



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

ORIGINAL

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

FORM SWUPA-E (NA WAI EHA, MAUI)

For Official Use Only:
 RECEIVED
 COMMISSION ON WATER
 RESOURCE MANAGEMENT
 2009 APR 29 AM 10:52
 Event ID:

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 Renee K. Molina , Kuleana Property = Molina/Alexander/Miyahira		Applicant's Contact	2. SOURCE LANDOWNER'S NAME Waituku Water Company/HC&S		Source Landowner's Contact WWC =Clayton Suzuki HC&S=Garrett Hugh
Applicant's Mailing Address, or Principal Place of Business P.O. Box 1746 Waituku, HI 96793			Source Landowner's Mailing Address, or Principal Place of Business Waituku Water Co. HC&S 255 E Waiko Rd P.O. Box 266 Waituku, HI 96793 Puunene, HI 96784		
Applicant's Phone	Applicant's Fax	Applicant's E-mail	Source Landowner's Phone 244-2208/877-6950	Source Landowner's	Source Landowner's E-mail

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: Waihee/6022 Waiehu/6023 Iao/6024 Waikapu/6001

4. DIVERSION LOCATION: Choose the appropriate category and enter information in either 4a or 4b.

4a. TMK OF STREAM DIVERSION LOCATION: Zone 3 - Sector 2 - Plat 14 : Parcel 1

4b. TMK OF DITCH DIVERSION LOCATION: Zone 3 - Sector 3 - Plat 02 : Parcel 20

5. STREAM DIVERSION: How is water diverted from the stream to your property? Check all that apply.

Pipe Pump Ditch/auwai Other Describe:

Is the diverted water returned to the stream or ditch? Yes. No. If yes, how much water is returned? 90% of taro water is returned

6. FLOW MEASUREMENT INFORMATION:

Does the stream diversion have a flowmeter with totalizer or other device to measure diverted amounts?

Yes. Enter the installation date:
Describe the device and enter measured amounts in Table 1.

No. Explain how you are measuring flow to justify amounts shown in Table 1 in the space below
Tennis ball method and 5-gallon bucket method.

EXISTING USER INFORMATION

7. APPURTENANT RIGHT: Do you claim an appurtenant right for your water use? Yes No
 If yes, has the appurtenant right been established by the courts or the Commission? Yes No

8. END USER INFORMATION: Are you an end user on an existing water system? Yes 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?

Yes. List the file reference name(s): Joseph Nolan Molina (father of applicant)
 No

10. STREAM DIVERSION WORKS PERMIT (SDWP):

Have you ever been issued a SDWP by the Commission?

Yes. List the permit number(s):
 No

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		12. SOURCE LANDOWNER	
Signature <i>Renee K Molina</i>		Signature	
Renee K. Molina		Renee K. Molina	
4/05/09		04/05/09	
Date		Date	

FILE ID: SWUP.2295.6
 DOC ID: 3336

**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: (Check one) Stream Ditch Auwai
 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	1,900	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	*All usage is for Lot B of TMK 3-3-02: 09
June 2007	1,250	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Measured flow rate multiplied by time of operation, tennis ball method and 5-gallon bucket method.
July 2007	1,250	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Measured flow rate multiplied by time of operation, tennis ball method and 5-gallon bucket method.
August 2007	1,250	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Measured flow rate multiplied by time of operation, tennis ball method and 5-gallon bucket method.
September 2007	1,950	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Measured flow rate multiplied by time of operation, tennis ball method and 5-gallon bucket method.
October 2007	1,950	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Measured flow rate multiplied by time of operation, tennis ball method and 5-gallon bucket method.
November 2007	1,950	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Measured flow rate multiplied by time of operation, tennis ball method and 5-gallon bucket method.
December 2007	1,800	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Measured flow rate multiplied by time of operation, tennis ball method and 5-gallon bucket method.
January 2008	1,800	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Measured flow rate multiplied by time of operation, tennis ball method and 5-gallon bucket method.
February 2008	1,800	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Measured flow rate multiplied by time of operation, tennis ball method and 5-gallon bucket method.
March 2008	1,950	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Measured flow rate multiplied by time of operation, tennis ball method and 5-gallon bucket method.
April 2008	1,950	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Measured flow rate multiplied by time of operation, tennis ball method and 5-gallon bucket method.
SUM OF AVERAGE DAILY USE FOR THE MONTH	20,800	GPD				
AVERAGE DAILY USE (Average of the above)	1,733	GPD				

