

ORIGINAL



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 24 AM 7:52
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: Wailuku Country Estates Community Association
2. SOURCE LANDOWNER'S NAME: Wailuku Water Company
Applicant's Mailing Address: c/o Maui Land Broker and Property Management, Inc.
Source Landowner's Mailing Address: 255 East Waiko Road

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 [x] Iao/6024 [] Waikapu/6001

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

4b. TMK OF DITCH DIVERSION LOCATION: 3 - 3 - 2 : 1
Zone Sector Plat Parcel

5. STREAM DIVERSION: How is water diverted from the stream to your property? Check all that apply.
[x] Pipe [x] Pump [x] Ditch/auwai [x] Other Describe: Reservoir
Is the diverted water returned to the stream or ditch? [] Yes. [x] 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?
[x] Yes. Enter the installation date: Iao/6024 Unknown
Describe the device and enter measured amounts in Table 1. Weir with 24 Hour Gauge
[x] No. Explain how you are measuring flow to justify amounts shown in Table 1 in the space below
Twelve inch, McCrometer Water Meter, Serial #08-04492, Installed 11/2003

EXISTING USER INFORMATION

7. APPURTENANT RIGHT: Do you claim an appurtenant right for your water use? [] Yes [x] 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? [x] Yes [] No
If yes, who is the operator of the water system? Wailuku Water Company

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): Wailuku Agribusiness
[] 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

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 of Joseph G. Blackburn II, Date April 22, 2009
12. SOURCE LANDOWNER: Signature, 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 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	240,840	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	.4295 of Metered Daily Use of 560,746
June 2007	294,573	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	.4295 of Metered Daily Use of 685,852
July 2007	286,140	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	.4295 of Metered Daily Use of 666,271
August 2007	208,269	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	.4295 of Metered Daily Use of 484,910
September 2007	191,194	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	.4295 of Metered Daily Use of 445,154
October 2007	163,271	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	.4295 of Metered Daily Use of 380,141
November 2007	101,920	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	.4295 of Metered Daily Use of 237,299
December 2007	30,954	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	.4295 of Metered Daily Use of 72,070
January 2008	90,423	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	.4295 of Metered Daily Use of 210,531
February 2008	69,963	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	.4295 of Metered Daily Use of 162,894
March 2008	136,404	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	.4295 of Metered Daily Use of 317,587
April 2008	91,270	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	.4295 of Metered Daily Use of 212,502
SUM OF AVERAGE DAILY USE FOR THE MONTH	1,905,220					<p>The metered daily use was 369,658 per Wailuku Water Company and using Owner Meter Readings the Average Daily Use for the Owners was 210,890 leaving estimated 158,768 for Common</p> <p>Using .4295 as an estimated percentage to get common area gallons per day from total readings. .4295 is percentage when owner use of 210,890 is calculated against total use of 369,658.</p>
AVERAGE DAILY USE (Average of the above)	158,768					

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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									
Uses that do not require potable water									
IRRLA	3 - 3 - 017 : ____ Zone Sector Plat Parcel	Agriculture	No	Chapter 19.30A Agr. Dist.	No	158768	Yes	32.5	
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								
	____ - ____ - ____ : ____ Zone Sector Plat Parcel								
TOTAL NON-POTABLE USE						158768			
TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =						158768			
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.									
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.									

**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>3</u> - <u>017</u> : _____ Zone Sector Plat Parcel	Grass	420.708	32.5	May	April	Multiple Sprinklers	Other-Timer, Manual, As Needed
_____ - _____ - _____ : _____ Zone Sector Plat Parcel							
_____ - _____ - _____ : _____ Zone Sector Plat Parcel							
_____ - _____ - _____ : _____ Zone Sector Plat Parcel							
<u>3</u> - _____ - _____ : _____ Zone Sector Plat Parcel							
<u>3</u> - _____ - _____ : _____ Zone Sector Plat Parcel							
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_____ - _____ - _____ : _____ Zone Sector Plat Parcel							

**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	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 Ditches	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

