



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

**ORIGINAL**

For Official Use Only:

**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 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.*

<b>1. APPLICANT'S NAME</b> WCE IRRIGATION COMPANY.		Applicant's Contact Joseph G. Blackburn II		<b>2. SOURCE LANDOWNER'S NAME</b> WAILUKU WATER COMPANY		Source Landowner's Contact Clayton Suzuki	
Applicant's Mailing Address, or Principal Place of Business c/o Maui Land Broker and Property Management, Inc. PO Box 400, Wailuku, HI 96793				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	
[REDACTED]		[REDACTED]		[REDACTED]		808 244-2208	
						Source Landowner's Fax	
						808 242-7068	
						Source Landowner's E-mail	
						csuzuki@wailukuwater.com	

**SOURCE INFORMATION**

**3. SURFACE WATER HYDROLOGIC UNIT:** Island: M Hydrologic Unit: Hydrologic Unit Code: 6024

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

**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 - 3 - 0 0 3 : 0 0 3  
Zone Sec Plat Parcel

**6b. TMK OF PROPOSED DITCH DIVERSION LOCATION:** 3 - 3 - 0 0 2 : 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: Reservoir

**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. Iao/6024 Unknown  
 No. Explain how stream diversion will be measured or estimated to justify amounts requested in the space below.  
 Twelve Inch. McCrometer Water. Serial #08-04492, Installed 11/2003

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

**9. TOTAL QUANTITY OF WATER REQUESTED:** 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.

<b>16. APPLICANT</b>  Signature Joseph G. Blackburn II Print April 15, 2009 Date	<b>17. SOURCE LANDOWNER</b> Signature Print Date
--	---

## 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.
<b>Uses that require potable (drinking) water</b>													
	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	
<b>TOTAL POTABLE USE</b>											12	<b>GPD</b>	
<b>Uses that do not require potable water</b>													
AGRCP	3	3	017		Agriculture	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	Chapter 19.30A Agr. Dist.	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	181	444400	444400	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) 80,000 gallons of water per month for \$95.00. Any amount over 80,000 gallon has an excess water charge of \$2.00 per thousand gallons.
IRRLA	3	3	017		Agriculture	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	Chapter 19.30A Agr. Dist.	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	24.5	30650	30650	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbley
AGRON	3	3	017		Agriculture	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	Chapter 19.30A Agr. Dist.	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	13.75	35700	35750	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
AGRLI	3	3	017		Agriculture	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	Chapter 19.30A Agr. Dist.	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	1.25	900	900	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See Water Meter Readings Spreadsheet submitted with application
<b>TOTAL NON POTABLE USE</b>											13	<b>GPD</b>	
<b>TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =</b>											14	<b>GPD</b>	
<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>There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the individual lot owners. See attached additional sheets with main application.</p>													