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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									
N/A	Zone - Sector - Plat - Parcel								
	Zone - Sector - Plat - Parcel								
	Zone - Sector - Plat - Parcel								
	Zone - Sector - Plat - Parcel								
TOTAL POTABLE USE						0		GPD	
Uses that do not require potable water									
AGRAQ	3 - 3 - 02 : 09 Zone Sector Plat Parcel	Rural	No	RU-0.5	No	887	No	0.125	Based on the "tennis ball" method and historic water usage for lo'i kalo (taro) in the area, 887 gallons per day, 90% of all flowing water returns to the stream.
IRRLA	3 - 3 - 02 : 09 Zone Sector Plat Parcel	Rural	No	RU-0.5	No	846	No	0.25	Based on the "5-gallon bucket" method and historic water usage for the area. An average of 846 gallons per day, this water does not return to the stream, it saturates into the ground.
	Zone - Sector - Plat - Parcel								
	Zone - Sector - Plat - Parcel								
TOTAL NON-POTABLE USE						1,733		GPD	
TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =						1,733		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.									
N/A									

**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 - 02 : 09 Zone Sector Plat Parcel	Taro	1.3	0.125	September	May	Flood	Other-Continuous Flow
3 - 3 - 02 : 09 Zone Sector Plat Parcel	Landscaping/Vegetable Garden	1.3	0.25	January	December	Multiple Sprinklers	As needed
- - - - : Zone Sector Plat Parcel							
- - - - : Zone Sector Plat Parcel							
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TABLE 4: ALTERNATIVES ANALYSIS

	Potable Alternatives Attach additional sheets if necessary.	Non-Potable Alternatives Attach additional sheets if necessary.
Municipal sources	County water is available but cost prohibitive	Not available
Wastewater reuse	Not available	Not available
Ditch system	Not available	Available, in use
Desalinization	Not available	Not available
Ground water	Available, but cost prohibitive	Available, but cost prohibitive
Other (specify)		

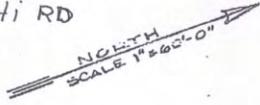
PUBLIC INTEREST

§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.*

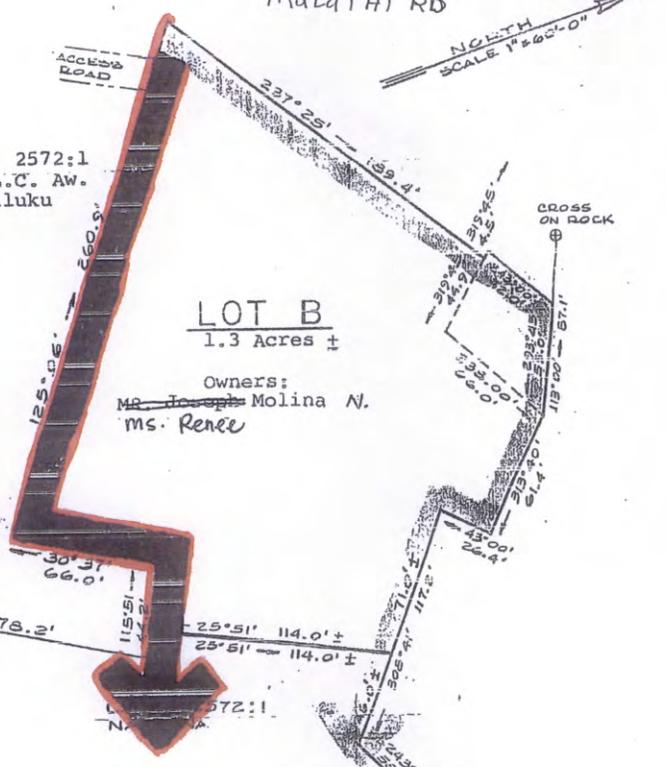
Explain below how the uses in your application are consistent with the public interest as described above. Attach additional sheets if necessary.