PUBLIC INTEREST

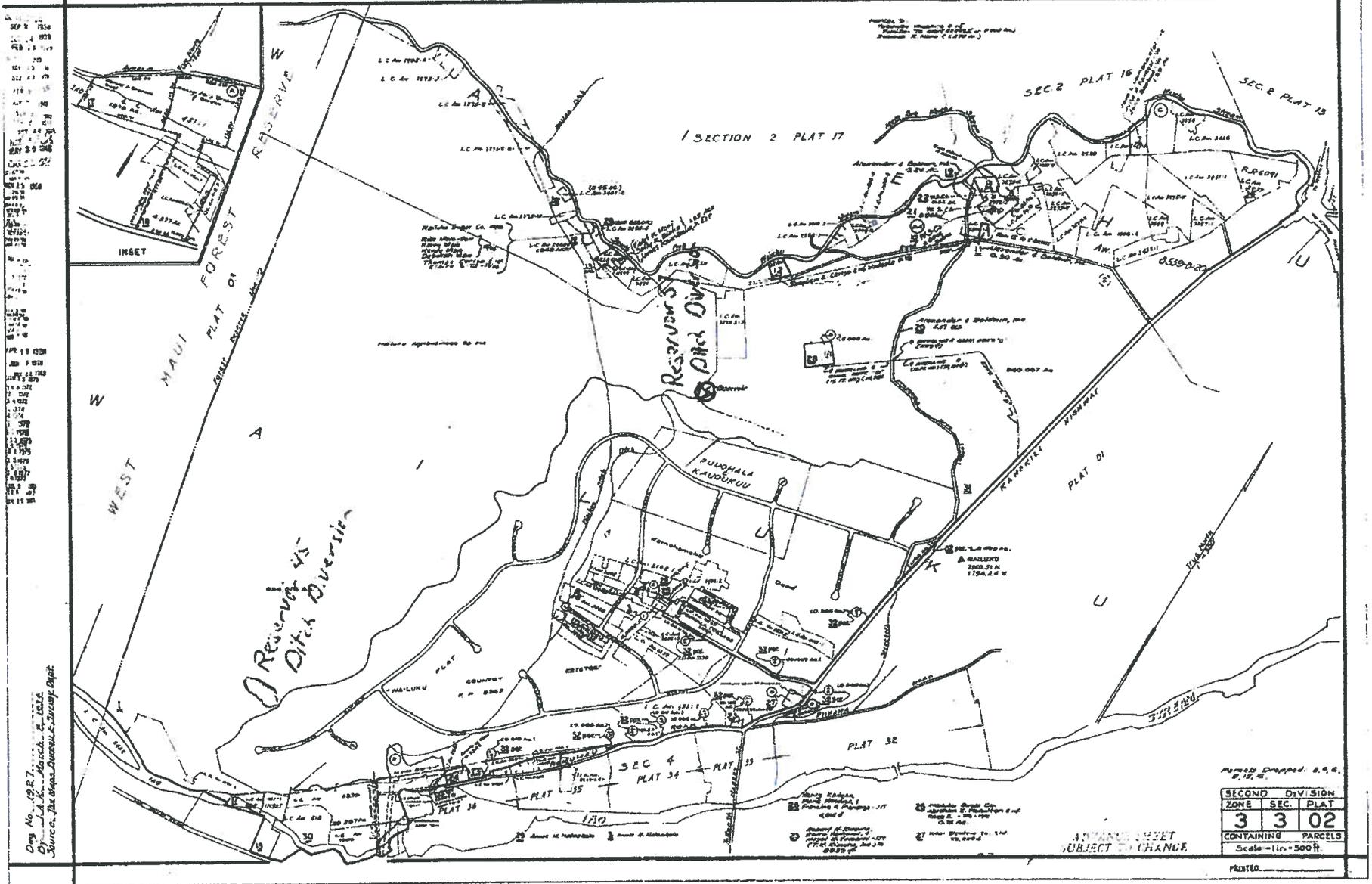
§174C-2(c) states that: *The state water code shall be liberally interpreted to obtain maximum beneficial use of the waters of the State for purposes such as domestic uses, aquaculture uses, irrigation and other agricultural uses, power development, and commercial and industrial uses. However, adequate 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.
SEE REMARKS ON ADDITIONAL SHEETS.....

**Existing Use Public Interest Statement Wailuku Country Estates Community Association:
Surface Water Use Permit Application Existing Use (Na Wai Eha, Maui)**

Wailuku Country Estates Irrigation Company (WCEIR) supplies water consistent with the Public Interest under Hawaii Revised Statutes (HRS) 174-2(c) to the Common areas of Wailuku Country Estates Community Association (WCECA). WCECA is an agricultural subdivision. 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 irrigation of the Common areas of WCECA is necessary for both the scenic beauty of the subdivision and protection of the areas surrounding the subdivision along with the subdivision itself. The drainage system was designed by Warren Unemori Engineering, Inc. to provide for adequate drainage for up to a 100 year flood. The system of grass swales requires vegetation to hold the matting in place. This is a unique drainage system in that there are few pipes and cement lines systems. The system relies upon vegetation to hold the matting in place for the drainage swales along the roadway and the in lot swales. Without this vegetation the drainage system could fail with flooding of KaheKili Highway and/or Happy Valley. The irrigation of the common areas is necessary to preserve the drainage system that protects homeowners and the surrounding neighbors.

