

COPY



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

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

RECEIVED
For Official Use Only
COMMISSION ON WATER
RESOURCE MANAGEMENT
2009 MAY -4 AM 10:08
POSTMARK: 4.30.09
Event ID:

FORM SWUPA-E (NA WAI EHA, MAUI)

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

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

1. APPLICANT'S NAME: El Ranchitos De Mello (De Mello's Little Farms)
Applicant's Contact: Patricia R. De Mello
2. SOURCE LANDOWNER'S NAME: Wailuku Water Company
Source Landowner's Contact: Clayton S. Suzuki
Applicant's Mailing Address: De Mello's Little Farms, PO Box 1394, Lockeford, CA 95237
Source Landowner's Mailing Address: Wailuku Water Company, 255 East Waiko Road, Wailuku, Maui, HI 96793

EXISTING SOURCE INFORMATION

The following must be attached before this application is accepted as complete:
- Portion of 7.5-Minute Series USGS topographic map (scale 1:24,000) labeled with stream and diversion locations and quad map name.
- Property Tax Map Key (TMK), showing stream or diversion location, and location of water use referenced to established property boundaries.
- Photograph(s) of the surface water diversion works and end use.
3. SURFACE WATER HYDROLOGIC UNIT AND CODE: [X] Waihee/6022 [X] Waiehu/6023
4a. TMK OF STREAM DIVERSION LOCATION: 3 - 2 - 14 : 01 & 3 - 3 - 3 : 3
4b. TMK OF DITCH DIVERSION LOCATION: 3 - 3 - 17 : 186
5. STREAM DIVERSION: How is water diverted from the stream to your property? Check all that apply.
[X] Pipe [] Pump [X] Ditch/auwai [] Other Describe:
Is the diverted water returned to the stream or ditch? [X] Yes. No. If yes, how much water is returned?
6. FLOW MEASUREMENT INFORMATION: Stream flow at diversion site is perennial (always flowing)
Does the stream diversion have a flowmeter with totalizer or other device to measure diverted amounts?
Yes. Enter the installation date: Yes the stream flow is gaged with flowmeter. 1907
Describe the device and enter measured amounts in Table 1. Concrete weir w/24 hour meter
[] No. Explain how you are measuring flow to justify amounts shown in Table 1 in the space below
Estimated amount by using metered water.

EXISTING USER INFORMATION

7. APPURTENANT RIGHT: Do you claim an appurtenant right for your water use? Estimated amount [X] Yes [] No
It is in our deed If yes, has the appurtenant right been established by the courts or the Commission? [X] Yes [] No
8. END USER INFORMATION: Are you an end user on an existing water system? [] Yes [X] No
If yes, who is the operator of the water system?
9. REGISTRATION AND DECLARATION OF WATER USE: Do you have a Registration and Declaration of Water Use with the Commission?
[X] Yes. List the file reference name(s): Alson O. De Mello (Brother)
[] No
10. STREAM DIVERSION WORKS PERMIT (SDWP): Have you ever been issued a SDWP by the Commission?
[] Yes. List the permit number(s):
[X] No
FILE ID: SWUP. 2043.6
DOC ID: 3372

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

11. APPLICANT: Signature: Alfred F. De Mello
Print: ALFRED F. DEMELLO
Date: 2-17-09
12. SOURCE LANDOWNER: Signature:
Print:
Date:

1069
3/2/09

**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	about 4,000 gallons	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
June 2007	" 3,000 "	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
July 2007	" 6,000 "	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
August 2007	" 2,000 "	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
September 2007	" 2,000 "	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
October 2007	" 2,000 "	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
November 2007	" 2,000 "	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
December 2007	" 2,000 "	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
January 2008	" 2,000 "	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
February 2008	" 2,000 "	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
March 2008	" 2,000 "	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
April 2008	" 2,000 "	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
SUM OF AVERAGE DAILY USE FOR THE MONTH	" 31,000 "	GPD From 2005 to 2008 I let the farmer meter our city water when he needed water for his plants, because there were too many times the water was turned off. It was the only way one could establish how much water one was losing. The next step was to send Wailuku Agribusiness a bill for the water lost. Suddenly, it ended and we had water plenty of water. Truly, this is an estimated amount over a three year time, but I always came up roughly with same amount - 2,583 gpd.				
AVERAGE DAILY USE (Average of the above)	" 2,583 "					

