



RECEIVED  
COMMISSION ON WATER  
RESOURCE MANAGEMENT

2009 APR 22 PM 2: 22

April 22, 2009

Commission on Water Resource Management  
P.O. Box 621  
Honolulu, Hawaii 96809

Dear Commissioners:

Attached please find MMK Maui, LP's ("MMK") Application for Surface Water Use Permit for Existing Use in the Na Wai Eha, Maui, Surface Water Management Areas ("Application"), plus fifteen (15) copies of the Application and all attachments and a twenty-five dollar (\$25) filing fee.

MMK owns and operates The King Kamehameha Golf Club and the Kahili Golf Course (the "Golf Courses"), both located in Waikapu, Wailuku, Maui. The Golf Courses provide the community with a venue for public recreation and unparalleled scenic beauty. Further, the Golf Courses qualify as a "commercial use" of water, which is a stated public interest purpose set forth in the State Water Code.

The King Kamehameha Golf Club, which occupies Parcel 10 as described in the Application, utilizes approximately 700,000 gallons of water per day ("GPD"), and the Kahili Golf Course, which occupies Parcels 11 and 12, utilizes approximately 592,704 GPD, for a total allocation of 1,292,704 GPD. Pursuant to a Water Delivery Agreement executed by the predecessors-in-interest of Wailuku Water Company, LLC and MMK, MMK pre-paid for the delivery of water to the Golf Courses in perpetuity.

Since May 2006 following renovations by MMK as the new owner, both Golf Courses have been continuously open, serving a wide sector of Maui's residents and visitors. The Golf Courses, which encompass approximately 335.3 acres of land, are currently maintained, preserved, and operated by approximately 160 employees, of which 105 are fulltime employees. The operational payroll for the Golf Courses exceeds \$2,000,000 annually. As Maui's only private-membership 18-hole golf course, The King Kamehameha Golf Club is unique among Maui golf courses. The Kahili Golf Course is an 18-hole course that is open to the public. In the last three years, the Kahili Golf Course has averaged about 33,000 rounds of golf. Additionally, the Kahili Golf Course hosts a number of Maui and state-wide golf tournaments throughout the year.

MMK cannot operate the Golf Courses without adequate water. It is our sincere hope that the Commission on Water Resource Management will permit MMK to continue to utilize the requested water to operate the Golf Courses for the benefit of the public. Thank you for your consideration of MMK's Application.

Sincerely,

Karl Uesugi  
President

Enclosures



**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

**FORM SWUPA-E (NA WAI EHA, MAUI)**

For Official Use Only:  
**RECEIVED**  
**COMMISSION ON WATER**  
**RESOURCE MANAGEMENT**  
**2009 APR 22 PM 2: 22**  
 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 MMK Maui, LP		Applicant's Contact Jodi Shin Yamamoto		2. SOURCE LANDOWNER'S NAME Wailuku Water Co., LLC/Wailuku Water Distribution Co., LLC		Source Landowner's Contact Clayton Suzuki	
Applicant's Mailing Address, or Principal Place of Business The King Kamehameha Golf Club 2500 Honoapiilani Highway Wailuku, Maui, Hawaii 96793				Source Landowner's Mailing Address, or Principal Place of Business 255 East Waiko Road Wailuku, Maui, Hawaii 96793			
Applicant's Phone (808) 792-1283	Applicant's Fax (808) 526-4735	Applicant's E-mail jyamamoto@yshawaii.com	Source Landowner's Phone (808) 244-2208	Source Landowner's (808)242-7068	Source Landowner's E-mail csuzuki@wailukuwater.com		

**EXISTING SOURCE INFORMATION**

The following must be attached before this application is accepted as complete: To be provided by Wailuku  
 • Portion of 7.5-Minute Series USGS topographic map (scale 1:24,000) labeled with stream and diversion locations and quad map name. Water Company  
 • Property Tax Map Key (TMK), showing stream or diversion location, and location of water use referenced to established property boundaries. See Exhibits 1 & 2  
 • Photograph(s) of the surface water diversion works and end use. See Exhibits 3 & 4

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: 

3	-	2	-	14	:	1
Zone		Sector		Plat		Parcel

 4a. 3-3-3:36, 3-5-11:49

4b. TMK OF DITCH DIVERSION LOCATION: 

3	-	6	-	4	:	12
Zone		Sector		Plat		Parcel

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?

