



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

ORIGINAL

For Official Use Only:

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 COMMISSION ON WATER
 RESOURCE MANAGEMENT

2009 APR 30 AM 8:45

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.

1. APPLICANT'S NAME FRANCIS ALLAN ORNELLAS		Applicant's Contact FRANCIS ALLAN ORNELLAS		2. SOURCE LANDOWNER'S NAME ANTHONY ARAM MANOUKIAN TRUST		Source Landowner's Contact ANTHONY MANOUKIAN	
Applicant's Mailing Address, or Principal Place of Business P.O. BOX 1104 WAILUKU, HI 96793				Source Landowner's Mailing Address, or Principal Place of Business P.O. BOX 1609 WAIANA, HI 96792			
Applicant's Phone [REDACTED]		Applicant's Fax [REDACTED]		Applicant's E-mail [REDACTED]		Source Landowner's Phone UNK	
				Source Landowner's Fax UNK		Source Landowner's E-mail UNK	

SOURCE INFORMATION

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

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: 3 - 5 - 0 0 1 : 0 1 9
Zone Sec Plat Parcel

6b. TMK OF PROPOSED DITCH DIVERSION LOCATION: 3 - 5 - 0 0 1 : 0 0 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/auwal Other Describe: N/A

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. N/A
 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: 407,667 gallons per day. See Table 1, Item 14.

10. PROPOSED USE: Check all that apply. Agriculture Domestic Industrial
 Irrigation Military Municipal
 See Table 1, Item 1.

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: N/A 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): ORNELLAS, FA No

15. STREAM DIVERSION WORKS PERMIT (SDWP): Do you have a SDWP from the Commission?
 Yes. List the permit number(s): N/A 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 FRANCIS ALLAN ORNELLAS Print Date: 4-19-09	17. SOURCE LANDOWNER Signature FILE ID: SWUP.2570.6 DOC ID: 3482 Print Date
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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	OPD/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									N/A	¹² GPD
Uses that do not require potable water										
AGRCP	3 - 5 - 0 0 1 : 0 0 2	Rural	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	R-3	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	1.118 acres	300,000	335,400	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	See Attachment A
DOM	3 - 5 - 0 0 1 : 0 0 2	Rural	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	R-3	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	0.089 acres	3,000	267	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	See Attachment A
AGRCP	3 - 5 - 0 0 1 : 0 0 3	Rural	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	R-3	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	0.18 acres	300,000	54,000	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	See Attachment A
AGRCP	3 - 5 - 0 0 1 : 0 0 4	Rural	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	R-3	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	0.03 acres	300,000	9,000	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	See Attachment A
TOTAL NON POTABLE USE									cont.	¹³ GPD
TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =									cont.	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 N/A.										

APPLICATION FOR SURFACE WATER USE PERMIT - PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY
(Attach additional copies of Table 1 if necessary.)

LAND USE CONSISTENCY					EFFICIENCY OF USE								
1	2				3	4	5	6	7	8	9	10	11
PURPOSE / WATER USE CATEGORY	TITLE 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												GPD	
Uses that do not require potable water													
AGRCP	3	5	001	005	Rural	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input checked="" type="checkbox"/> No	R-3	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired / / <input checked="" type="checkbox"/> No	0.03 acres	300,000	9,000	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	See Attachment A
	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											407,667	GPD	
TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =										407,667	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 - 5 - 0 0 1 : 0 0 2 <small>Zone Sec Plat Parcel</small>	Wetland Kalo	1.52 acres	1.118 acres	Year round	Year round	Flood (Taro)	Field capacity
3 - 5 - 0 0 1 : 0 0 2 <small>Zone Sec Plat Parcel</small>	Diversified Agriculture	1.52 acres	0.089 acres	Year round	Year round	Other: Garden Hose	Field capacity
3 - 5 - 0 0 1 : 0 0 3 <small>Zone Sec Plat Parcel</small>	Wetland Kalo	0.18 acres	0.18 acres	Year round	Year round	Flood (Taro)	Field capacity
3 - 5 - 0 0 1 : 0 0 4 <small>Zone Sec Plat Parcel</small>	Wetland Kalo	0.03 acres	0.03 acres	Year round	Year round	Flood (Taro)	Field capacity
3 - 5 - 0 0 1 : 0 0 5 <small>Zone Sec Plat Parcel</small>	Wetland Kalo	0.03 acres	0.03 acres	Year round	Year round	Flood (Taro)	Field capacity
<small>Zone Sec Plat Parcel</small>							
<small>Zone Sec Plat Parcel</small>							
<small>Zone Sec Plat Parcel</small>							
<small>Zone Sec Plat Parcel</small>							
<small>Zone Sec Plat Parcel</small>							
<small>Zone Sec Plat Parcel</small>							
<small>Zone Sec Plat Parcel</small>							