Water used from the stream fulfills the needs of domestic uses, aquaculture and irrigation. Additionally, the water that flows through our lo'i kalo allows us to demonstrate this important cultural practice for future generations of our family.

RED 24 HR. 7 DAYS W/...
 South Waiehu Stream
 MALAIHI RD

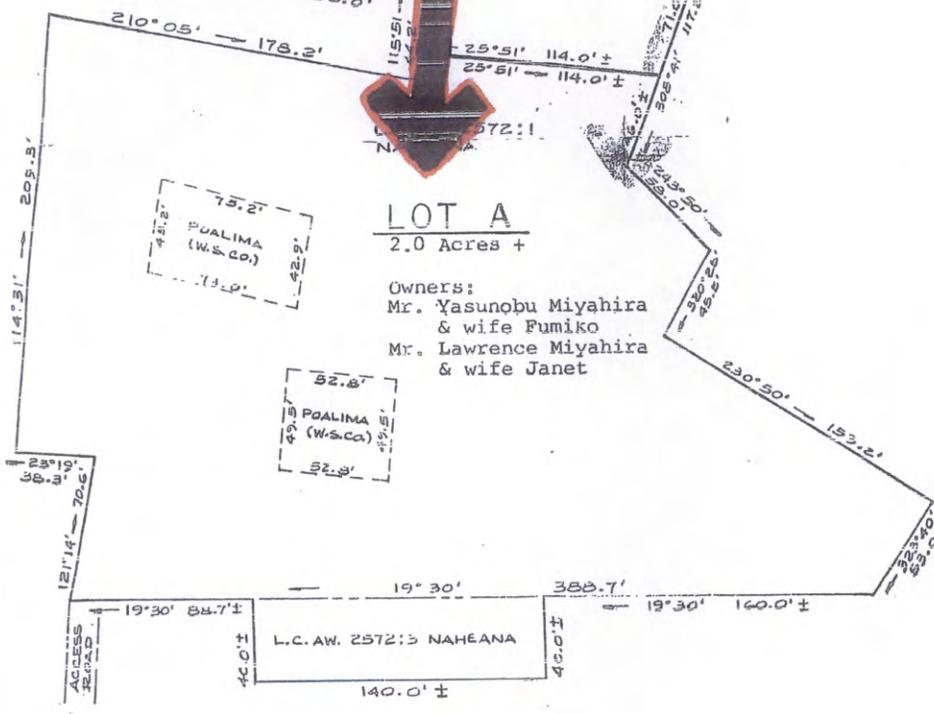


Boundries of L.C. Aw. 2572:1 and the location of L.C. Aw. 2572:3 taken from Wailuku Sugar Company's map.



LOT B
 1.3 Acres ±

Owners:
 MR. Joseph Molina N.
 ms. Renee



LOT A
 2.0 Acres ±

Owners:
 Mr. Yasunobu Miyahira
 & wife Fumiko
 Mr. Lawrence Miyahira
 & wife Janet

TMK: 3-3-02:9
 UPPER WAIIEHU
 WAIIEHU, MAUI, HAWAII

EXHIBIT "A"



Water enters property from ditch above this stream. This is the property boundary on the North side.



Water flows through lo'i for taro.



Water from lo'i returns to the stream.



Water exits property on the South boundary into the neighbor's yard.