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: See Stream Diversions & Gauging Chart (Exhibit A)  
 Describe the device and enter measured amounts in Table 1. See Stream Diversions & Gauging Chart (Exhibit A)  
 No. Explain how you are measuring flow to justify amounts shown in Table 1 in the space below  
 12" Water Specialities & 4" McCrometer Water Meters and Two Timers

**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? Wailuku Water Co., LLC/Wailuku Water Distribution Co., LLC

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):  
 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 Karl Uesugi, President, MMK Maui, LP Print		Signature N/A Print	
Date <u>4/22/09</u>		Date	

**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	1,612,903	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
June 2007	1,823,334	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
July 2007	1,645,161	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
August 2007	1,677,419	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
September 2007	1,716,667	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
October 2007	1,370,968	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
November 2007	825,278	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
December 2007	597,035	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
January 2008	872,726	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
February 2008	685,645	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
March 2008	1,459,600	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
April 2008	1,225,717	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>SUM OF AVERAGE DAILY USE FOR THE MONTH</b>	15,512,453	<b>GPD</b>				
<b>AVERAGE DAILY USE (Average of the above)</b>	1,292,704	<b>GPD</b>				

**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.	
<b>Uses that require potable (drinking) water</b>										
n/a	_____ - _____ - _____ : _____ Zone Sector Plat Parcel									
	_____ - _____ - _____ : _____ Zone Sector Plat Parcel									
	_____ - _____ - _____ : _____ Zone Sector Plat Parcel									
	_____ - _____ - _____ : _____ Zone Sector Plat Parcel									
<b>TOTAL POTABLE USE</b>						<input type="text"/>	<b>GPD</b>			
<b>Uses that do not require potable water</b>										
IRRGC	3 - 6 - 04 : 10 Zone Sector Plat Parcel	AGR	No	AGR	No	700,000	Yes	152	Bermuda grass requires approximately 1-1.5 inches per week	
IRRGC	3 - 6 - 04 : 11 Zone Sector Plat Parcel	AGR	No	AGR	No	50,000	Yes	17	Bermuda grass requires approximately 1-1.5 inches per week	
IRRGC	3 - 6 - 04 : 12 Zone Sector Plat Parcel	AGR	No	AGR	No	542,704	Yes	136	Bermuda grass requires approximately 1-1.5 inches per week	
IRRGC	3 - 6 - 04 : 14 Zone Sector Plat Parcel	AGR	No	AGR	No	0	No	2	Roadway - no water needed	
<b>TOTAL NON-POTABLE USE</b>						1,292,704	<b>GPD</b>			
<b>TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =</b>						1,292,704	<b>GPD</b>			
If total use requested is not equal to the total monthly average in Table 1, please explain. Total use requested is equal to total monthly average in Table 1.										
In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. Pursuant to a Water Delivery Agreement between the predecessors-in-interest of Wailuku Water Co., LLC and MMK, the water delivered must be used only on the property specified (which includes the four parcels noted above) and shall not be sold or transferred by MMK for use outside of the property.										

**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. <u>See Exhibits B and C</u>	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 - 6 - 04 : 10 Zone Sector Plat Parcel	Bermuda grass	166	150	4/30/07	4/30/08	Multiple sprinklers	Computer control using E.T.
3 - 6 - 04 : 10 Zone Sector Plat Parcel	Misc landscape	166	2	4/30/07	4/30/08	Multiple sprinklers	Computer control
3 - 6 - 04 : 11 Zone Sector Plat Parcel	Bermuda grass	17	17	4/30/07	4/30/08	Multiple sprinklers	Computer control
3 - 6 - 04 : 12 Zone Sector Plat Parcel	Bermuda grass	151	135	4/30/07	4/30/08	Multiple sprinklers	Computer control
3 - 6 - 04 : 12 Zone Sector Plat Parcel	Misc landscape	151	1	4/30/07	4/30/08	Multiple sprinklers	Computer control
3 - 6 - 04 : 14 Zone Sector Plat Parcel	Roadway	--	--	--	--	--	--
- - - - : - Zone Sector Plat Parcel							
- - - - : - Zone Sector Plat Parcel							
- - - - : - Zone Sector Plat Parcel							
- - - - : - Zone Sector Plat Parcel							

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

**TABLE 4: ALTERNATIVES ANALYSIS**

	<b>Potable Alternatives</b> Attach additional sheets if necessary.	<b>Non-Potable Alternatives</b> Attach additional sheets if necessary.
<b>Municipal sources</b>	Wailuku Water Company use of municipal water for its customers is cost prohibitive	Water for non potable use is not available from the municipal source
<b>Wastewater reuse</b>	The Kahului Wastewater Treatment plant has no feeder lines in the area, the cost to install a distribution line	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
<b>Ditch system</b>	There are no other ditch systems available	There are no other ditch systems available
<b>Desalinization</b>	There are no Desalinization plants on Maui	There are no Desalinization plants on Maui
<b>Ground water</b>	Pumping of ground water is cost prohibitive	Pumping of ground water is cost prohibitive
<b>Other (specify)</b>	Storm Water reclamation has no facilities as of this date	Storm Water reclamation has no facilities as of this date