Patricia R. DeMello

1-5-2009

2009
1/5/09

A

**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						8			GPD
Uses that do not require potable water <i>Irrigation - Kuleana (Taro, yams)</i>									
	<u>3</u> - <u>4</u> - <u>24</u> : <u>22</u> Zone - Sector - Plat : Parcel	<i>Wailuku Maui</i>		3		15,500		.85	
	<u>3</u> - <u>4</u> - <u>24</u> : <u>27</u> Zone - Sector - Plat : Parcel	<i>Wailuku Maui</i>		3		15,500		.78	
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel							1.63	
TOTAL NON-POTABLE USE						31,000			GPD
TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =						31,000			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.									

4
99
3

4/20/08
D

D

**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.)
<u>3</u> - <u>4</u> - <u>24</u> : <u>22</u> Zone Sector Plat Parcel	many Crops in small plots	.85	.85	12 th month most in winter	late spring June	Drip + some handwatering	Trickle, Drip and Trickle Spray
<u>3</u> - <u>4</u> - <u>24</u> : <u>27</u> Zone Sector Plat Parcel	map + Pictures enclosed	.78	.78	"	"	"	"
- - - : - 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							

Exhibit B, C, D + E

[Signature]
3/2/09

[Handwritten mark]

15/9/09

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

TABLE 4: ALTERNATIVES ANALYSIS

	Potable Alternatives Attach additional sheets if necessary.	Non-Potable Alternatives Attach additional sheets if necessary.
Municipal sources		As of January 5, 2009, De Mello's Little Farms is the new enduser. Therefore, Clayton is measuring the amount of water returned, plus monitoring the condition of the water.
Wastewater reuse		
Ditch system		
Desalinization		<i>Patricia R. De Mello</i>
Ground water		1-5-2009
Other (specify)		

PUBLIC INTEREST

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

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

Nothing has changed over the past fourteen years. Plant plots are rotated, but irrigation has always been maintained. The Taro patch wall was taken down September 22, 2004, but three years later another wall was built. It's not the same wall, but it gives one peace and quiet.

Exhibit B, C, D, and E are pictures which tell the whole story. A plot plan of De Mello's Farm is enclosed. It's a diagram showing where the pictures have been taken, and the pictures give the full view of what one is seeing.