## 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.)
3 - 3 - 0 1 7 : <input type="text"/> <input type="text"/> <input type="text"/>	Vegetables	420.708	47.25	May	April	Other-Multiple Systems	Other-Timer, Manual, As Needed
<small>Zone    Sec    Plat    Parcel</small>							
3 - 3 - 0 1 7 : <input type="text"/> <input type="text"/> <input type="text"/>	Orchard	420.708	39	May	April	Other-Multiple Systems	Other-Timer, Manual, As Needed
<small>Zone    Sec    Plat    Parcel</small>							
3 - 3 - 0 1 7 : <input type="text"/> <input type="text"/> <input type="text"/>	Bananas	420.708	42.75	May	April	Other-Multiple Systems	Other-Timer, Manual, As Needed
<small>Zone    Sec    Plat    Parcel</small>							
3 - 3 - 0 1 7 : <input type="text"/> <input type="text"/> <input type="text"/>	Papaya	420.708	12.25	May	April	Other-Multiple Systems	Other-Timer, Manual, As Needed
<small>Zone    Sec    Plat    Parcel</small>							
3 - 3 - 0 1 7 : <input type="text"/> <input type="text"/> <input type="text"/>	Madadamia Nuts	420.708	33.5	May	April	Other-Multiple Systems	Other-Timer, Manual, As Needed
<small>Zone    Sec    Plat    Parcel</small>							
3 - 3 - 0 1 7 : <input type="text"/> <input type="text"/> <input type="text"/>	Dryland Taro	420.708	6.0	May	April	Other-Multiple Systems	Other-Timer, Manual, As Needed
<small>Zone    Sec    Plat    Parcel</small>							
3 - 3 - 0 1 7 : <input type="text"/> <input type="text"/> <input type="text"/>	Nursey	420.708	13.75	May	April	Other-Multiple Systems	Other-Timer, Manual, As Needed
<small>Zone    Sec    Plat    Parcel</small>							
3 - 3 - 0 1 7 : <input type="text"/> <input type="text"/> <input type="text"/>	Turf Grass	420.708	0.25	May	April	Other-Multiple Systems	Other-Timer, Manual, As Needed
<small>Zone    Sec    Plat    Parcel</small>							
3 - 3 - 0 1 7 : <input type="text"/> <input type="text"/> <input type="text"/>	Landscape	420.708	24.5	May	April	Other-Multiple Systems	Other-Timer, Manual, As Needed
<small>Zone    Sec    Plat    Parcel</small>							
3 - 3 - 0 1 7 : <input type="text"/> <input type="text"/> <input type="text"/>	Livestock	420.708	1.25	May	April	Other-Multiple Systems	Other-Timer, Manual, As Needed
<small>Zone    Sec    Plat    Parcel</small>							
<input type="text"/> - <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> : <input type="text"/> <input type="text"/> <input type="text"/>							
<small>Zone    Sec    Plat    Parcel</small>							

#### 9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

**APPLICATION FOR SURFACE WATER USE PERMIT - PROPOSED NEW USE**

**TABLE 3: ALTERNATIVES ANALYSIS AND ADDITIONAL REQUIREMENTS**

	<b>A. Analysis of Potable Alternatives (Attach additional sheets if necessary.)</b>	<b>B. Analysis of Non-Potable Alternatives (Attach additional sheets if necessary.)</b>
Municipal sources	No, per agreement between the County of Maui Department of Water Supply and CGM, LLC the developer limiting water use to Portabel at a maximum of 540 Gallons a day, Dated December 26 2006	No, per agreement between the County of Maui Department of Water Supply and CGM, LLC the developer limiting water use for Portabel at a maximum of 540 Gallons a day, Dated December 26 2006
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	No, Per Agreement between Wailuku Country Estates Irrigation Company and Wailuku Agribusiness Dated August 30, 2002. Section 5.3 Reservation of Wailuku's Rights. The WCEIR or any owners of WCEAS cannot take water out of the Spreckels or Waihee Irrigation	No, Per Agreement between Wailuku Country Estates Irrigation Company and Wailuku Agribusiness Dated August 30, 2002. Section 5.3 Reservation of Wailuku's Rights. The WCEIR or any owners of WCEAS cannot take water out of the Spreckels or Waihee Irrigation Ditches
Desalinization	No salt water near property.	No, no salt water near property
Ground water	No, Per Agreement between Wailuku Country Estates Irrigation Company and Wailuku Agribusiness, Dated August 30, 2002. Section. 3.8 No pumping of ground water.	No, Per Agreement between Wailuku Country Estates Irrigation Company and Wailuku Agribusiness, Dated August 30, 2002. Section. 3.8 No pumping of ground water
Other (specify)	Storm Water reclamation has no facilities as of this date	Storm Water reclamation has no facilities as of this date

**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.  
See Remarks Submitted with this Application.

2. Explain below how your proposed new use(s) will not interfere with any existing legal use(s).  
See Remarks Submitted with this Application

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.  
WCEIR is not sure how our use of irrigation water sill impact the rights of the Department of Hawaiian Home Lands.