**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.

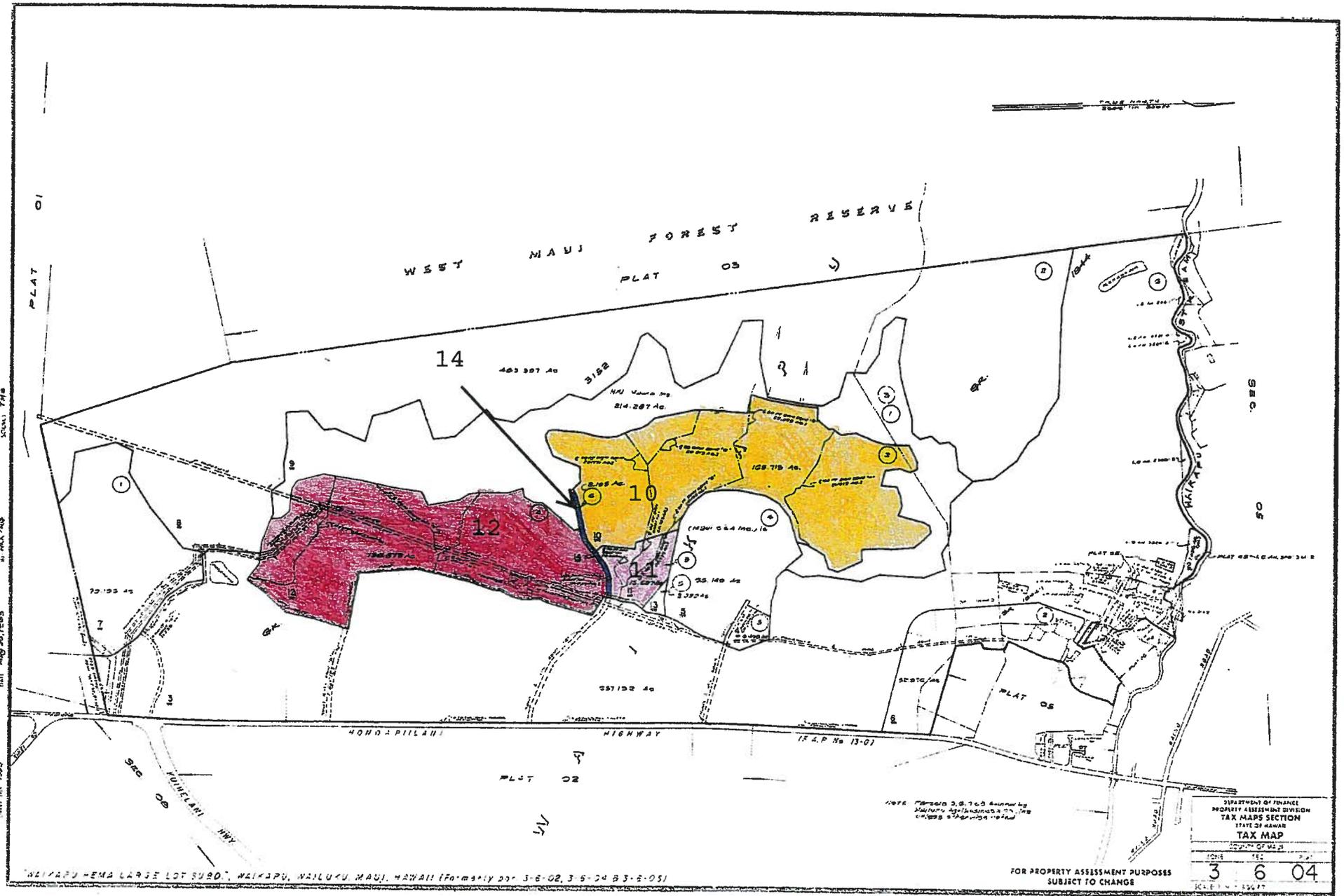
MMK Maui, LP's ("MMK") application is consistent with the public interest as its operation of its two golf courses, which provide recreation and enjoyment to its many patrons and employs approximately 160 employees, qualifies as a "commercial use". The State Water Code provides that the waters of the State be used for purposes such as "commercial uses", and MMK's use qualifies as such a commercial use. MMK owns and operates The King Kamehameha Golf Club and the Kahili Golf Course (the "Golf Courses"), both located in Waikapu, Wailuku, Maui. The Golf Courses, which encompass approximately 335.3 acres of land, serve a wide sector of Maui's residents and visitors. The Golf Courses are currently maintained, preserved, and operated by approximately 160 employees, of which 105 are full-time employees, and the operational payroll for the Golf Courses exceeds \$2,000,000 annually. As Maui's only private-membership 18-hole golf course, the King Kamehameha Golf Club is unique among Maui golf courses. The Kahili Golf Course is an 18-hole course that is open to the public, and in the last three years, the Kahili Golf Course has averaged about 33,000 rounds of golf. Additionally, the Kahili Golf Course hosts a number of Maui and state-wide golf tournaments throughout the year. The Golf Courses and their club houses were initially constructed at a cost exceeding \$80,000,000. The Golf Courses were not part of any residential development, but were intended to provide open space and recreational support for the Maui Community. The current owners expended in excess of \$10,000,000 in order to improve the fairways, the greens, the sand traps, and the irrigation system of the Golf Courses to better serve the public. In excess of \$4,000,000 was expended to reconstruct the irrigation systems serving both Golf Courses. As detailed above, the Golf Courses serve the Maui community well in providing employment to the community, recreation and enjoyment to its patrons, wide open spaces and views to the public, and economic opportunity through construction and growth