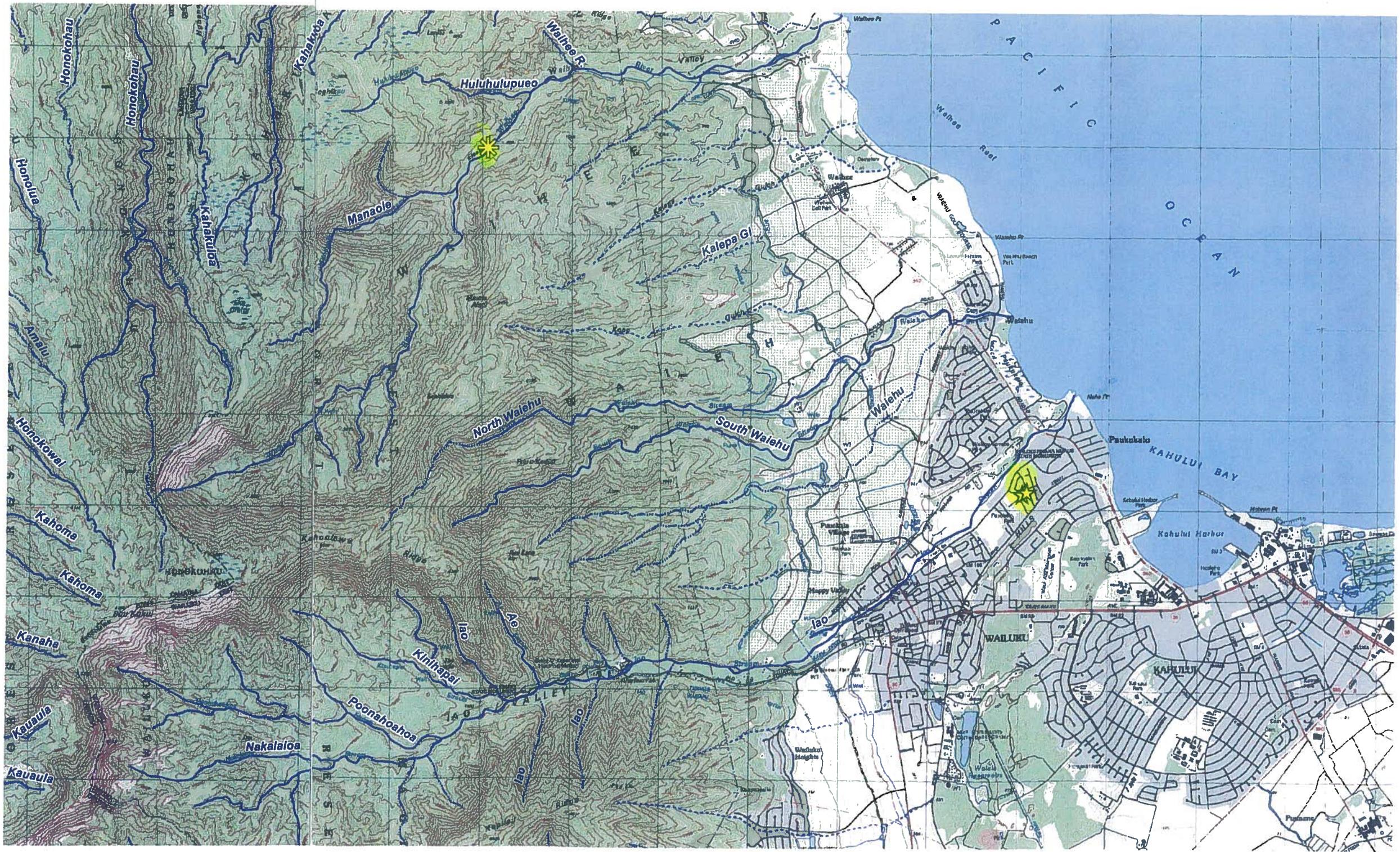
The Wailuku Water Company replaced the Wailuku Agribusiness, and the Wailuku Agribusiness replaced the Wailuku Sugar Plantation. The Wailuku Sugar Plantation had a ditch for the water, but that changed when Maui County built the condos in 1987. De Mello's Little Farm was first farmed by Prince Kanuho Kanuana & Family (1800—1906)
Then Grandfather Joseph Lauance (1906 – 1938)
Next Mother, Mary Laurance – De Mello (1938 – 1959)
Now – the De Mello brothers, Alson De Mello & Alfred De Mello (1959 – 2008 and on going)

Patricia R. De Mello

1-5-2009

3/2/09





L.C. Am 3255

PLAT 25

L.C. Am 3257-C-2

3-Y-24-27

3-Y-24-22

PLAT 30

30

185

Poolima

3255:1

WAENA

STREET

SEC. 4

LOWER

MAIN

STREET

To Wailuku

John v. DeMello & Mary Alison DeMello - JT

Frank Garcia & wife Daisy - JT

31,000 sq. ft. .78

139.36
Lopalia BN - 2ft
Daisy S. Kiekona - 1/2
Maile S. Quen - 1/2

Mary DeMello & John J. Alison DeMello - JT

0.85 ac.

36,774 sq. ft.

Hitoshi Takunaga & wife Miyuki N. JT

9,400 sq. ft.

Stanley I. Inasaki & wife Beatrice P. - JT

13,334 sq. ft.

Richard Caderno & wife Nelkelle M. JT

10,440 sq. ft.

Eric I. Baraban & wife Barbra M. - JT

10,440 sq. ft.

Kajuo Kushiyama & wife Tami K. JT

5,506 sq. ft.

Suzumo Komatsu & wife Miyoko JT

5,083 sq. ft.

George H. Maru & wife Pasang M. JT

4,182 sq. ft.

George Tam

7,958 sq. ft.

Miles Z. Shirama & wife Karen L. JT

31,977 sq. ft.

133,700 sq. ft.