There is no potable water system for the irrigation of common areas.



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Map No. 1927
 Drawn by A. K. Macch. & Co.
 Source: The Maui Ditch Diversion Dept.

Approved & Dated: 8.2.24
 8.12.24

SECOND DIVISION	ZONE	SEC.	PLAT
3	3	02	

CONTAINING PARCELS
 Scale - 1 in. = 500 ft.
 PRINTED

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

Na Wai Existing Use Application: Wailuku Country Estates Common Area Pictures



In lot Swale for Drainage by Lot 49



Example of 24' Drainage Swale off Roads



Example of 24' Drainage Swale off Roads



In Lot Drainage Swale, cleared and Grassed



Large Drainage Pipe feeding in lot swale



Example of 9' drainage setback off roads



9' drainage setback off road



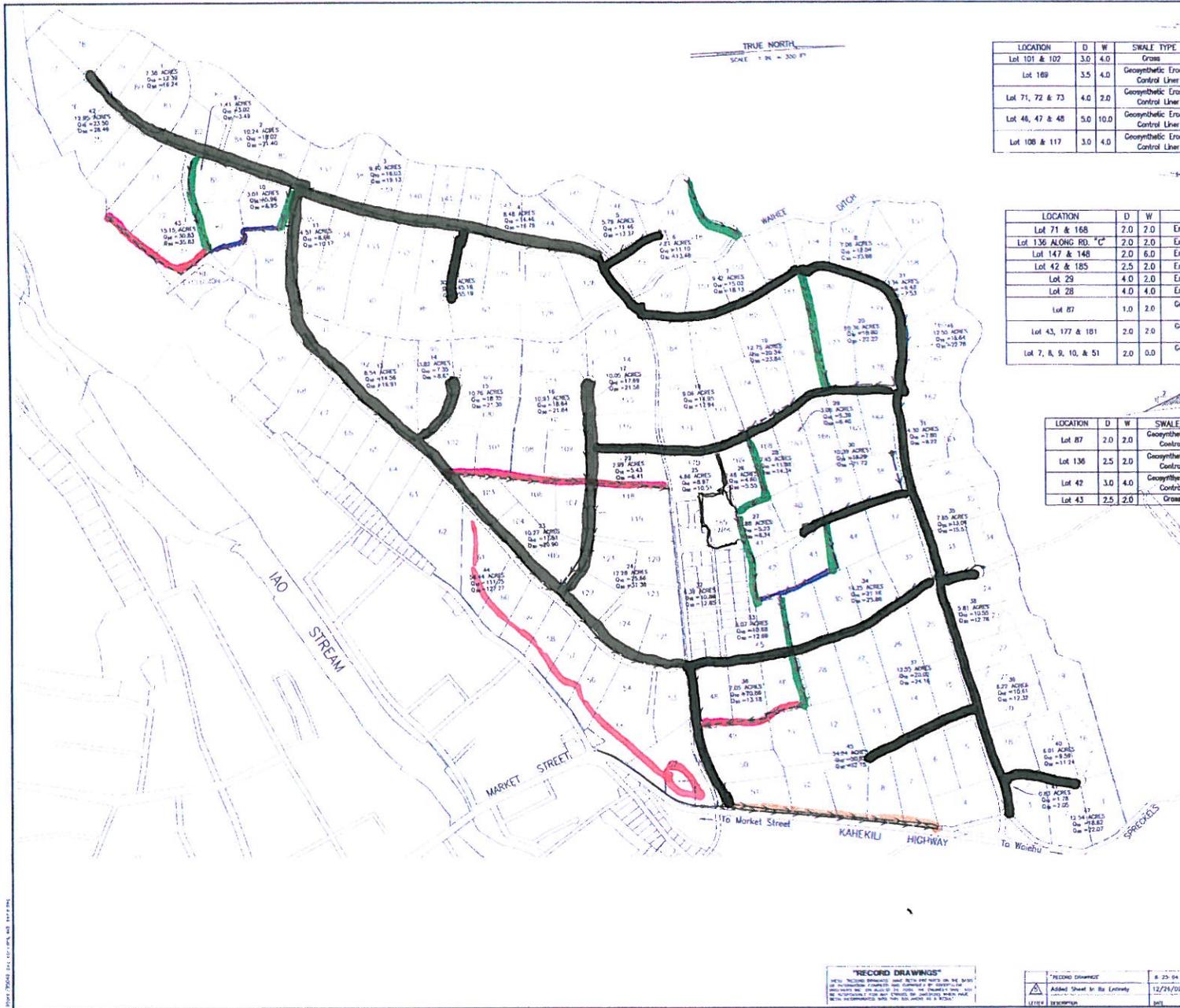
24' Drainage swale off road



24' drainage swale off road

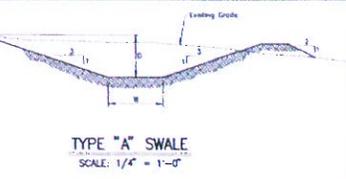


Overgrown in lot drainage swale

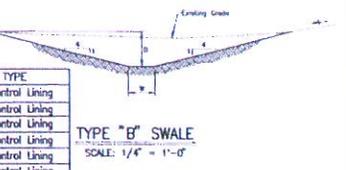


TRUE NORTH
SCALE 1" = 330 FT

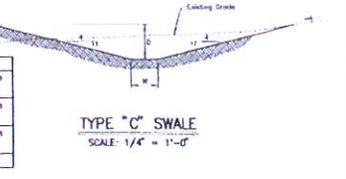
LOCATION	D	W	SWALE TYPE
Lot 101 & 102	3.0	4.0	Grass
Lot 169	3.5	4.0	Geosynthetic Erosion Control Lining
Lot 71, 72 & 73	4.0	2.0	Geosynthetic Erosion Control Lining
Lot 46, 47 & 48	5.0	10.0	Geosynthetic Erosion Control Lining
Lot 106 & 117	3.0	4.0	Geosynthetic Erosion Control Lining



LOCATION	D	W	SWALE TYPE
Lot 71 & 168	2.0	2.0	Erosion Control Lining