9. COMMENTS:
N/A

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

APPLICATION FOR SURFACE WATER USE PERMIT PROPOSED NEW USE

INSTRUCTIONS

This application form is for **new surface water uses** or for a modification of a previously approved water use permit in designated surface water management areas. New surface water uses are proposed uses after the effective date of designation of the surface water management area. Please check the appropriate box.

Do not use this form for existing surface water use applications. Existing surface water uses are actual uses before the effective date of designation. Please use Form SWUPA-E for existing uses.

Most questions can be addressed by visiting our website at: www.hawaii.gov/dlnr/cwrwm, or contacting us at 587-0234, or by email at: dlnr.cwrwm@hawaii.gov. The current application forms are also available at: www.hawaii.gov/dlnr/cwrwm/resources_permits.htm.

REQUIREMENTS FOR A COMPLETE APPLICATION

1. Fill in the most recent application form. A current form is available at our web site or by contacting us at 587-0234.
2. Print in ink or type in the information on the application.
3. Fill in every item in the application form (page 1) and Tables 1, 2, and 3 as it relates to your proposed new use or permit modification.
4. Enclose a check for the non-refundable filing fee of \$25 payable to: Department of Land and Natural Resources. Government agencies are not required to pay the filing fee.
5. Pay for the cost of publishing any required public notices related to your application. The current cost for publishing public notices is approximately \$400.00. Commission staff will provide instructions later in the permit process regarding payment of these costs.
6. Mark the source and end use locations on the appropriate USGS quad map (scale 1:24,000) and property tax (TMK) map and attach these maps to your application.
7. Attach photos showing your existing diversion, measuring device(s) (if applicable) and end use areas.
8. Sign the application form in ink. Both the applicant and the landowner where the source is located must sign the application form.
9. Submit the original application and 15 copies of the application form and all attachments (maps, photos and any other attachments) and filing fee to: Commission on Water Resource Management, P.O. Box 621, Honolulu, HI 96809.

ADDITIONAL REQUIREMENTS FOR A COMPLETED APPLICATION

Per Hawaii Revised Statutes §174C-49, the applicant must establish that the proposed new use of surface water:

1. Can be accommodated with the available water source.
2. Is a reasonable-beneficial use.*
3. Will not interfere with any existing legal use of water.
4. Is consistent with the public interest.**
5. Is consistent with state and county general plans and land use designations.
6. Is consistent with county land use plans and policies.
7. Will not interfere with the rights of the Department of Hawaiian Home Lands as provided in Section 221 of the Hawaiian Homes Commission Act.

*HRS §174C-3 of the State Water Code states: "Reasonable-beneficial use" means 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.

**HRS §174C-2(c) of the State Water Code states that: (t)he 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.

NOTE: Filing in the application form and Tables 1, 2, and 3 completely will address the requirements of HRS §174C-49.

LINE BY LINE INSTRUCTIONS ON APPLICATION

APPLICANT INFORMATION

In accordance with the Hawaii Water Code, both the applicant and the person who owns the property where the water source is located are required to apply for a water use permit. §174C-51(1)(B), HRS, states, *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:** Fill in the information for the applicant. This should be the person who will be responsible for all conditions of the water use permit.
2. **SOURCE LANDOWNER'S NAME:** Fill in the information for the landowner of the property where the existing surface water diversion works is located.

SOURCE INFORMATION

3. **SURFACE WATER HYDROLOGIC UNIT AND CODE:** Enter the appropriate island, hydrologic unit name, and hydrologic code where the proposed source is located. The "source" is the stream from which water is diverted to the user. For information on hydrologic unit names and unit codes please refer to the *Surface Water Hydrologic Unit: A Management Tool for Instream Flow Standards* report available on the CWRM website at: <http://www.hawaii.gov/dlnr/cwrwm/>, or contact CWRM staff at (808) 587-0234. You may also contact CWRM toll-free from Maui at: 984-2400, ext. 70234.