Parcel 10 Parcel 11 Parcel 12 Parcel 14



EXHIBIT 2



Parcel 10    Parcel 11    Parcel 12    Parcel 14

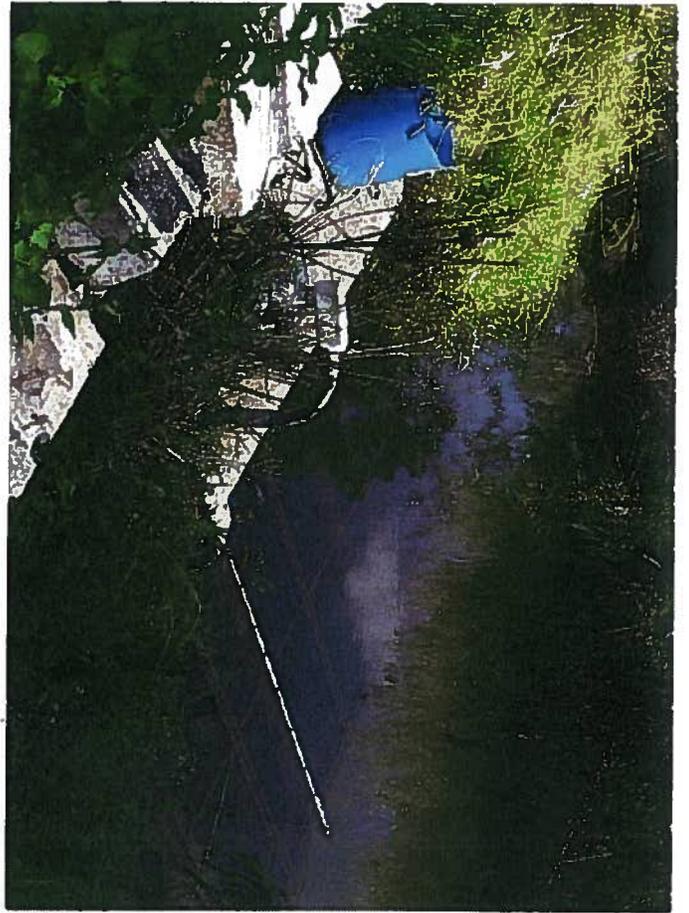


DEPARTMENT OF REVENUE  
PROPERTY ASSESSMENT DIVISION  
TAX MAPS SECTION  
STATE OF HAWAII  
TAX MAP  
COUNTY OF MAUI  
SHEET 3604  
SCALE 1/4" = 100'