Lot 136 ALONG RD. "C"	2.0	2.0	Erosion Control Lining
Lot 147 & 148	2.0	6.0	Erosion Control Lining
Lot 42 & 185	2.5	2.0	Erosion Control Lining
Lot 29	4.0	2.0	Erosion Control Lining
Lot 28	4.0	4.0	Erosion Control Lining
Lot 87	1.0	2.0	Geosynthetic Erosion Control Lining
Lot 43, 177 & 101	2.0	2.0	Geosynthetic Erosion Control Lining
Lot 7, 8, 9, 10, & 51	2.0	0.0	Geosynthetic Erosion Control Lining



LOCATION	D	W	SWALE TYPE
Lot 87	2.0	2.0	Geosynthetic Erosion Control Lining
Lot 136	2.5	2.0	Geosynthetic Erosion Control Lining
Lot 42	3.0	4.0	Geosynthetic Erosion Control Lining
Lot 43	2.5	2.0	Grass Only



LEGEND:

- TYPE "A" SWALE
- TYPE "B" SWALE
- TYPE "C" SWALE
- SPECIAL CONDITION ROAD "G" (SEE SHIT. 3.02)
- SPECIAL CONDITION ROAD "H" (SEE SHIT. 3.02)
- TYP. ROADWAY SWALE (SEE SHIT. 3.02)

NOTES:

1. FOR SWALE DESIGN PARAMETERS, SEE SHIT. 3.03
2. FOR ROADWAY SWALE LOCATION, SEE SHITS. 5.01 - 5.30
3. FOR ROADWAY SWALE PARAMETERS, SEE SHITS. 3.01 & 3.02
4. FOR DIVERSION SWALES AT TANK SITES, SEE SHITS. 12.02 & 12.03

"RECORD DRAWINGS"
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REVISIONS
1. 12/24/02
Added Sheet to Be Located



WARREN S. UNEMORI ENGINEERING, INC.
ONE & STRUCTURAL ENGINEERING CONSULTANTS
2745 WELLS STREET, WAILUKU, HAWAII 96791
WAILUKU COUNTRY ESTATES
WAILUKU HAWAII

TITLE OFF-ROAD SWALE LAYOUT
DATE 12/24/02
SCALE AS NOTED
3.04