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

4. **INSTREAM FLOW STANDARD (IFS) FOR HYDROLOGIC UNIT:** Provide Instream Flow Standard (IFS) for hydrologic unit if available.
5. **CAN YOUR PROPOSED USE BE ACCOMMODATED WITHIN THE ABOVE AMOUNTS:** Check "Yes" or "No". Explain how your proposed use(s) can be accommodated within the Instream Flow Standard (IFS) for the above hydrologic unit.
- 6a. **TMK OF PROPOSED STREAM DIVERSION LOCATION:** Fill in the Tax Map Key (TMK) number of the tax parcel where the stream diversion will be located. Each tax parcel is issued a TMK number by the county property tax office and is defined as follows: 1st digit = (Island code), 2nd digit = Zone, 3rd digit = Section, Digits 4-6 = Plat, Digits 7-10 = Parcel, e.g. (1) 1-1-001:001. To find out your TMK number, call Maui County Real Property Tax Division at: (808) 270-7297, or check online at: www.mauipropertytax.com/
- 6b. **TMK OF PROPOSED DITCH DIVERSION LOCATION:** Fill in the Tax Map Key (TMK) number of the parcel where the proposed ditch diversion will be located.
- 7a. **PROPOSED STREAM DIVERSION:** How will water be diverted from the stream to your property? Check all the appropriate box(es).
- 7b. **WILL THE DIVERTED WATER BE RETURNED TO THE STREAM OR DITCH?** Check "Yes" or "No." If yes, enter the amount of water to be returned.
8. **PROPOSED FLOW MEASUREMENT INFORMATION:** Check "Yes" or "No". If yes, please describe the measuring device. A flowmeter with a totalizer will directly measure the total use for the source (similar to a car's odometer). If no, explain how stream diversion will be measured or estimated to justify amounts requested.

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

9. **TOTAL QUANTITY OF WATER REQUESTED:** Enter the amount of water requested as gallons per day (GPD). Fill out Table 1 and enter the amount in Box 14, "Total Use Requested."
10. **PROPOSED USE:** Check all the boxes that apply for the proposed use. Refer to the instructions for Table 1: Land Use Consistency/Efficiency of Use, Item 1: Purpose/Water Use Category below to determine which water use category to use.
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 and show the location of the proposed use.

PROPOSED USER INFORMATION

12. **APPURTENANT RIGHT:** An appurtenant water right is a legally recognized right to a specific amount of surface freshwater – usually from a stream – on the specific property that has that right. This right traces back to the first time the land was converted to fee simple title; i.e., the Great Mahele and the issuance of either a Land Commission Award or Royal Patent. The quantity of water under the appurtenant right is the amount that was being used on the land shortly before or at the time of the Mahele. Do you claim an appurtenant right for your proposed water use? Check "Yes" or "No." If yes, has your appurtenant right been established by the courts or the Commission? Check "Yes" or "No."
13. **PROPOSED END USER INFORMATION:** Will you be an end user on an existing water system? Check "Yes" or "No." If yes, please list the name of the water system operator.
14. **REGISTRATION AND DECLARATION OF WATER USE:** Do you have a Registration and Declaration of Water Use from the Commission? Check "Yes" or "No". If yes, list the name of the registrant(s).
15. **STREAM DIVERSION WORKS PERMIT (SDWP):** Have you ever been issued a SDWP by the Commission? If yes, please list the permit number(s). Otherwise, check "No."
16. **APPLICANT:** Sign and print your name, and date your application.
17. **SOURCE LANDOWNER:** Sign and print your name, and date your application. The landowner of the source shall be a joint applicant in the event the applicant is 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. §174C-51(1)(B)

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY OF USE

Provide information on all of the proposed uses you are applying for or seeking to modify. In the space provided below the table or on a separate sheet, explain whether there are any limitations (e.g., a contract or other legal agreement(s)) on your proposed water use(s), as required by §174C-51(5), HRS.

1. **PURPOSE / WATER USE CATEGORY:** For each proposed use, choose one of the categories listed below and enter the appropriate code in the space provided (e.g. AGRAQ, IRRJG, etc.)

