



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

**APPLICATION FOR SURFACE WATER USE PERMIT FOR
 PROPOSED NEW USE IN A DESIGNATED SURFACE WATER
 MANAGEMENT AREA**

FORM SWUPA-N

- Application for New use
 Application to Modify SWUP No. _____

For Official Use Only:

RECEIVED
 COMMISSION ON WATER
 RESOURCE MANAGEMENT

2009 APR 15 PM 12: 12

For detailed instructions on filling out this application form completely, refer to the attached instructions sheet.
Incomplete applications will not be accepted for processing.

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 location and the quad map name.
- Property tax map showing the stream or diversion location and location of water use referenced to established property boundaries.
- Photograph(s) of the surface water source, diversion and end use, if applicable.

APPLICANT INFORMATION: NOTE: In accordance with HRS §174C-51(1)(B), *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 be stated as a joint applicant for the water permit.*

1. APPLICANT'S NAME NA MALA O WAIHEE PRIVATE WATER COMPANY, INC		Applicant's Contact Mary Jane Kramer	2. SOURCE LANDOWNER'S NAME WAILUKU WATER COMPANY		Source Landowner's Contact Clayton Suzuki
Applicant's Mailing Address, or Principal Place of Business Na Mala O Waihee Private Water Co. c/o Commercial Properties of Maui Management, Inc. 1962-B Wells Street, Wailuku, HI 96793-2336			Source Landowner's Mailing Address, or Principal Place of Business 255 East Waiko Road Wailuku, HI 96793		
Applicant's Phone	Applicant's Fax	Applicant's E-mail	Source Landowner's Phone	Source Landowner's Fax 808-242-7068	Source Landowner's E-mail csuzuki@wailukuwater.com

SOURCE INFORMATION

3. SURFACE WATER HYDROLOGIC UNIT: Island: MAUI Hydrologic Unit: WAIHEE Hydrologic Unit Code: 6022

4. INSTREAM FLOW STANDARD (IFS) FOR HYDROLOGIC UNIT IF APPLICABLE:

5. CAN YOUR PROPOSED USE(S) BE ACCOMMODATED WITHIN THE ABOVE AMOUNTS: Yes No
 Explain how your proposed use(s) can be accommodated within the existing IFS for the above hydrologic unit:

6a. TMK OF PROPOSED STREAM DIVERSION LOCATION: 3 - 2 - 0 1 4 : 0 0 1
Zone Sec Plat Parcel

6b. TMK OF PROPOSED DITCH DIVERSION LOCATION: 3 - 2 - 0 0 1 : 0 0 1
Zone Sec Plat Parcel

7a. PROPOSED STREAM DIVERSION: How will water be diverted from the stream to your property? Check all that apply.
 Pipe Pump Ditch/auwai Other Describe: Existing pipe diversion.

7b. WILL THE DIVERTED WATER BE RETURNED TO THE STREAM OR DITCH?
 Yes. How much water will be returned?
 No

8. PROPOSED FLOW MEASUREMENT INFORMATION:
 Will the stream diversion have a flow meter with totalizer or other device to measure diverted amounts?
 Yes. List the manufacturer and describe the device. Three inch, Senniger Water Meter, Serial# Missing, Installed 8/2007
 No. Explain how stream diversion will be measured or estimated to justify amounts requested in the space below.

PROPOSED USE INFORMATION HRS §174C-51(4), (5), (6)

9. TOTAL QUANTITY OF WATER REQUESTED: 29,580 gallons per day. See Table 1, Item 14.

10. PROPOSED USE: Check all that apply. Agriculture Domestic Industrial
 See Table 1, Item 1. Irrigation Military Municipal

11. LOCATION OF PROPOSED WATER USE: Show the location of the proposed use on the same USGS and TMK maps as the proposed source location. Otherwise, attach similar maps. See Table 1, Item 2.

PROPOSED USER INFORMATION

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

13. PROPOSED END USER INFORMATION: Will you be an end user on an existing water system?
 Yes. List the name of the system operator: Wailuku Water Company No

14. REGISTRATION AND DECLARATION OF WATER USE: Do you have a Registration and Declaration of Water Use from the Commission?
 Yes. List the file reference name(s): No

15. STREAM DIVERSION WORKS PERMIT (SDWP): Do you have a SDWP from 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, additional 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.