**Wailuku Country Estates Irrigation Company New Use Public Interest Statement: Surface Water Use Permit Application New Use (Na Wai Eha, Maui)**

Wailuku Country Estates Irrigation Company (WCEIR) supplies irrigation water consistent with the Public Interest under Hawaii Revised Statutes (HRS) 174-2(c) to 184 Owners of Lots with Wailuku Country Estates Community Association (WCECA). Our main use is agricultural, the use of irrigation water for the growing, processing, and treating of crops, livestock, aquatic plants and animals, and ornamental flowers and similar foliage. WCECA meets the reasonable-beneficial use standard which implies the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is both reasonable and consistent with the state and county land use plans and the public interest.

The Land Study Land Bureau's detailed land classification has a productivity rating of Class B and C for a predominance of lots within the subdivision. The Subdivision has been designed and developed as an agricultural subdivision. Accordingly, it is intended that the lots within the WCECA be used for agricultural purposes as required by the Declaration of Covenants, Conditions and Restrictions (C.C. & R.s) Article XVI, Agricultural Use. 16.1. Accordingly, the only activities and uses which are allowed on the lots are restricted to the activities and uses expressly permitted by HRS Section 205-4.5, and that all the uses conducted on the lots, must be primarily in pursuit of an agricultural activity. 16.2.2 Control of Agricultural Use. It is the Declaration's intention that the Association (WCECA) shall monitor and enforce, the maximum extent possible the Agricultural Use within the Property. Part of the (C.C. & R.s) provides for a non-potable irrigation water system serving the WCECA, which will be owned and operated by the WCEIR.

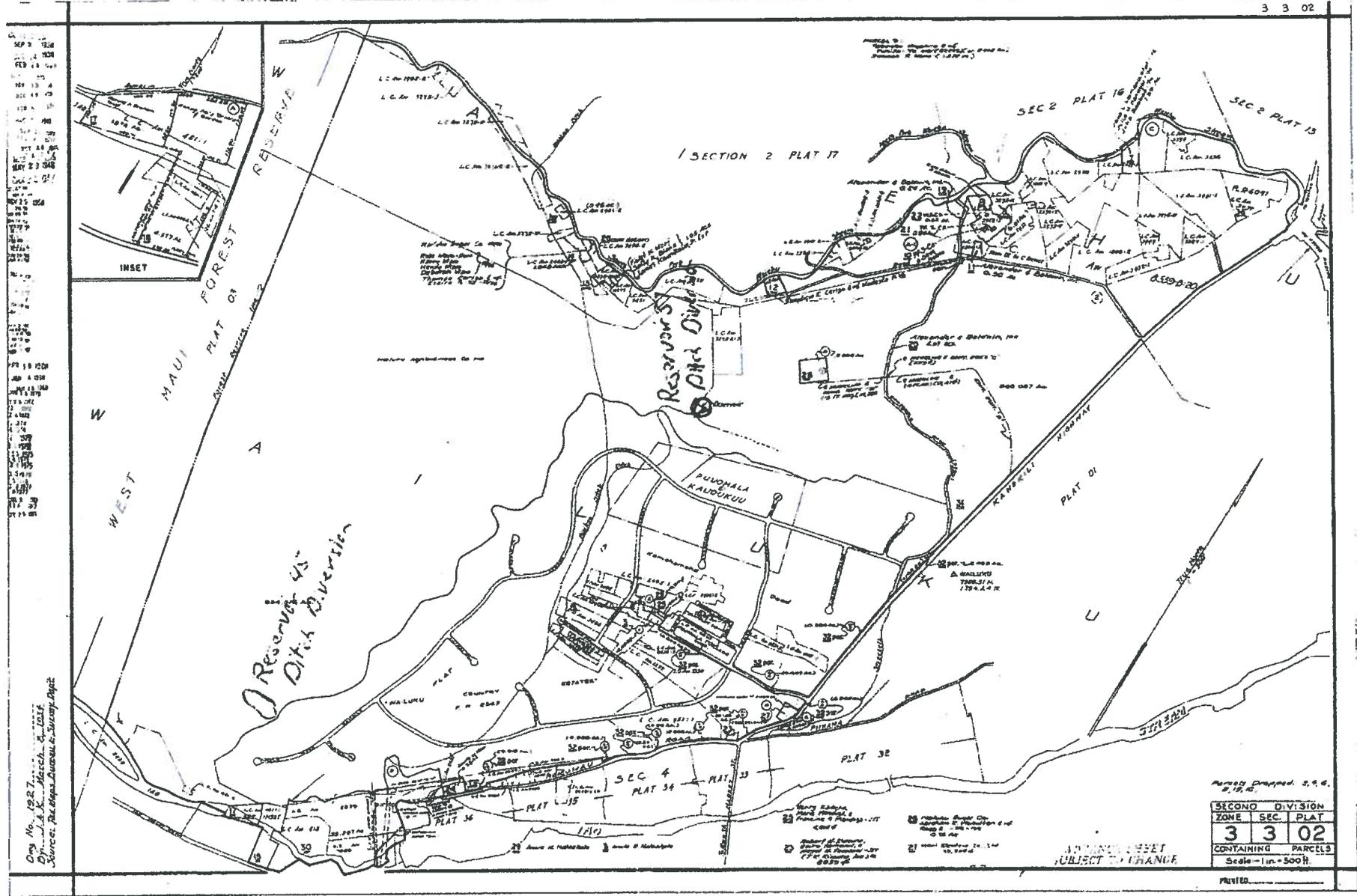
WCECA owners are limited to portable water use of 540 gallons per day under agreement with the County of Maui Department of Water Supply and CGM, LLC the developer, Dated December 26, 2006. Potable water cannot be used for irrigation purposes per this agreement.