AGRICULTURE

AGRAQ	Aquatic Plants & Animals
AGRCP	Crops & Processing
AGRLI	Livestock & Processing, and Pasture
AGRON	Ornamental & Nursery Plants
AGROTH	Other

DOMESTIC

DOM	Single & Multi Low-Rise & High-Rise Household
DOMN	Domestic (Non-residential)
DOMNCB	Commercial Businesses
DOMNRI	Religious Institutions
DOMNHOS	Hospitals
DOMNHOT	Hotels
DOMNOB	Office buildings
DOMNOTH	Domestic Non-Residential – Other
DOMNSC	Schools

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

INDUSTRIAL	
INDEL	Geothermal, Thermolectric Cooling, Power Development
INDFP	Fire Protection
INDMI	Mining, Dust Control
INDOTH	Industrial – Other
IRRIGATION	
IRRG	Golf Course
IRRHM	Habitat Maintenance
IRRHOT	Hotel
IRRLA	Landscape/Water Features
IRROTH	Other
IRRPCA	Perks
IRRS	Schools
MILITARY	
MIL	Military
MUNICIPAL	
MUNCO	County
MUNPR	Privately owned and operated but defined as a public system by the Department of Health
MUNST	State

2. USE TMK: The Tax Map Key number of the parcel over which the water will be applied. There should only be one parcel for each line. Also, attach a TMK map(s) for the lots showing the boundaries of irrigated acreage, etc., as well as a photograph of the area of use.
3. STATE LAND USE DISTRICT: To find out the current Land Use District, contact the Land Use Commission at 587-3822.
4. CDUP REQUIRED: If a Conservation District Use Permit (CDUP) is required, check "Yes" and enter the date CDUP was approved if you have a CDUP applicable to this project; or check "Yes, not acquired". If a CDUP is not required, check "No." To find out if your parcel is in the Conservation District, contact the Land Use Commission at 587-3822. If your parcel is in a Conservation District, contact the Department of Land and Natural Resources Office of Conservation and Coastal Lands at 587-0328 to find out if a CDUP is required.
5. COUNTY ZONING CODE: To find out the Zoning Code for Na Wai Eha, contact Maui County Department of Planning at 270-6279 or 270-7253.
6. SMAP REQUIRED: If a Special Management Area Permit (SMAP) is required, check "Yes" and enter the date SMAP was approved if you have a SMAP applicable to this project; or check "Yes, not acquired". If a SMAP is not required, check "No." To find out if your parcel is in a Special Management Area and requires an SMAP, contact Maui County at 270-8205.
7. UNITS OR NET ACREAGE: This is the value and category as the basis for calculating the duty. "Duty" means the amount of water requested for a "unit" over a specific time period, e.g. gallons per acre per day, or gallons/acre/day. "Unit" can mean dwelling unit, or number of people, or animals. Some examples of this category include: 400 dwelling units, 500 people, and 3.74 acres.
8. GPD/UNIT or GPD/ACRE (GPD=gallons per day): Enter the gallons per day or gallons per acre for each water use category listed in Column #1.
9. REQUESTED QUANTITY OF USE (GPD): Enter the requested quantity of use in gallons per day (GPD) at build out after all phases of your project have been completed. The build out amount may differ from the four-year cumulative projected demand if your build out date extends beyond the cumulative projected four-year demand.
10. SUBMETERED? Is there a second measuring device or meter for another user? Check "Yes" or "No" if the specific use will be submetered or not. Submetering is specific to each line item.
11. APPLICANT'S JUSTIFICATION FOR QUANTITY OF REQUESTED USE FOR ITEM #9: Explain how you are justifying the amount(s) you are requesting for Item #9. Attach additional copies of Table 1 if necessary to show how this number was calculated. For irrigation uses, fill in Table 2.
12. TOTAL POTABLE USE: Add the quantities listed in the column above for potable water and enter the total potable use in gallons per day (GPD) here.
13. TOTAL NON-POTABLE USE: Add the quantities listed in the column above for uses that do not require potable water and enter the total non-potable use in gallons per day (GPD) here.
14. TOTAL QUANTITY OF WATER REQUESTED: Add the requested amounts listed on Box 13 and Box 14 and enter the total requested amount of both potable and non-potable uses here.
15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. HRS §174C-51(5)

TABLE 2: IRRIGATION INFORMATION

On Table 2, provide the information requested for all the crops you are proposing to grow, including landscape and golf course turf and plants. Enter only one crop and one parcel number (TMK) per line. For multiple crops, list each one as a separate line item. All proposed or modified irrigation uses you are applying for must be listed. Attach additional copies of Table 2, if necessary.