FOR PROPERTY ASSESSMENT PURPOSES  
SUBJECT TO CHANGE



5hp pumps



35hp pump



35hp pump

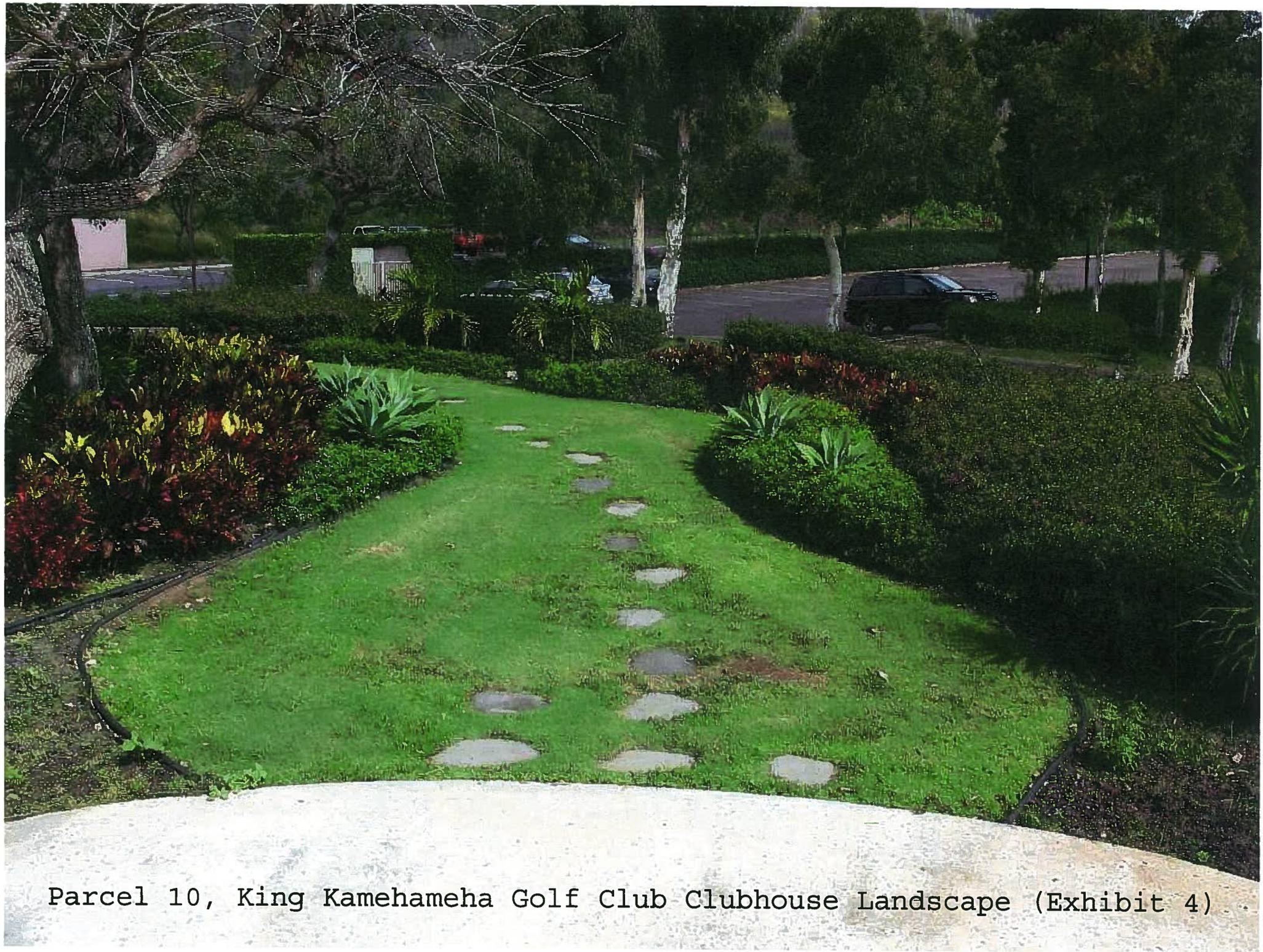
Siphon



35hp pump

Parcel 10, #1 Hole at King Kamehameha Golf Club (Exhibit 4)