28.00
Bernice H. Miyake, Mitsuo Shishido - JT

5,240 sq. ft.

11.91

2017 sq. ft.

4,807 sq. ft.

9,004 sq. ft.

5,862 sq. ft.

2017 sq. ft.

TAXATION MAPS BUREAU
TERRITORY OF HAWAII
TAX MAP
SECOND DIVISION

ZONE	SEC.	PLAT
3	4	24

CONTAINING PARCELS
SCALE: 1 IN. = 50 FT.

Map C

SUBJECT TO CHANGE



A1



A2

Exhibit A

1 inch pipe → ← 1 1/2 pipe

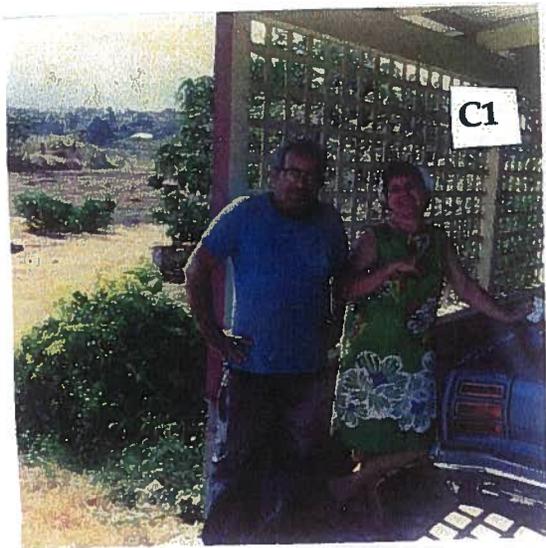


A3



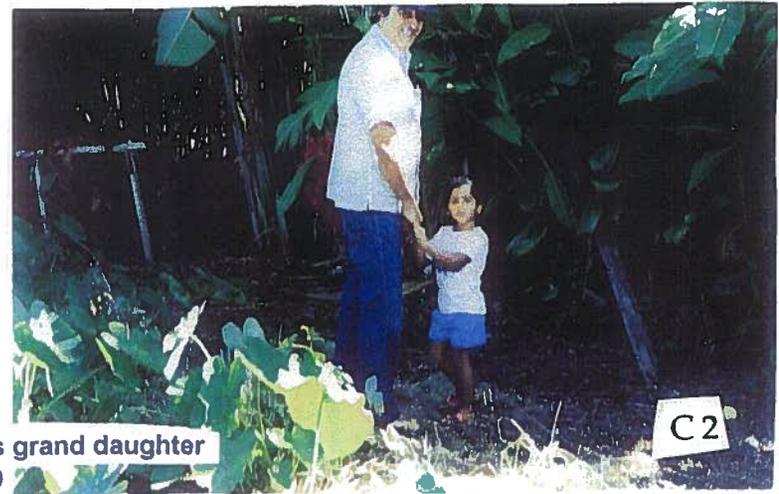
1 1/2 pipe delivering water into property A4