1. USE TAX MAP KEY (TMK): Enter the parcel number where the crop will be grown. Also attach a property tax map with an outline around the area(s) of proposed use(s) and a photograph of each area of the proposed use.
2. CROP: Enter the crop type.
3. TOTAL ACREAGE: Enter the total acreage of the parcel listed.
4. NET IRRIGATED ACREAGE: Enter the acreage that the specific crop will be grown.
5. BEGIN GROWTH PERIOD (MONTH): This is the month of the start of the growth cycle.
6. END GROWTH PERIOD (MONTH): This is the month of the end of the growth cycle.
7. IRRIGATION SYSTEM: Enter one of the following:

TRICKLE, DRIP
TRICKLE, SPRAY
MULTIPLE SPRINKLERS

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

SPRINKLER, CONTAINER NURSERY
SPRINKLER, LARGE GUNS
SEEPAGE, SUBIRRIGATION
CROWN FLOOD
FLOOD (TARO)
OTHER – Please describe in the space provided for Comments.

8. IRRIGATION PRACTICE: Enter one of the following:

IRRIGATE TO FIELD CAPACITY
APPLY A FIXED DEPTH PER IRRIGATION
DEFICIT IRRIGATION
OTHER - Please describe in the space provided for COMMENTS below.

TABLE 3: ALTERNATIVES ANALYSIS AND ADDITIONAL REQUIREMENTS

- A. ALTERNATIVES ANALYSIS: Please address each alternative and explain why they are or are not available for potable needs. Other alternatives on the last line may include stormwater reclamation, rainwater catchment, etc. that are not already listed above.

- B. ALTERNATIVES ANALYSIS: Please address each alternative and explain why they are or are not available for non-potable needs. Other alternatives on the last line may include stormwater reclamation, rainwater catchment, etc. that are not already listed above.

Surface water is defined in §174C-3, HRS as: *...both contained surface water—that is, water upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other watercourses, lakes, reservoirs, and coastal waters subject to state jurisdiction—and diffused surface water—that is, water occurring upon the surface of the ground other than in contained waterbodies. Water from natural springs is surface water when it exits from the spring onto the earth's surface.*

C. **ADDITIONAL REQUIREMENTS**

1. Explain 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 below.

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.*

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

3. Explain 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 below. To inquire about potential interference, you may contact the Department of Hawaiian Home Lands Planning Office at 586-3836.

The State Water Code in §174C-101(a), HRS [Native Hawaiian water rights], states: *Provisions of this chapter shall not be construed to amend or modify rights or entitlements to water as provided for by the Hawaiian Homes Commission Act, 1920, as amended, and by chapters 167 and 168, relating to the Molokai irrigation system. Decisions of the commission on water resource management relating to the planning for, regulation, management, and conservation of water resources in the State shall, to the extent applicable and consistent with other legal requirements and authority, incorporate and protect adequate reserves of water for current and foreseeable development and use of Hawaiian home lands as set forth in section 221 of the Hawaiian Homes Commission Act.*

ATTACHMENTS

This Water Use Permit Application incorporates the following attachments:

Attachment A – Supplemental Responses

Attachment B – TMK Map

Attachment C – Photographs

Attachment D – Documentation Establishing Appurtenant Rights

Attachment E – 7.5-minute series (1:24,000) USGS Topographic Map (Quad Map) showing `Īao Stream, with the approximate location of our proposed diversion identified.

**ATTACHMENT A
SUPPLEMENTAL RESPONSES**

Box 2 (and 17): Source Landowner

Not applicable pursuant to HRS § 174C-51(1)(B), because we do not have a terminable interest in the land which is the source of the permitted water.

Boxes 4 & 5: Instream Flow Standards

There currently are no Instream Flow Standards for Nā Wai `Ehā, or `Īao Stream in particular, and a petition to upwardly amend the Interim Instream Flow Standards for all Nā Wai `Ehā streams is pending. There is sufficient water upstream of all diversions to accommodate our proposed use.

Box 7 (a&b): Proposed Stream Diversion

Our kuleana land is on the south side of, and abuts, `Īao Stream. We plan to restore the ancient `auwai that brought water to this kuleana until sometime in the late 1960s or early 1970s when our uncle, James Kimo Mahi, passed away. The original `auwai diverted water from `Īao Stream on my upstream neighbor's land; after the water flowed through his land, it flowed through our kalo patches and then returned to `Īao Stream on the eastern corner of our kuleana. The water subsequently flowed down `Īao Stream to benefit residents living along the stream, further down `Īao valley. The ancient `auwai is now in disrepair, and there is insufficient water flowing in `Īao Stream to reach the original intake. We plan to restore the ancient `auwai as close to its original configuration as possible.