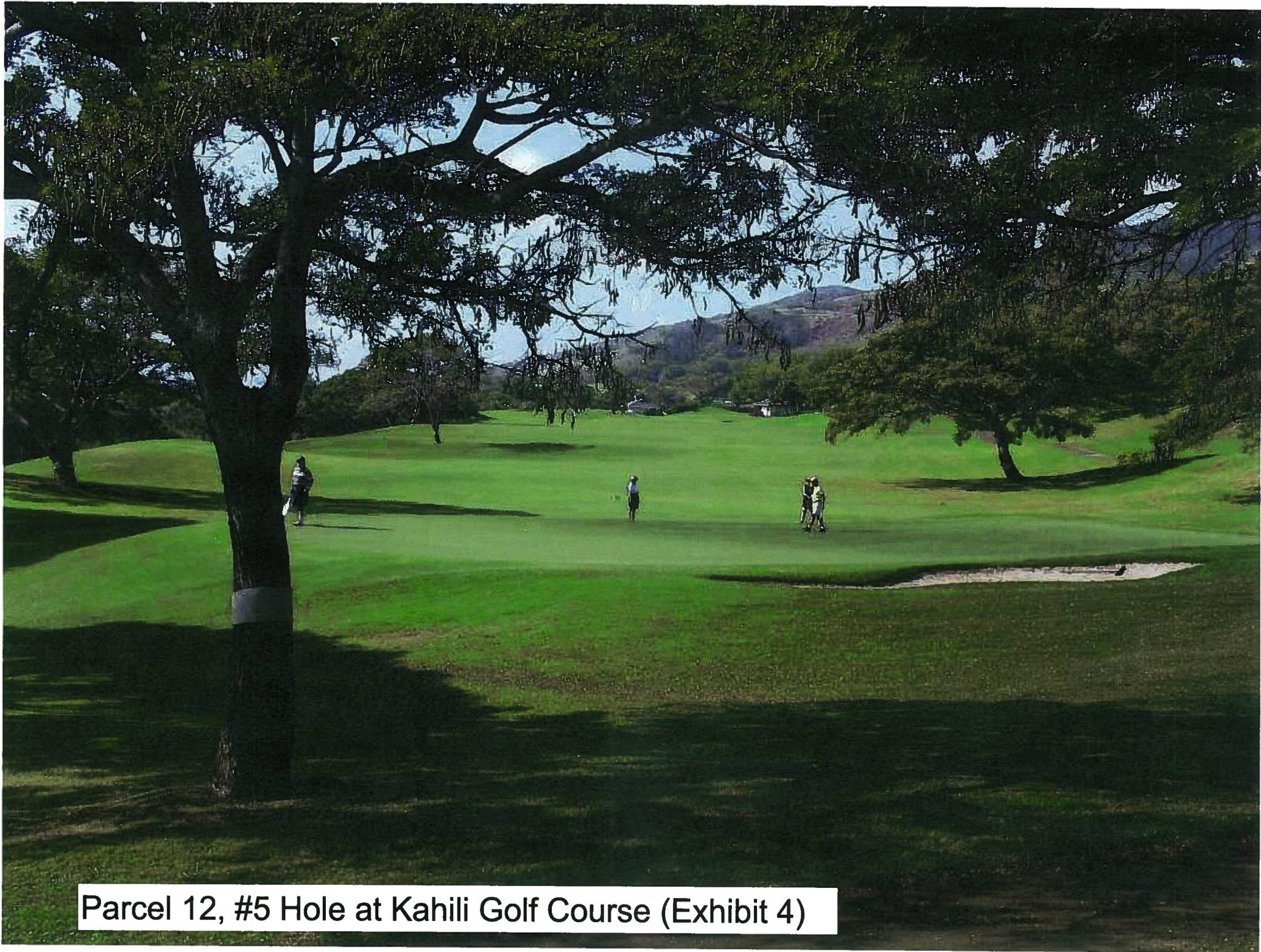
Parcel 10, King Kamehameha Golf Club Clubhouse Landscape (Exhibit 4)

Parcel 11, Golf Course Maintenance Building, #7 hole at  
Kahili Golf Course (Exhibit 4)





Parcel 11, Landscape #5/#7 Tunnel at Kahili Golf Course (Exhibit 4)

