



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 23 PM 1:50

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 EMMANUEL LUTHERAN CHURCH & SCHOOL		Applicant's Contact Waldo W. Ullerich	2. SOURCE LANDOWNER'S NAME WAILUKU WATER COMPANY		Source Landowner's Contact Clayton Suzuki
Applicant's Mailing Address, or Principal Place of Business Emmanuel Lutheran Church & School / Waldo W. Ullerich P.O. Box 331194, Kahului, HI 96733			Source Landowner's Mailing Address, or Principal Place of Business 255 E. Waiko Road Wailuku, Hawaii 96793		
Applicant's Phone	Applicant's Fax	Applicant's E-mail	Source Landowner's Phone	Source Landowner's Fax	Source Landowner's E-mail csuzuki@wailukuwater.com

SOURCE INFORMATION

3. SURFACE WATER HYDROLOGIC UNIT: Island: MAUI Hydrologic Unit: IAO Hydrologic Unit Code: 6024

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:
 Unknown

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 - 5 - 0 0 2 : 0 0 3
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 - see the map attached

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. Two inch Badger Water Meter installed 7/2007
 No. Explain how stream diversion will be measured or estimated to justify amounts requested in the space below.
 Weir with 24-hour gauge

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

9. TOTAL QUANTITY OF WATER REQUESTED: 30,000 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. See Emmanuel Addendum.

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): Wailuku Agribusiness 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: Waldo W Ullerich
 Print: WALDO W. ULLERICH Date: 4-27-09

17. SOURCE LANDOWNER
 Signature: _____
 Print: _____ Date: _____

FILE ID: Swup.2200.6
 DOC ID: 3319

ORIGINAL

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										
IRRSC	3 - 5 - 0 0 2 : 0 1 1	Agricultural	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	Public quasi-Public	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	20 acres	GPD	30,000	<input type="checkbox"/> Yes <input checked="" 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 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										

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.)
<div style="display: flex; justify-content: space-between; align-items: center;"> 3 - 5 - 0 0 2 : 0 1 1 </div> <div style="display: flex; justify-content: space-between; align-items: center; font-size: small;"> Zone Sec Plat Parcel </div>	Landscape Play Fields	25.263	20.000+	Continuous	Continuous	Multiple sprinklers and trickle drip	Irrigate to field capacity
<div style="display: flex; justify-content: space-between; align-items: center;"> - - : </div> <div style="display: flex; justify-content: space-between; align-items: center; font-size: small;"> Zone Sec Plat Parcel </div>							
<div style="display: flex; justify-content: space-between; align-items: center;"> - - : </div> <div style="display: flex; justify-content: space-between; align-items: center; font-size: small;"> Zone Sec Plat Parcel </div>							
<div style="display: flex; justify-content: space-between; align-items: center;"> - - : </div> <div style="display: flex; justify-content: space-between; align-items: center; font-size: small;"> Zone Sec Plat Parcel </div>							
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<div style="display: flex; justify-content: space-between; align-items: center;"> - - : </div> <div style="display: flex; justify-content: space-between; align-items: center; font-size: small;"> Zone Sec Plat Parcel </div>							
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<div style="display: flex; justify-content: space-between; align-items: center;"> - - : </div> <div style="display: flex; justify-content: space-between; align-items: center; font-size: small;"> Zone Sec Plat Parcel </div>							
<div style="display: flex; justify-content: space-between; align-items: center;"> - - : </div> <div style="display: flex; justify-content: space-between; align-items: center; font-size: small;"> Zone Sec Plat Parcel </div>							

9. COMMENTS:

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
Wastewater reuse	The Kahului Wastewater Treatment plant has no reeder 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 systems available	There are no other ditch systems 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 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.
This use is to support a school, preschool and kindergarten through 8, and future church and perhaps a future high school. This property is located in an area with many new houses, some market and some affordable, where many hundreds of families with children live and will benefit from a quality Christian education.
2. Explain below how your proposed new use(s) will not interfere with any existing legal use(s).
We do not believe that our proposed new use will interfere with any legal use. The present legal use of water in this area is from family residential homes so this school use will not interfere but will compliment the residential use.
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.
We do not believe that our proposed new use will interfere with the rights of the DHHL.

EMMANUEL ADDENDUM

The attached map shows that the water source is reservoir 10 and mentions the ditch diversion. We also include a photo of the intake from the Waihee Ditch. That map has outlined in green that area of the school irrigation. All of the green area will be irrigated, except there will be four school buildings and a pre-school building on the site, to be built. Emmanuel has the State Land Use Commission zoning change from ag to urban. Emmanuel is now before the County of Maui for zoning approval, and the zoning will be public quasi public.