The amount of water that will be returned to `Īao Stream after flowing through our lo'i will depend on several factors, including the flow into the `auwai from `Īao Stream, and the daily climatic conditions. As is the case with kalo cultivation in general, the vast majority of the water that is diverted from the stream will flow back into the stream. Even the water, if any, that seeps through the lo'i and the small amount of water we plan to use for growing native Hawaiian crops will remain in the stream bed, because our kuleana land is on the bank of the stream.

Box 8: Proposed Flow Measurement Information

The amount of water required for our proposed use is an estimate. We plan to cultivate a total of 1.358 acres of wetland kalo, and a small garden of 0.089 acres of native Hawaiian plants. We estimated our proposed water use for wetland kalo cultivation by multiplying 1.358 acres by 300,000 gallons per acre per day, which we understand to be the amount of water required to grow healthy kalo. We estimated the water requirement for our native Hawaiian plant garden by multiplying the 2002 State of Hawai'i Water System Standard for Maui County of 3000 gallons per acre for domestic use by the 0.089 acres we plan to use for our garden.

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Box 12: Appurtenant Right

Our property has an appurtenant right to water because it was in kalo cultivation at the time of the Māhele of 1848. In fact, the stream water we are seeking by this application is for kalo cultivation in 17 ancient lo'i that we are in the process of restoring. Appended to this application as ATTACHMENT D are true and correct copies of Land Commission Award 2414 and Royal Patent No. 6863, along with the testimony indicating that the land was in kalo at the time of the Māhele. This kuleana land has been in my wife's family since time immemorial, and other than as described below, we have no reason to believe that our appurtenant rights have been extinguished. As to the three poalima on our land, which are designated as TMK Nos. (2) 3-5-1-3, 4 and 5 and total 0.24 acres, as well as an undivided 33.33% interest in TMK No. (2) 3-5-1-2, Wailuku Agribusiness Co., Inc. ("WACI") came to own these when, according to family legend, one of my wife's relatives sold his interest in the land to pay a gambling debt. I purchased these interests from WACI in 2002 via a quitclaim deed in which WACI purported to reserve unto itself, as grantor, all water and water rights within or appurtenant to the property. To the extent that the reservation was effective, a portion of our appurtenant right to water may have been extinguished.

Table 1, Land Use Consistency/Efficiency

Boxes 3 & 5 – Our application is for kalo cultivation, as well as a nursery for traditional native Hawaiian crops, including mai'a, ti leaf, and other native plants, on land zoned rural. The cultivation of traditional native Hawaiian crops, including kalo, is consistent with state and county general plans and land use designations. Additionally, this use is consistent with county land use plans and general policies.

Box 11 – See supplemental response for Box 8.

Table 3: Alternatives Analysis

Because our land has an appurtenant right to stream water, which is in the nature of an easement that was conveyed with the land at the time of the Māhele, we do not need to demonstrate that we have no practicable alternative source of water. Our appurtenant right is for stream water, not water from some other source, and our exercise of this appurtenant right enjoys maximum protection and first priority under the law. Similarly, our traditional and customary right as Native Hawaiians is to cultivate kalo on our land in the traditional manner, not in some other manner using alternative, non-traditional sources, and this traditional and customary right is constitutionally protected.

Moreover, even if we did not have protected rights to water from `Īao Stream, there is no potentially available alternative source that is economically practicable. We cultivate kalo and other native Hawaiian crops on our land for cultural and subsistence purposes; the crops we grow will be used to feed our `ohana and be shared with neighbors and community members. An alternative water source that would require us to pay for the volumes of constantly flowing water

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TMK: 3-5-001-002; 3-5-001-003; 3-5-001-004; 3-5-001-005

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in our lo`i necessary to keep temperatures cool and support healthy kalo would make our kalo cultivation economically impossible. We would effectively be denied our appurtenant right and traditional and customary right to grow kalo on our kuleana land. As shown below, each potentially available alternative water source imposes a cost on exercising our protected rights.

Municipal Sources – Our domestic water service is a typical residential service and does not have the capacity to deliver the volumes of water we require. Even if the Maui County Department of Water Supply were willing to provide municipal water for kalo cultivation and install a larger water meter, the cost of using municipal water for such purposes would be prohibitive. Additionally, water from the Maui County Department of Water Supply is chlorinated, which is detrimental and unsuitable for wetland kalo.