16. APPLICANT Signature Mary Jane Kramer Print Date 4-13-09	17. SOURCE LANDOWNER Signature Clayton Suzuki Print Date
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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		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Zone	Sec	Plat	Parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Zone	Sec	Plat	Parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Zone	Sec	Plat	Parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
TOTAL POTABLE USE											12	GPD	
Uses that do not require potable water													
AGRCP	Zone	Sec	Plat	Parcel	AG	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	AG	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	2.117	1143.9	2422	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Lot 1 - The gpd/ac requested is low in comparison to other areas and will support the existing macadamia nut orchard or future diversified AG on this parcel.
AGRCP	Zone	Sec	Plat	Parcel	AG	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	AG	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	2.384	1143.9	2727	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Lot 2 - The gpd/ac requested is low in comparison to other areas and will support the existing macadamia nut orchard or future diversified AG on this parcel.
AGRCP	Zone	Sec	Plat	Parcel	AG	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	AG	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	2.233	1143.9	2554	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Lot 3 - Since designation in April 2008, this lot has converted their land from mac nuts to various truck crops. The gpd/ac requested is low in comparison to other areas and will support diversified AG on this parcel.
AGRCP	Zone	Sec	Plat	Parcel	AG	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	AG	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	2.075	1143.9	2374	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Lot 4 - The gpd/ac requested is low in comparison to other areas and will support the existing macadamia nut orchard or future diversified AG on this parcel.
TOTAL NON POTABLE USE											13	GPD	
TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =											14	GPD	
<p>15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS</p> <p>The property has a maximum use requirement of 29,580 gpd under contract from Wailuku Water Company. The requested gallons per acre per day is based on the available amount of water under this water agreement divided by the acreage of each lot. Each lot is allocated 1143.9 gallons per acre per day and each lot needs to stay within that allocation.</p>													

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		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Zone	Sec	Plat	Parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Zone	Sec	Plat	Parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Zone	Sec	Plat	Parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
TOTAL POTABLE USE											12	GPD	
Uses that do not require potable water													
AGRCP	3	2	013	008	AG	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input checked="" type="checkbox"/> No	AG	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input checked="" type="checkbox"/> No	2.094	1143.9	2395	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Lot 5 - Since designation in April 2008, this lot has converted their land from mac nuts to various truck crops. The gpd/ac requested is low in comparison to other areas and will support diversified AG on this parcel.
AGRCP	3	2	013	008	AG	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input checked="" type="checkbox"/> No	AG	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input checked="" type="checkbox"/> No	2.121	1143.9	2426	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Lot 6 - The gpd/ac requested is low in comparison to other areas and will support the existing macadamia nut orchard or future diversified AG on this parcel.
AGRCP	3	2	013	008	AG	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input checked="" type="checkbox"/> No	AG	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input checked="" type="checkbox"/> No	12.835	1143.9	14682	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Lot 7 - The gpd/ac requested is low in comparison to other areas and will support the existing macadamia nut orchard or future diversified AG on this parcel.
	Zone	Sec	Plat	Parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
TOTAL NON POTABLE USE											13	GPD	
TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =											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 Lots 5 - 7 added to previous page.													