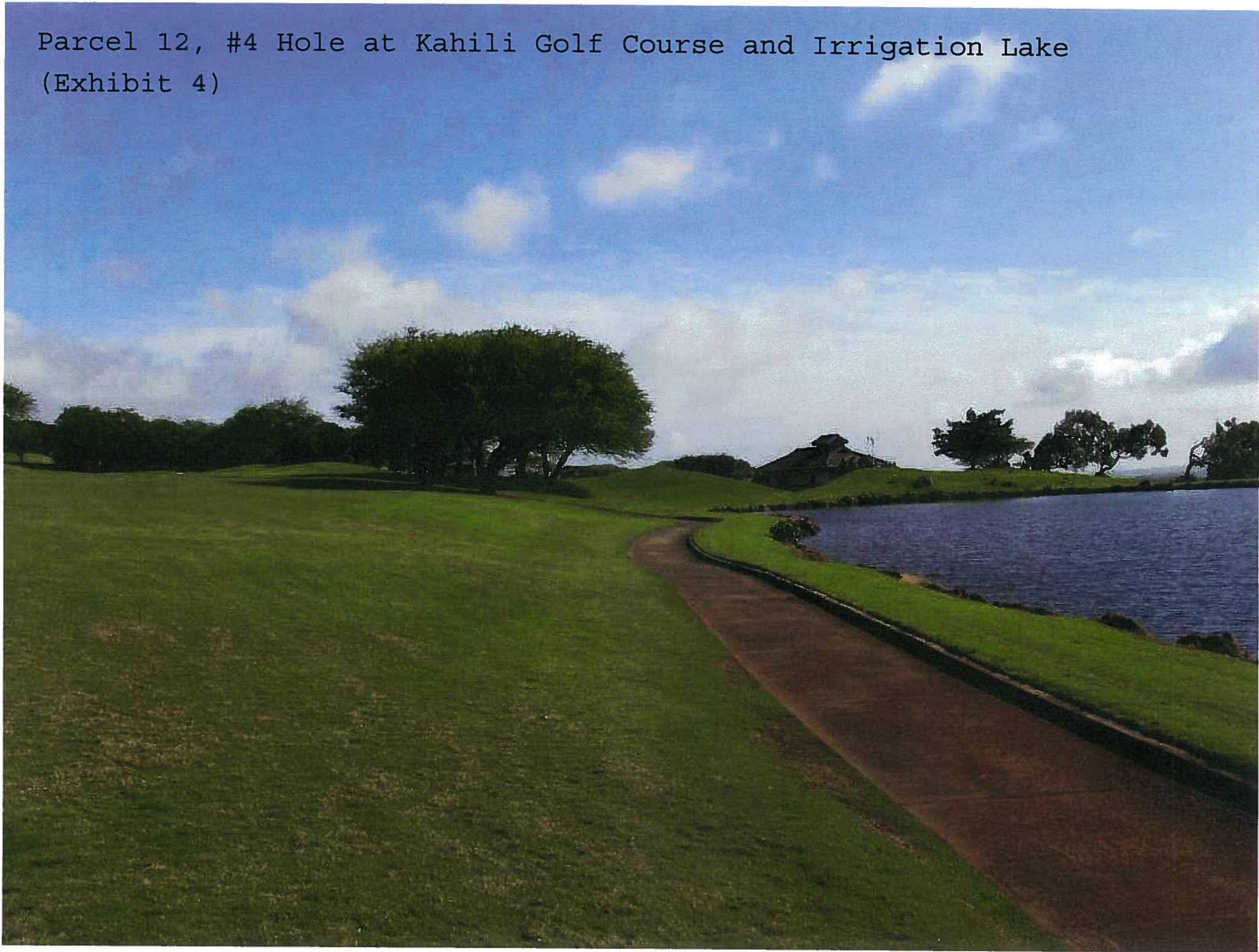


Parcel 12, #5 Hole at Kahili Golf Course (Exhibit 4)



Parcel 12, Kahili Golf Course Clubhouse landscape (Exhibit 4)

Parcel 12, #4 Hole at Kahili Golf Course and Irrigation Lake  
(Exhibit 4)



