



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

For Official Use Only:

RECEIVED  
 COMMISSION ON WATER  
 RESOURCE MANAGEMENT

2009 APR 30 AM 10:46

**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 filing 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> THOMAS CERIZO		Applicant's Contact TOM CERIZO	<b>2. SOURCE LANDOWNER'S NAME</b> THOMAS & CLAIRE CERIZO		Source Landowner's Contact CLAIRE CERIZO
Applicant's Mailing Address, or Principal Place of Business 1740 KAMAMALU PL WAILUKU HI 96793			Source Landowner's Mailing Address, or Principal Place of Business 1740 KAMAMALU PL WAILUKU, HI 96793		
Applicant's Phone 808)244-9654	Applicant's Fax 808-249-2692	Applicant's E-mail tccerizo@hawaiiante l.net	Source Landowner's Phone (808)280-5295	Source Landowner's Fax 808-249-2692	Source Landowner's E-mail tccerizo@hawaiiantel.n et

**SOURCE INFORMATION**

**3. SURFACE WATER HYDROLOGIC UNIT:** Island: MAUI Hydrologic Unit: WAIHEHU Hydrologic Unit Code: 6023

**4. INSTREAM FLOW STANDARD (IFS) FOR HYDROLOGIC UNIT IF APPLICABLE:** N/A

**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:  
 See Attachment A

**6a. TMK OF PROPOSED STREAM DIVERSION LOCATION:**

2	-	3	-	3	:	1	4
Zone		Sec		Plat		Parcel	

**6b. TMK OF PROPOSED DITCH DIVERSION LOCATION:**

3	-	3	-	0	0	2	:	0	1	2
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: \_\_\_\_\_

**7b. WILL THE DIVERTED WATER BE RETURNED TO THE STREAM OR DITCH?**  
 Yes. How much water will be returned? See attachment A  
 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: \_\_\_\_\_  
 No. Explain how stream diversion will be measured or estimated to justify amounts requested in the space below.  
 See attachment A

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

**9. TOTAL QUANTITY OF WATER REQUESTED:** 118,800 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: \_\_\_\_\_  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): Cerizo, M.  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 THOMAS CERIZO Print 04-20-2009 Date	<b>17. SOURCE LANDOWNER</b>  Signature THOMAS & CLAIRE CERIZO Print 04-20-2009 Date
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FILE ID: SWUP. 23486  
 DOC ID: 3361 ✓

## 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>										0	<sup>12</sup>	GPD	
<b>Uses that do not require potable water</b>													
AGRCP	Zone	Sec	Plat	Parcel	Ag	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	AG	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	0.4	300,000	120,000	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	See attachment A: 120,000 is reduced by 1,200 to account for the conversion of 0.4 acres from non-commercial gardening to kalo.
	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 NON POTABLE USE</b>										120,000	<sup>13</sup>	GPD	
<b>TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =</b>										120,000	<sup>14</sup>	GPD	
15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS N/A													

**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 0 2 : 0 1 4 Zone - Sec - Plat - Parcel	Taro	0.4	0.4	Year Round	Year Round	Flood (Taro)	Irrigate to Field Capacity
Zone - Sec - Plat - Parcel							
Zone - Sec - Plat - Parcel							
Zone - Sec - Plat - Parcel							
Zone - Sec - Plat - Parcel							
Zone - Sec - Plat - Parcel							
Zone - Sec - Plat - Parcel							
Zone - Sec - Plat - Parcel							
Zone - Sec - Plat - Parcel							
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Zone - Sec - Plat - Parcel							
Zone - Sec - Plat - Parcel							
Zone - Sec - Plat - Parcel							
Zone - Sec - Plat - Parcel							

**9. COMMENTS:**

See attachment A

**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		See attachment A
Wastewater reuse		See attachment A
Ditch system		See attachment A
Desalinization		See attachment A
Ground water		See attachment A
Other (specify)		N/A

**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 attachment A

2. Explain below how your proposed new use(s) will not interfere with any existing legal use(s).  
See attachment A

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.  
See attachment A

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R-788

STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECORDED  
JUN 28, 2004 08:02 AM  
Doc No(s) 2004-130640



/s/ CARL T. WATANABE  
REGISTRAR OF CONVEYANCES

20 1/1 22

CONVEYANCE TAX: \$10.00

LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail (X) Pickup ( ) To:

Thomas and Claire M. Cerizo  
1740 Kamamalu Place  
Wailuku, Hawaii 96793

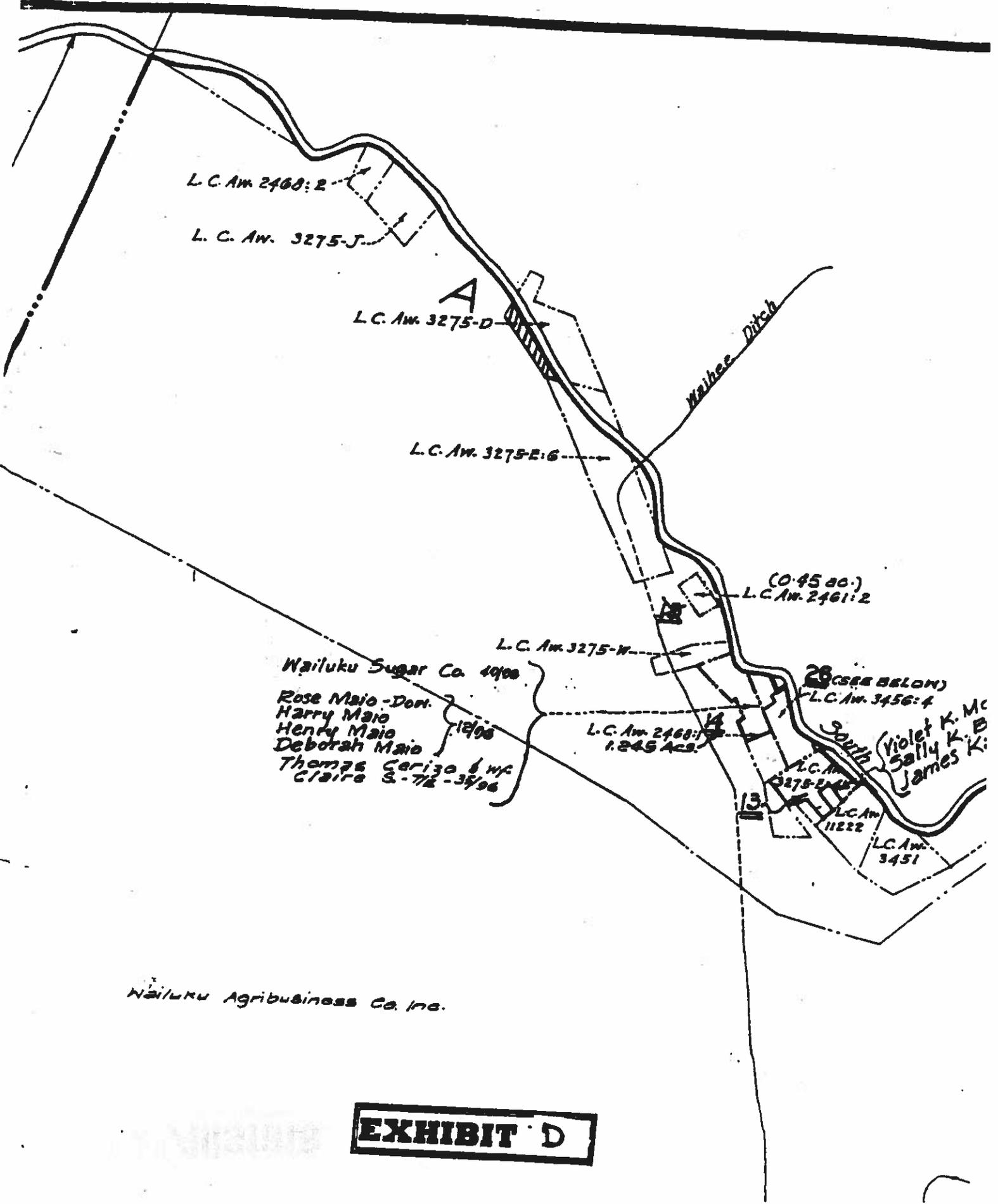
Tax Key: (2) 3-3-002-014 (Por.)

Total No. of Pages: 7

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS:

That WAILUKU AGRIBUSINESS CO., INC., successor in interest to Wailuku Sugar Company, a Hawaii corporation, whose address is 255 East Waiko Road, Wailuku, Maui, Hawaii 96793, hereinafter called the "Grantor," for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to Grantor paid by THOMAS CERIZO and CLAIRE M. CERIZO, husband and wife, whose address is 1740 Kamamalu Place, Wailuku, Maui, Hawaii 96793, hereinafter called the "Grantee," the receipt whereof is hereby acknowledged, does hereby give,



Wailuku Agribusiness Co. Inc.

**EXHIBIT D**