This was taken in 1970
Frankie and Daisy De Mello - Garcia

Exhibit C



John with his grand daughter
Joanie - 1990

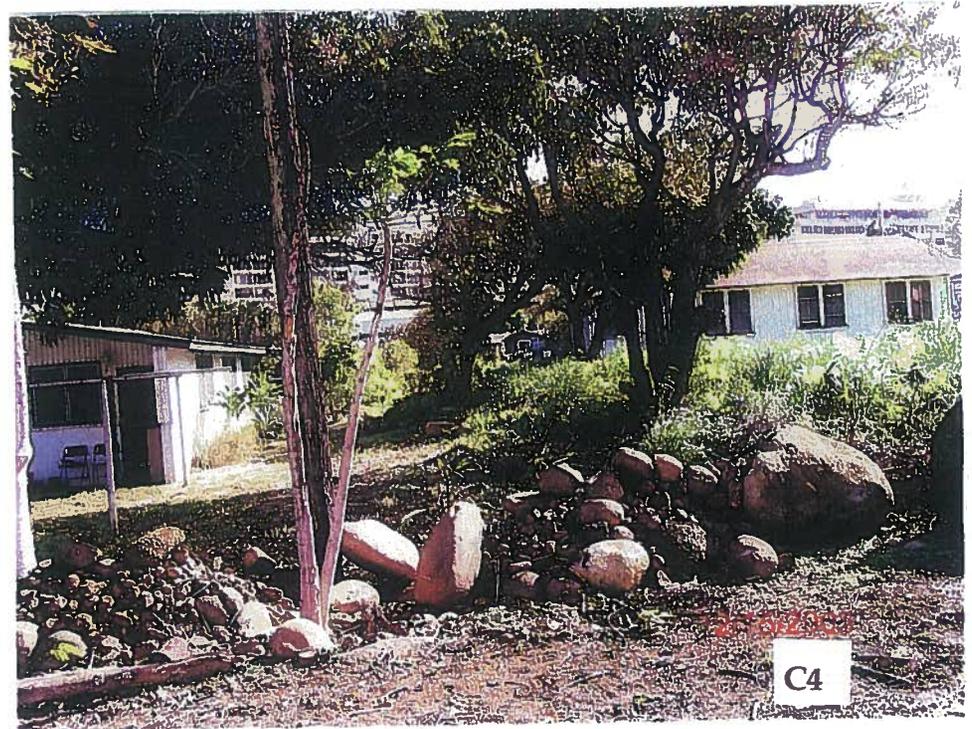
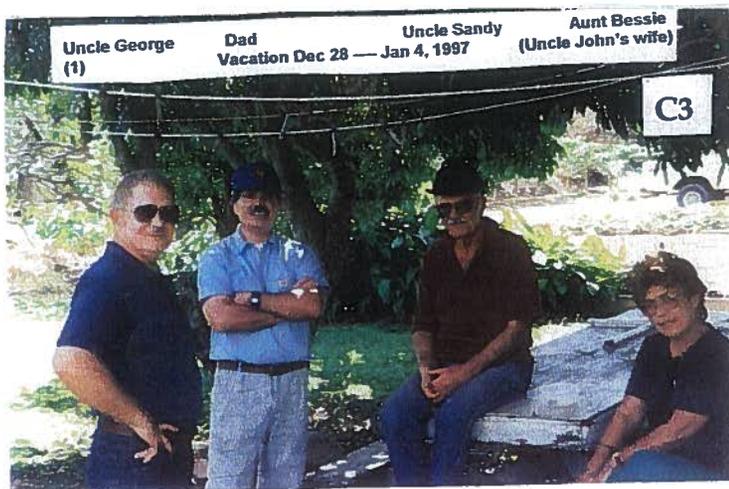