# Wailuku Water Company

## Stream Diversions and Gauging

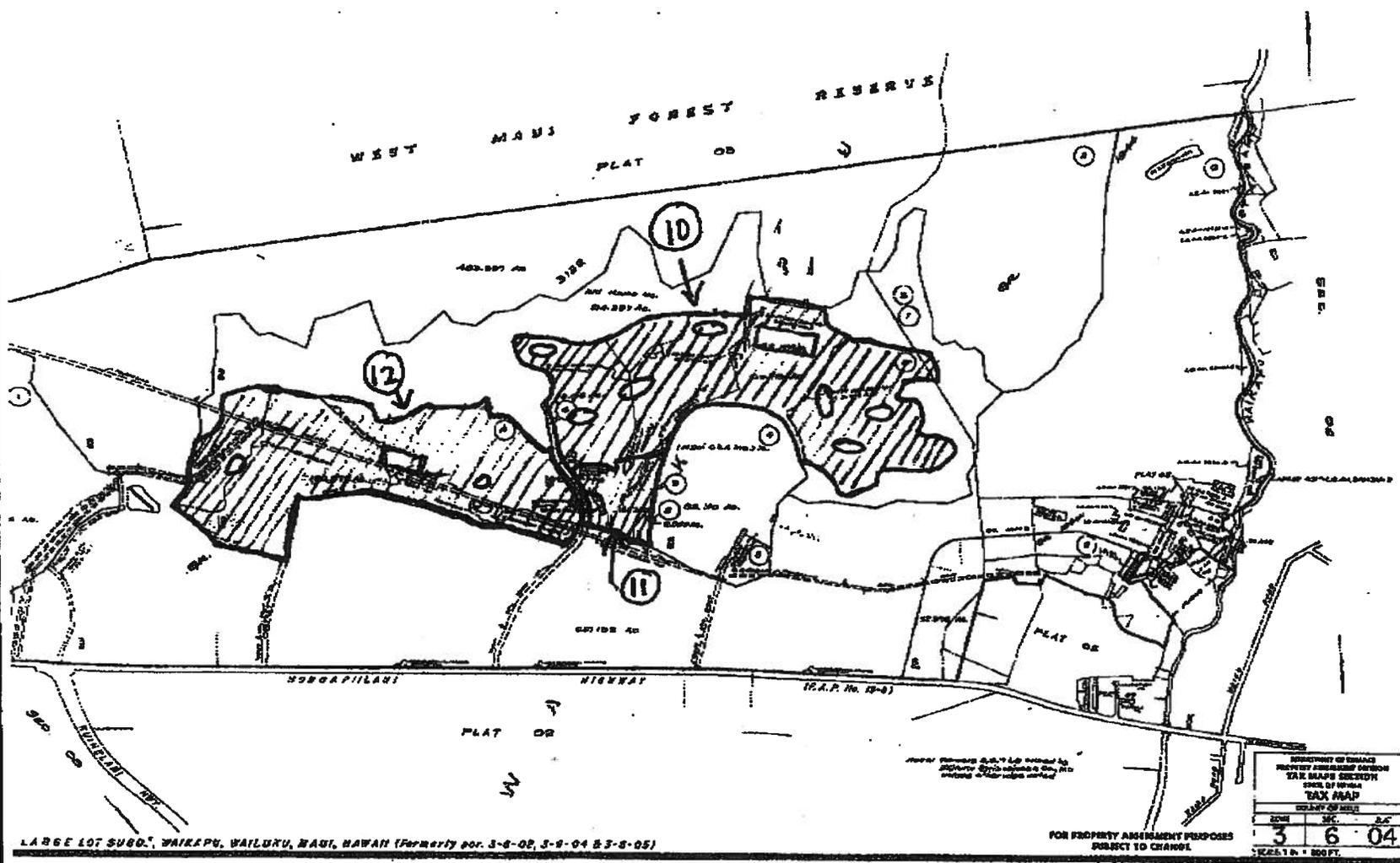
### Exhibit A

Stream:	TMK:	Diversion:	Gauging:	Date Installed
Waihee Stream	TMK: 3-2-014-0001	Waihee Ditch (6022)	Weir with 24 Hour gauge	1907
Waihee Stream	TMK: 3-2-014-0001	Spreckels Ditch (6022)	Weir with 24 Hour gauge	Unknown
North Waiehu Stream	TMK: 3-2-014-0001	North Waiehu Ditch (6023)	Concrete Weir	Unknown
Iao Stream	TMK: 3-3-003-0003	Iao-Maniania Ditch (6024)	Weir with 24 Hour gauge	Unknown
Iao Stream	TMK: 3-3-003-0003	Iao-Waikapu Ditch (6024)	Weir with 24 Hour gauge	Unknown
Waikapu Stream	TMK: 3-6-003-0001	South Waikapu Ditch (6001)	Concrete Weir	Unknown
Waikapu Stream	TMK: 3-5-011-0049	Waihee Ditch (6001)	Visual Estimate	Unknown
Waikapu Stream	TMK: 3-5-011-0049	Reservoir 6 (6001)	Visual Estimate	Unknown

01/28/09

EXHIBIT B

- ☐ = clubhouse
- = landscaped area
- /// = Bermuda grass areas



LARGE LOT SUBD., WAIKAPU, WAILURU, MAUI, HAWAII (Formerly par. 3-6-02, 3-9-04 & 3-8-05)

FOR PROPERTY ASSIGNMENT PURPOSES  
SUBJECT TO CHANGE

DEPARTMENT OF BUREAU OF PROPERTY ASSESSMENT DIVISION  
TAX MAPS SECTION  
CITY OF HONOLULU  
TAX MAP

ZONE	SEC.	B.L.
3	6	04

SCALE 1" = 200 FT.

Parcel 10, Bermuda grass (Exhibit C)



Parcel 10, Miscellaneous landscape (Exhibit C)



Parcel 11, Bermuda grass (Exhibit C)



Parcel 12, Bermuda grass (Exhibit C)



Parcel 12, Miscellaneous landscape (Exhibit C)