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.)																						
<table border="1" style="width: 100%; border-collapse: collapse; font-size: small;"> <tr> <td style="text-align: center;">3</td><td style="text-align: center;">-</td><td style="text-align: center;">2</td><td style="text-align: center;">-</td><td style="text-align: center;">0</td><td style="text-align: center;">0</td><td style="text-align: center;">8</td><td style="text-align: center;">:</td><td style="text-align: center;">0</td><td style="text-align: center;">1</td><td style="text-align: center;">3</td> </tr> <tr> <td style="text-align: center;">Zone</td><td></td><td style="text-align: center;">Sec</td><td></td><td colspan="3" style="text-align: center;">Plat</td><td></td><td colspan="3" style="text-align: center;">Parcel</td> </tr> </table>	3	-	2	-	0	0	8	:	0	1	3	Zone		Sec		Plat				Parcel			Macadamia Nut	25.86	2.117	May	April	Trickle, Spray	Lot 1 - Other - irrigate on as needed basis
3	-	2	-	0	0	8	:	0	1	3																			
Zone		Sec		Plat				Parcel																					
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3	-	2	-	0	0	8	:	0	1	3																			
Zone		Sec		Plat				Parcel																					
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3	-	2	-	0	0	8	:	0	1	3																			
Zone		Sec		Plat				Parcel																					
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3	-	2	-	0	0	8	:	0	1	3																			
Zone		Sec		Plat				Parcel																					
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Zone		Sec		Plat				Parcel																					
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3	-	2	-	0	0	8	:	0	1	3																			
Zone		Sec		Plat				Parcel																					
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3	-	2	-	0	0	8	:	0	1	3																			
Zone		Sec		Plat				Parcel																					
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9. COMMENTS:

For macadamia nut, irrigation is on an as needed basis. For the last two years, nut prices have been too low to pursue much irrigation. For the truck crops, the allowed gallons per acre per day under agreement with Wailuku Water Company are adequate give the area's low transeporation rates, generous rainfall, and good soil qualities.

APPLICATION FOR SURFACE WATER USE PERMIT - PROPOSED NEW USE

TABLE 3: ALTERNATIVES ANALYSIS AND ADDITIONAL REQUIREMENTS

	A. Analysis of Potable Alternatives (Attach additional sheets if necessary.)	B. Analysis of Non-Potable Alternatives (Attach additional sheets if necessary.)
Municipal sources	Wailuku Water Company use of municipal water for customers is cost prohibitive	Water for non potable use is not available from the municipal source. Maui DWS has limited potable water use to the seven parcels in 3-2-008:013 to 1200 gpd per parcel for domestic potable use only
Wastewater reuse	The Kahului Wastewater Treatment plant has no feeder lines in the area, the cost to install a distribution line from the treatment plant to Wailuku's Ditch System is cost prohibitive	The Kahului Wastewater Treatment plant has no feeder lines in the area, the cost to install a distribution line from the treatment plant to Wailuku's Ditch System is cost prohibitive
Ditch system	There are no other ditch system available	There are no other ditch system available
Desalinization	There are no Desalinization plants on Maui	There are no Desalinization plants on Maui
Ground water	Pumping of ground water is cost prohibitive	Pumping of ground water is cost prohibitive
Other (specify)	Storm Water reclamation has no facilities as of this dat	Storm Water reclamation has no facilities as of this dat

C. ADDITIONAL REQUIREMENTS:

PUBLIC INTEREST Hawaii Revised Statutes §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.*

1. Explain below how your proposed new use(s) will maximize beneficial use(s) and how they will be deemed to be in the public interest as defined by the State Water Code above.
The uses in this application are consistent with the public interest as stated in HRS 174C-2(c) because the use is for agriculture. Since April 2008, two of the seven lots has already been converted from macadamia nut orchards to diversified agriculture growing bananas, truck crops, flowers, etc. The relatively low water use as limited by agreement shows that diversified agriculture can work in this area while allowing other non-agriculture uses for the ditch water. Potable water needs for the lots are made by County of Maui water meters.
2. Explain below how your proposed new use(s) will not interfere with any existing legal use(s).
The new use is consistent with the old use, both are agriculture. However, as mature macadamia nut orchards are converted to diversified agriculture, the "new" use simply asks for a relatively small use of ground water per acre that is less than that used many years ago on the parcel for the initial growing of the macadamia nut trees or when the parcel was formerly in sugar cane.
3. Explain below how your proposed new use(s) will not interfere with the rights of the Department of Hawaiian Home Lands as provided in Section 221 of the Hawaiian Homes Commission Act.
The proposed new use will not interfere with the rights of DHHL. DHHL lands nearby are fully built out in an urban use using Maui DWS water meters. No other DHHL lands are servicable by the ditch system proposed to provide this new use.