Exhibit D

D1

1/18/2002



D2

1/18/2002



D3



D4

12/15/2003

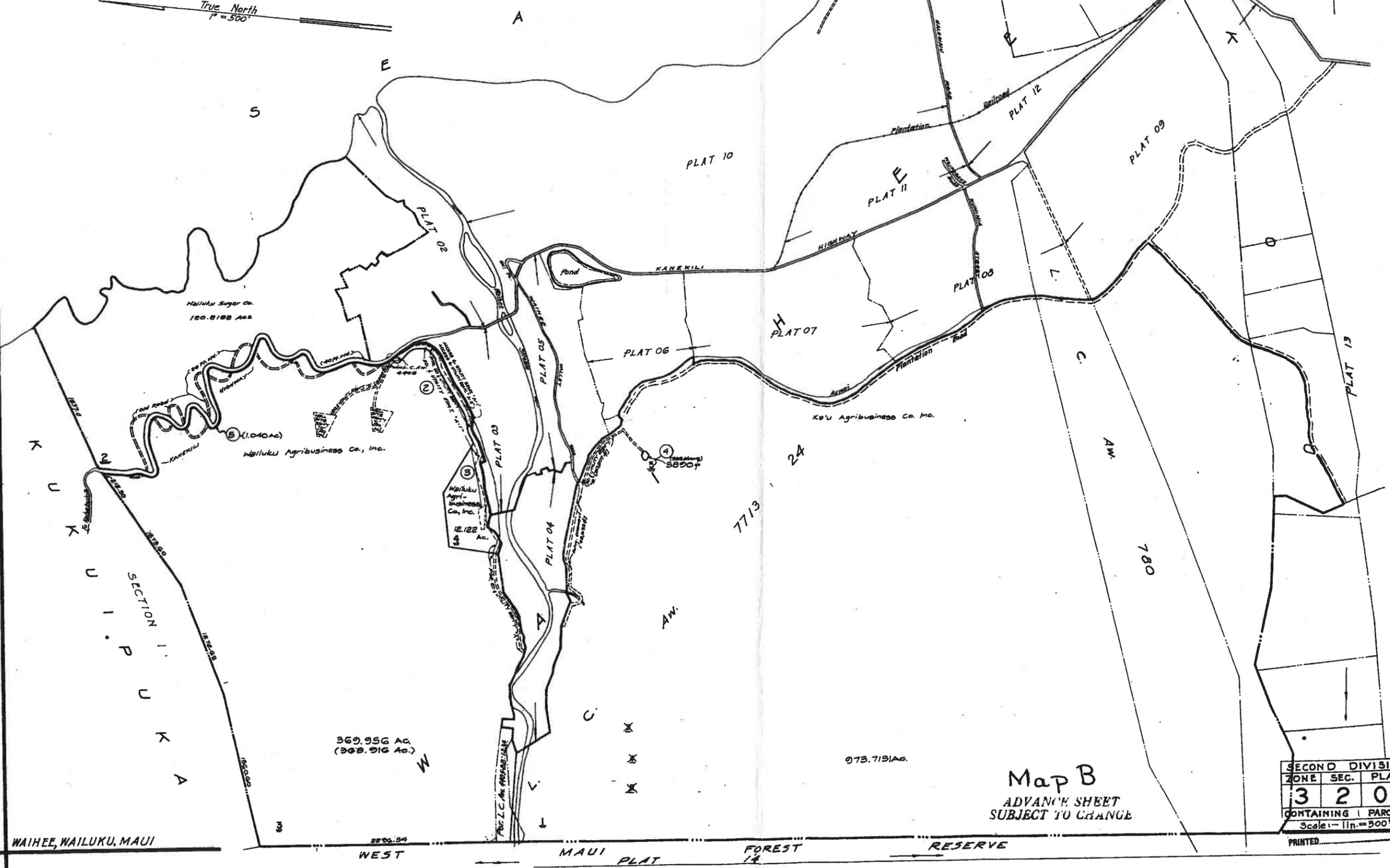


Exhibit E



CORRECTED
JAN 13 1939
BY: R. K. ...
1939

5 Wailuku Agribusiness Co., Inc. "Waichu K" A {4443.5 R. 1663.8 W.}



Orig. No. 18000
By: R. K. ...
Source: Tax Maps, Duress

Revised to:

WAIHEE, WAILUKU, MAUI

369.956 AC.
(368.916 AC.)

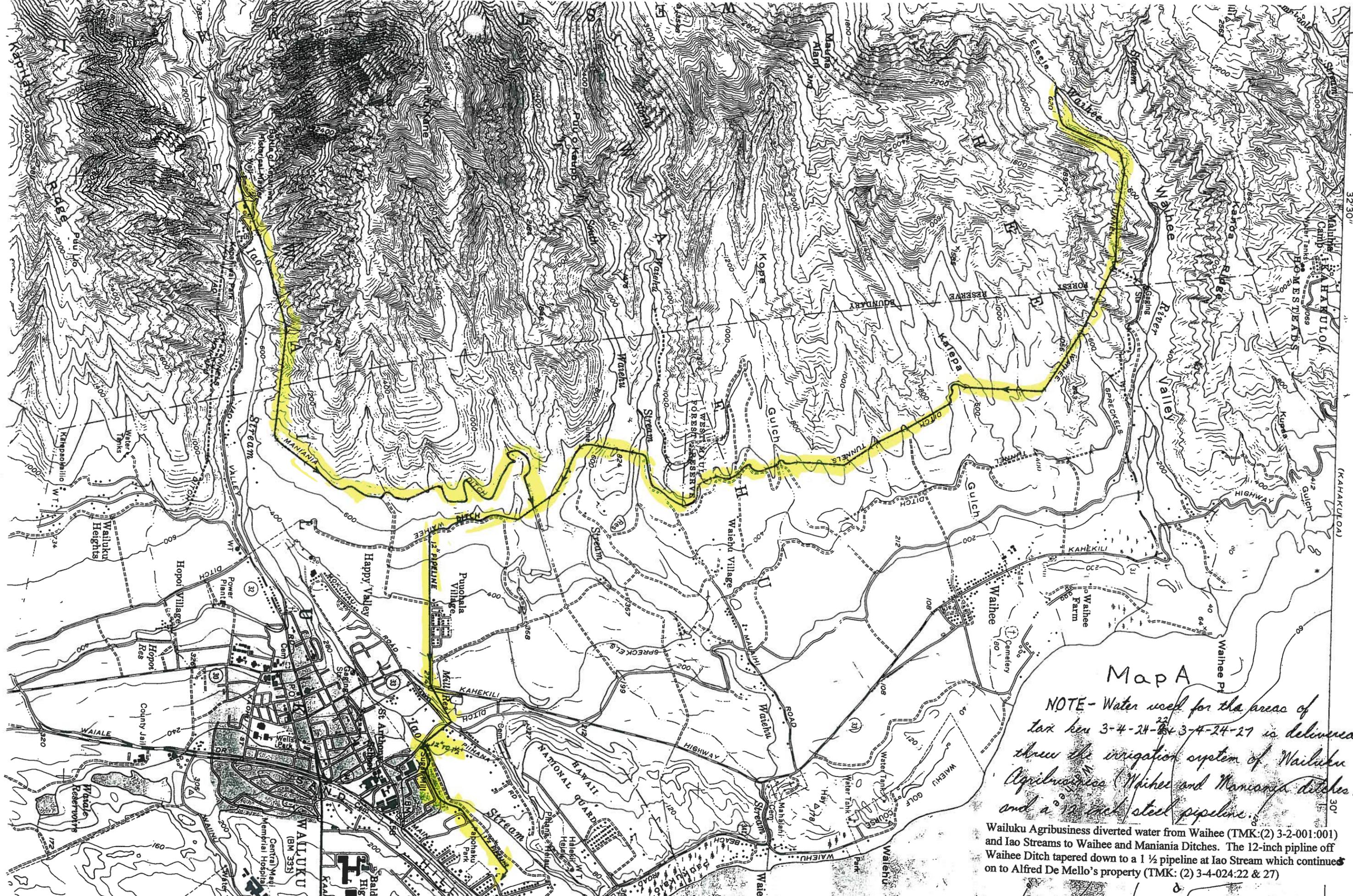
Wailuku Agri-business Co., Inc.
12.122 AC.

973.7191 AC.

Map B
ADVANCE SHEET
SUBJECT TO CHANGE

SECOND DIVISION		
ZONE	SEC.	PLAT
3	2	01
CONTAINING 1 PARCELS		
Scale: 1 in. = 500 ft.		

PRINTED



Map A

NOTE - Water used for the areas of tax key 3-4-24-22 & 3-4-24-27 is delivered thru the irrigation system of Wailuku Agribusiness (Waihee and Maniania ditches) and a 12 inch steel pipeline.