Emmanuel has a water meter from the Wailuku Water Co. and the meter is located on the map in red, on the south west corner, and we enclose a photo of the water meter and piping.

We also enclose four photographs of the property, from the SE corner facing NW, from the NE corner facing SW, from the NW corner facing SE and from the SW corner facing NE, and this photo also shows the water meter and pipes.

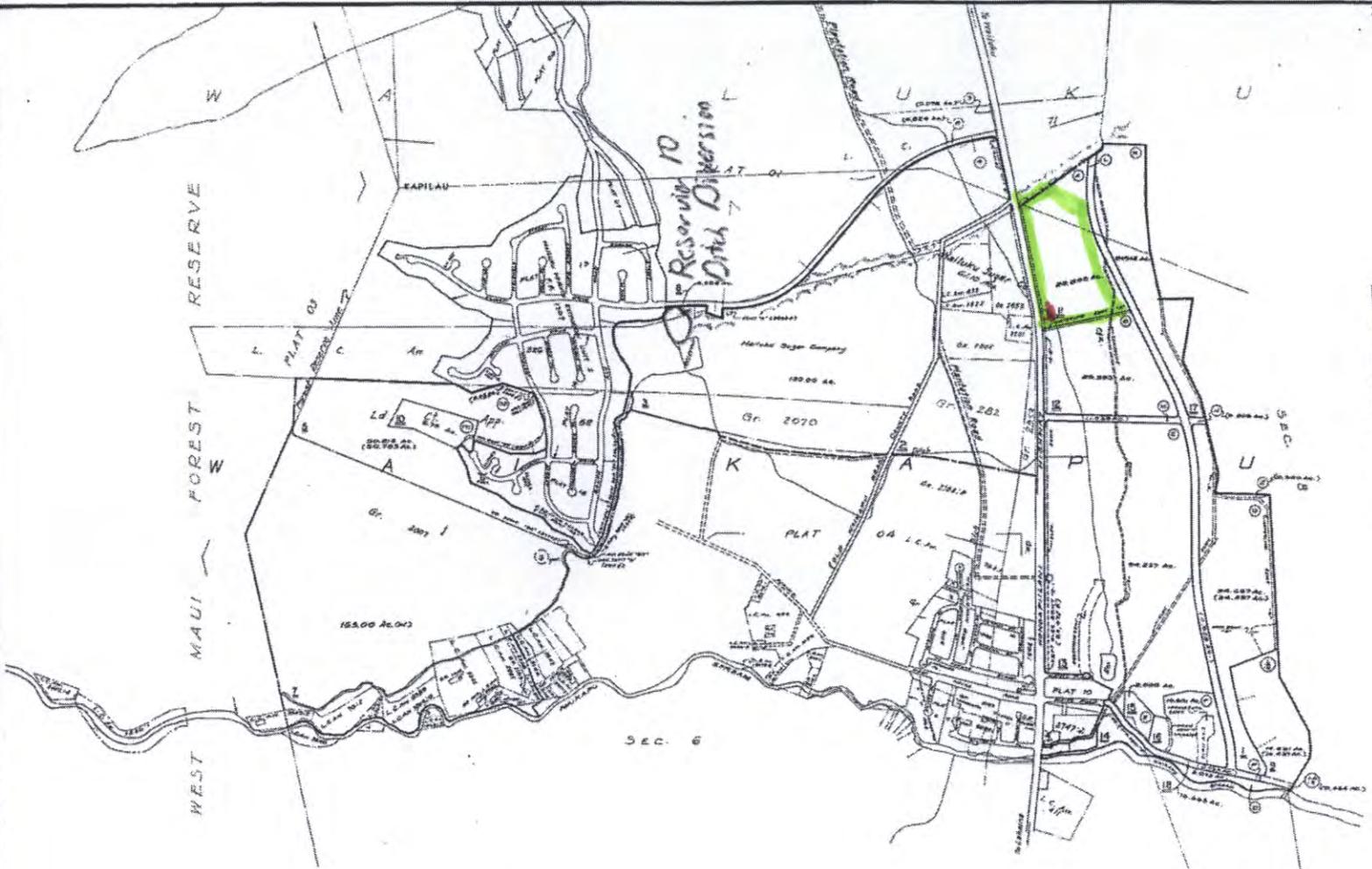
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2075
161.1
107.1
107.1
107.1
107.1
107.1