**The WCEIR also serves the Kuleana users at Puuohala Camp. The Kuleana users draw their water through the WCEIR pump and filter station using the gravity line. WCEIR does not charge the Kuleana users, though there are costs associated with filtering and maintenance of the water system.**

The WCEIR system also provides water for our owners to provide for the scenic beauty of the subdivision.

**New use is expected to increase the amount of land under agricultural use by 220.50 acres for a total of 319.25 acres of land being used for agricultural purposes.**

New use would increase irrigation water use by 511,700 gallons per day for 220.50 acres or 2321 gallons per acre.



1000  
 1001  
 1002  
 1003  
 1004  
 1005  
 1006  
 1007  
 1008  
 1009  
 1010  
 1011  
 1012  
 1013  
 1014  
 1015  
 1016  
 1017  
 1018  
 1019  
 1020  
 1021  
 1022  
 1023  
 1024  
 1025  
 1026  
 1027  
 1028  
 1029  
 1030  
 1031  
 1032  
 1033  
 1034  
 1035  
 1036  
 1037  
 1038  
 1039  
 1040  
 1041  
 1042  
 1043  
 1044  
 1045  
 1046  
 1047  
 1048  
 1049  
 1050  
 1051  
 1052  
 1053  
 1054  
 1055  
 1056  
 1057  
 1058  
 1059  
 1060  
 1061  
 1062  
 1063  
 1064  
 1065  
 1066  
 1067  
 1068  
 1069  
 1070  
 1071  
 1072  
 1073  
 1074  
 1075  
 1076  
 1077  
 1078  
 1079  
 1080  
 1081  
 1082  
 1083  
 1084  
 1085  
 1086  
 1087  
 1088  
 1089  
 1090  
 1091  
 1092  
 1093  
 1094  
 1095  
 1096  
 1097  
 1098  
 1099  
 1100

City No. 1922  
 Date March 6, 1914  
 Source: The Bishop Museum, Hawaii, Digit

Corrected S.P.C.  
 1914

SECOND DIVISION	ZONE	SEC.	PLAT
	3	3	02
CONTAINING PARCELS			
Scale - 1 in. = 500 ft.			

SUBJECT TO CHANGE  
 PUBLISHED

Reservoir Intakes for Surface Water Permit Application Existing and New Use: (NA WAI EHA, MAUI)

Wailuku Country Estates Irrigation Company Existing Use

Wailuku Country Estates Community Association

Wailuku Country Estates Irrigation Company New Use



Intakes for Wailuku Country Estates



Just above intakes



Checking intakes for dirt and debris