSION ON WATER RESOURCE MANAGEMENT

The Commission on Water Resource Management (Commission), on March 13, 2008, designated the surface water hydrologic units of Na Wai Eha in the Wailuku District of Maui, as Surface Water Management Areas, in accordance with Part IV (Regulation of Water Use) of the State Water Code, Chapter 174C, Hawaii Revised Statutes, and Title 13, Chapter 171 (Designation and Regulation of Water Management Areas), Hawaii Administrative Rules.

The State Water Code authorizes the Commission to designate water management areas for surface water use regulation where the Commission, after research and investigations, and consultation with the appropriate county mayor, county council, and county water agency, and after public hearing and published notice, finds that serious disputes respecting the use of surface water resources are occurring.

The land areas affected by the designation are located in the Wailuku District of Maui and include Tax Map Keys from: (2) 3-1-006:001 to (2) 3-8-087:093 and from (2) 4-1-001:017 to (2) 4-8-001:002 (see map).

In any water management area, no person shall make any withdrawal, diversion, impoundment, or consumptive use of water without first obtaining a water use permit from the Commission. However, no water use permit shall be required for domestic consumption of water by individual users, users on any Maui Department of Water Supply water system, and for the use of rain catchment systems to gather water.

Applications for water use permits to continue existing uses of surface water must be made within a period of one year from the effective date of designation, that is, **between April 30, 2008** (the date this Public Notice is published) and **no later than April 30, 2009**. The Commission shall send notices to existing users who had declared their uses and/or registered stream diversions with the Commission and to persons who have obtained stream diversion works permits from the Commission, to file for applications for water use permits to continue their existing uses.

Except for appurtenant rights, failure to apply within this period creates a presumption of abandonment of the use, and the user, if the user desires to revive the use, must apply for a permit as a proposed new use. A proposed new user of surface water must apply for a water use permit and will be subject to the availability of surface water as determined by existing surface water use permits and the interim instream flow standards for Na Wai Eha.

Application forms for surface water use permits are available at the Department of Land and Natural Resources, Commission on Water Resource Management, Kalanimoku Building, Room 227, 1151 Punchbowl Street, Honolulu, HI 96813, or may be downloaded from the Commission's website at: http://hawaii.gov/dlnr/cwrm/forms.htm. If you have any questions regarding surface water use permit applications, please call the Commission's Stream Protection and Management Branch at (808) 587-0234, or toll-free from Maui at 984-2400 extension 70234.

COMMISSION ON WATER RESOURCE MANAGEMENT

LAURA H. THIELEN, Chairperson
KEN C. KAWAHARA, Deputy Director

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