



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 27 AM 9:16
 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 Nobriga's Ranch		Applicant's Contact David Nobriga	2. SOURCE LANDOWNER'S NAME Wailuku Water Company		Source Landowner's Contact Clayton Suzuki
Applicant's Mailing Address, or Principal Place of Business Nobriga's Ranch, Inc. P.O. Box 1170 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 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:
 • 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 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: SEE - EXHIBIT A : _____
 Zone Sector Plat Parcel

4b. TMK OF DITCH DIVERSION LOCATION: SEE - EXHIBIT A : _____
 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: Reservoir
 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: Waihee Ditch/6022 Installed 1907, The Rest Are Unknown
 Describe the device and enter measured amounts in Table 1. See The Stream Diversions And Gauging List
 No. Explain how you are measuring flow to justify amounts shown in Table 1 in the space below
 Twelve inch, McCrometer Water Meter, Serial#0501489, Installation Unknown

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 Company

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): Wailuku Agrib
 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 Signature: <u>David Nobriga</u> Print: <u>DAVID NOBRIGA</u> Date: <u>2/12/09</u>	12. SOURCE LANDOWNER Signature: _____ Print: _____ Date: _____
---	---

FILE ID: SWUP, 22726
 DOC ID: 3277

**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

500 WAI EHA MAUI HI 96725
 COUNTY OF MAUI
 DEPARTMENT OF WATER RESOURCES
 2008 APR 30 10:00 AM

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	17,258	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
June 2007	9,867	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
July 2007	53,581	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
August 2007	34,806	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
September 2007	6,733	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
October 2007	87,710	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
November 2007	97,867	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
December 2007	1,387	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
January 2008	0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
February 2008	0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
March 2008	0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
April 2008	100	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
SUM OF AVERAGE DAILY USE FOR THE MONTH	309,309					GPD
AVERAGE DAILY USE (Average of the above)	25,776					GPD

**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.
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									
AGRLI	3 - 6 - 01 : 018 Zone Sector Plat Parcel	Agricultural	No	Agricul	No	1,200	Yes	200	12 gal/animal/day@100 animals=1200 gal/day usda-NRCS Engineering Field Manual
IRROTH	3 - 6 - 01 : 018 Zone Sector Plat Parcel	Agricul	No	Agricul	No	24,576	Yes	100	Wailuku Water Company's Avg Daily use
	Zone - Sector - Plat : Parcel								
	Zone - Sector - Plat : Parcel								
TOTAL NON-POTABLE USE						25,776		GPD	
TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =						25,776		GPD	
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.									

**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>6</u> - <u>01</u> : <u>018</u> <small>Zone Sector Plat Parcel</small>	Pasture Grass	257.784	100	March	<i>April</i>	Multiple Sprinklers	Other Visual
_____ - _____ - _____ : _____ <small>Zone Sector Plat Parcel</small>							
_____ - _____ - _____ : _____ <small>Zone Sector Plat Parcel</small>							
_____ - _____ - _____ : _____ <small>Zone Sector Plat Parcel</small>							
_____ - _____ - _____ : _____ <small>Zone Sector Plat Parcel</small>							
_____ - _____ - _____ : _____ <small>Zone Sector Plat Parcel</small>							
_____ - _____ - _____ : _____ <small>Zone Sector Plat Parcel</small>							
_____ - _____ - _____ : _____ <small>Zone Sector Plat Parcel</small>							
_____ - _____ - _____ : _____ <small>Zone Sector Plat Parcel</small>							
_____ - _____ - _____ : _____ <small>Zone Sector Plat Parcel</small>							

**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	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 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 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.

Water used on this TMK is consistent with the state water code, the water is used for irrigation and other agricultural use.

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
lao Stream	TMK: 3-3-003-0003	lao-Maniania Ditch (6024)	Weir with 24 Hour gauge	Unknown
lao Stream	TMK: 3-3-003-0003	lao-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



Reservoir 9 Out take
Waihee Ditch
Maalaea

Nobriga Lease Land

Date: 8/14/2008

District: WEST MAUI SOIL & WATER CONSERVATION DISTRICT

Approximate Acres: 268

Legal Description: TMK:

Field Office: Kahului Field Office

Agency: Natural Resources Conservation Service

Assisted By: Ino, James J



Legend

□ tmkmau_a_hi009

SNAME

● Geranium arboreum



1,100 0 1,100 2,200 3,300 4,400 Feet