Map No. 18518
D.C. B.L.S. & Co., March 14, 1914
Source: The Maps Department

Portion of WAIKAPU, WAILUKU, MAUI

Parcels Original 4.6

SECOND DIVISION		
ZONE	SEC	PLAT
3	5	02
CONTAINING PARCELS		
SCALE: 1 in. = 500 ft.		
PRINTED		

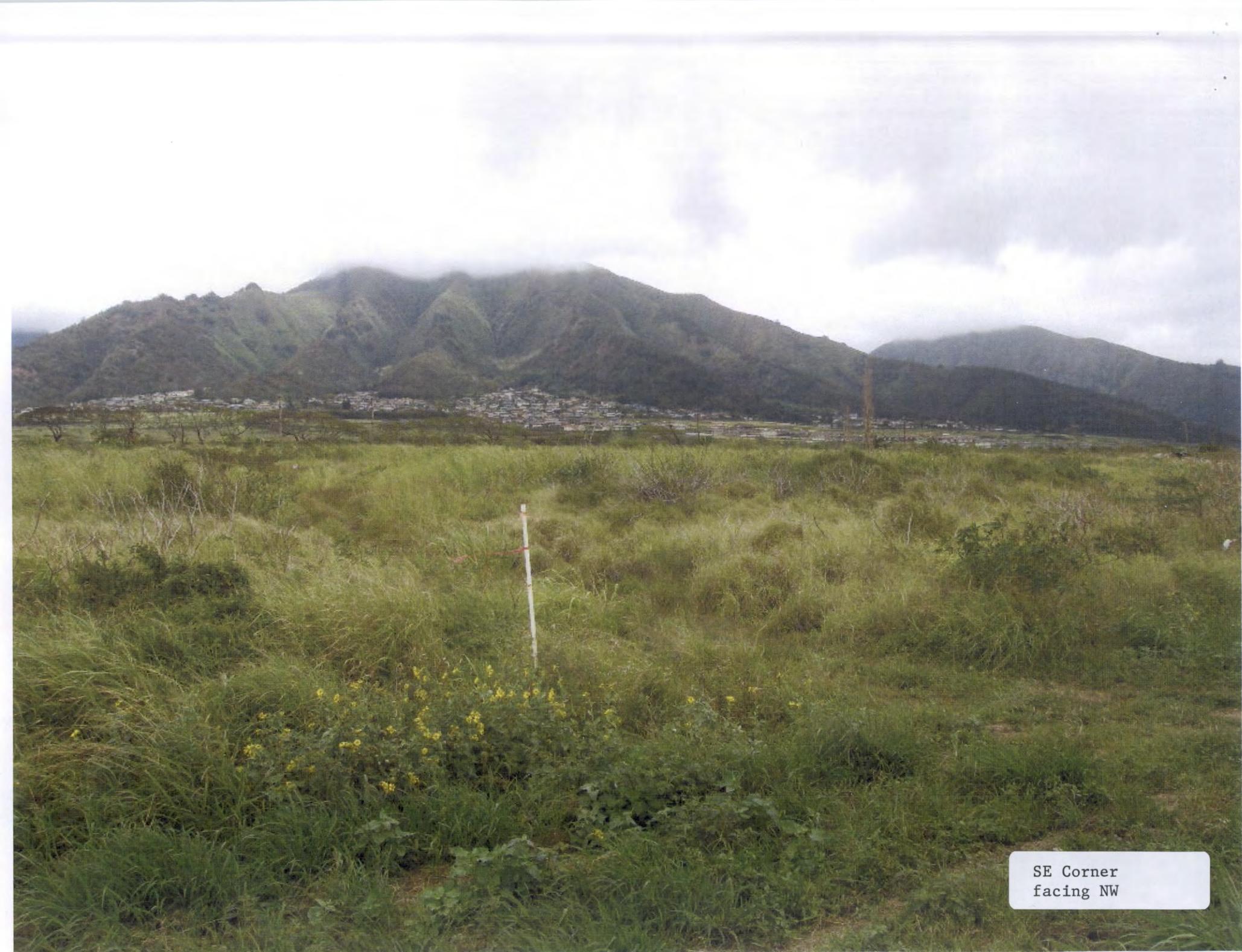
ADVANCE SHEET
SUBJECT TO CHANGE



Field 10 Intake
Waihee Ditch



Water Meter
at SW Corner



SE Corner
facing NW



NE Corner
facing SW



NW Corner
facing SE



SW Corner
facing NE