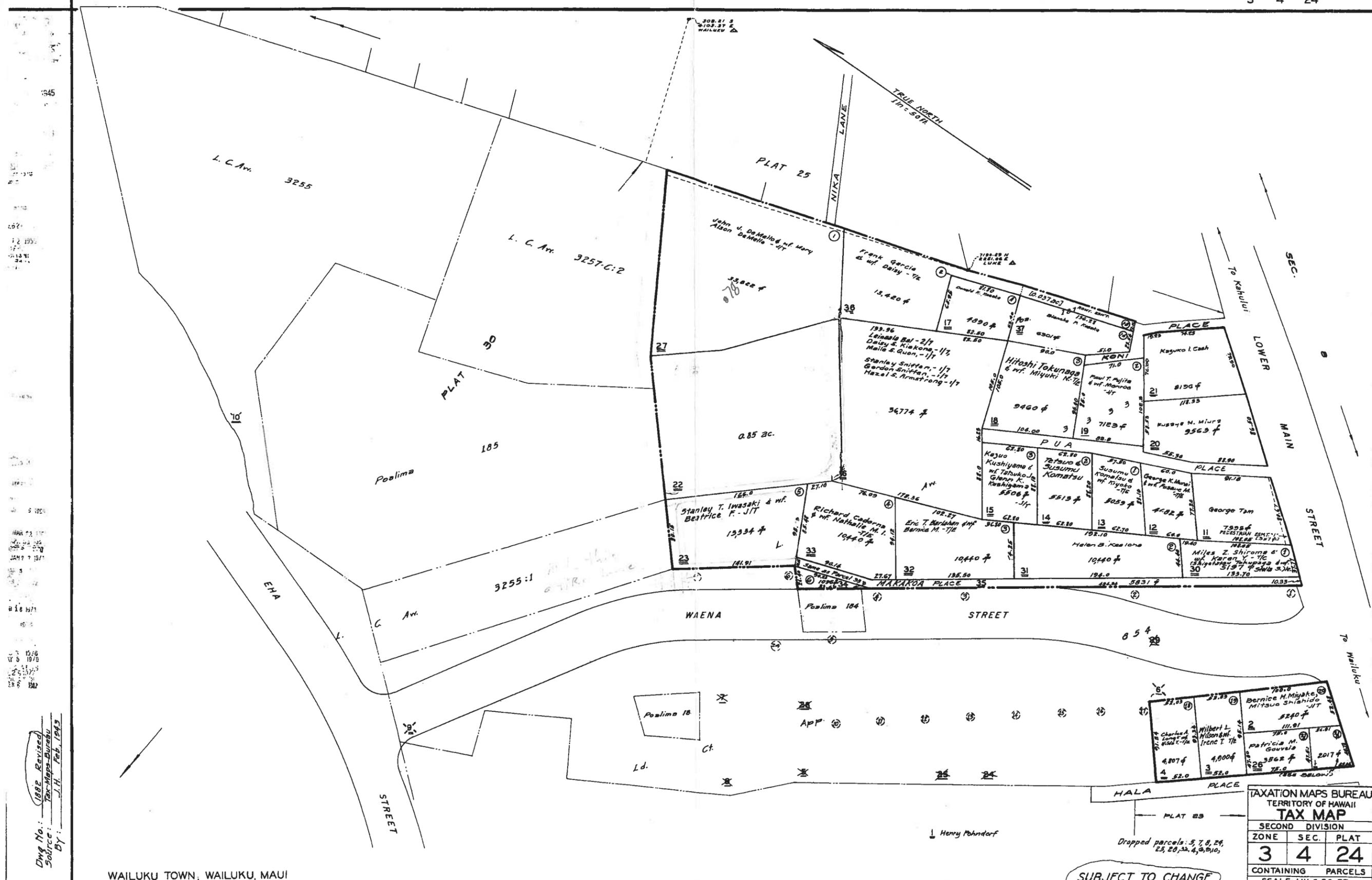
Wailuku Agribusiness diverted water from Waihee (TMK:(2) 3-2-001:001) and Iao Streams to Waihee and Maniania Ditches. The 12-inch pipeline off Waihee Ditch tapered down to a 1 1/2 inch pipeline at Iao Stream which continues on to Alfred De Mello's property (TMK: (2) 3-4-024:22 & 27)

32°30'

(KAHAULOA)

30'





1945
 1946
 1947
 1948
 1949
 1950
 1951
 1952
 1953
 1954
 1955
 1956
 1957
 1958
 1959
 1960
 1961
 1962
 1963
 1964
 1965
 1966
 1967
 1968
 1969
 1970
 1971
 1972
 1973
 1974
 1975
 1976
 1977
 1978
 1979
 1980
 1981
 1982

Dwg No.: 1882 Revised
 Source: Tax Maps Bureau
 By: J.H. Feb. 1945

WAILUKU TOWN, WAILUKU, MAUI

Dropped parcels: 5, 7, 8, 24, 25, 28, 29, 30, 31, 32

SUBJECT TO CHANGE

TAXATION MAPS BUREAU		
TERRITORY OF HAWAII		
TAX MAP		
SECOND DIVISION		
ZONE	SEC.	PLAT
3	4	24
CONTAINING		PARCELS
SCALE: 1 IN. = 50 FT.		