Wastewater reuse – Reusing wastewater is impracticable because we would still be required to pay for large volumes of flowing water. As small users engaged in traditional, non-commercial uses, we do not have the means to connect to and use that water. The closest wastewater treatment plant is in Kahului.

Ditch system. Getting water from other ditch systems is not practicable. There is no existing ditch that passes near our kuleana land, other than the original `auwai which diverts water just upstream of our kuleana land and returns it to `Īao Stream from our land. In any event, another ditch that diverted water from `Īao Stream would not be an alternate source of water. The existing ditches that originate at Waihe`e Stream cross `Īao Stream well downstream from our location so, even if there were water available in those ditches, it would need to be pumped to our kuleana land. Because of the topography of `Īao Valley (see Attachment E), constructing a ditch to bring water from another stream is not practicable, and we lack the property, access, permissions and funding necessary to permit and construct an additional ditch diversion. As small users engaged in traditional, non-commercial uses, the cost of taking water from or constructing another ditch is not practicable.

Desalinization. Desalinization of brackish water is not a practicable alternative because we are not aware of any such plant having been built on Maui. According to the County's estimates, a plant is expected to be built in 2013 at the earliest.

Ground Water. Even if we were able to secure the permits necessary to drill a well and pump ground water for our uses, installing and operating such a well to provide flowing water for kalo cultivation would be unprecedented and extremely burdensome. As small users engaged in traditional, non-commercial uses, we do not have the means to install and maintain such infrastructure.

Table 3, Section C: Additional Requirements

1. (a) Our Proposed Use Will Maximize Beneficial Use and is in the Public Interest

We are Native Hawaiians who seek to exercise our appurtenant and traditional and customary rights to cultivate kalo in the traditional manner on our kuleana land in ancient lo`i that we are restoring, and our lo`i help maintain ecological balance and scenic beauty. Pursuant to HRS § 174C-2(c), the protection of traditional and customary Hawaiian rights, agriculture,

and the maintenance of proper ecological balance and scenic beauty are “in the public interest.” As such, our proposed use of stream water is consistent with the public interest.

(b) Our Proposed Use is a Protected Public Trust Purpose

Kalo cultivation by Native Hawaiians is also a protected public trust purpose. In re Waiāhole Ditch Combined Contested Case, 94 Hawai‘i 97, 137, 9 P.3d 409, 449 (2000) (“Waiāhole I”); see also Haw. Const. art XII, § 7 (protecting traditional and customary Native Hawaiian rights); HRS § 174C-101(c) (specifically protecting the right to cultivate kalo on one’s own kuleana). Additionally, because most of the water we use will be returned to the `Īao Stream, our proposed use will support other public trust purposes such as: (1) the maintenance of waters in their natural state; (2) resource protection; (3) water for domestic purposes; and (4) the protection of traditional and customary Native Hawaiian rights and appurtenant rights.

(c) Our Proposed Use Will Support Beneficial Instream Uses

Because we will return much of the water we divert for kalo cultivation to `Īao Stream, our proposed use will also support beneficial instream uses such as: (1) the maintenance of fish and wildlife habitats; (2) outdoor recreational activities; (3) maintenance of ecosystems such as estuaries, wetlands, and stream vegetation; (4) aesthetic values such as waterfalls and scenic waterways; (5) maintenance of water quality; (6) the conveyance of irrigation and domestic water supplies to downstream points of diversion; and (7) the protection of traditional and customary Native Hawaiian rights. See HRS § 174C-3.

(d) Our Proposed Use is a “Reasonable-Beneficial Use”

“Reasonable-beneficial use” is defined as “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 public interest.” HRS § 174C-3. As indicated, our proposed use of stream water is consistent with state and county land use plans and the public interest. It is also “economic and efficient” because we will only use the amount we need.

2. Our Proposed Use Will Not Interfere With Any Existing Legal Use

Our proposed use will not interfere with existing legal uses. As kuleana users, we have first priority by law. We believe that the flow of `Īao Stream is able to accommodate our proposed use. Also, as mentioned above, most of the water we will use will go back to `Īao Stream. Thus, our proposed use will not interfere with other existing legal uses because it will not result in a large net loss of water from the stream and larger ecosystem.

ORNELLAS

TMK: 3-5-001-002; 3-5-001-003; 3-5-001-004; 3-5-001-005

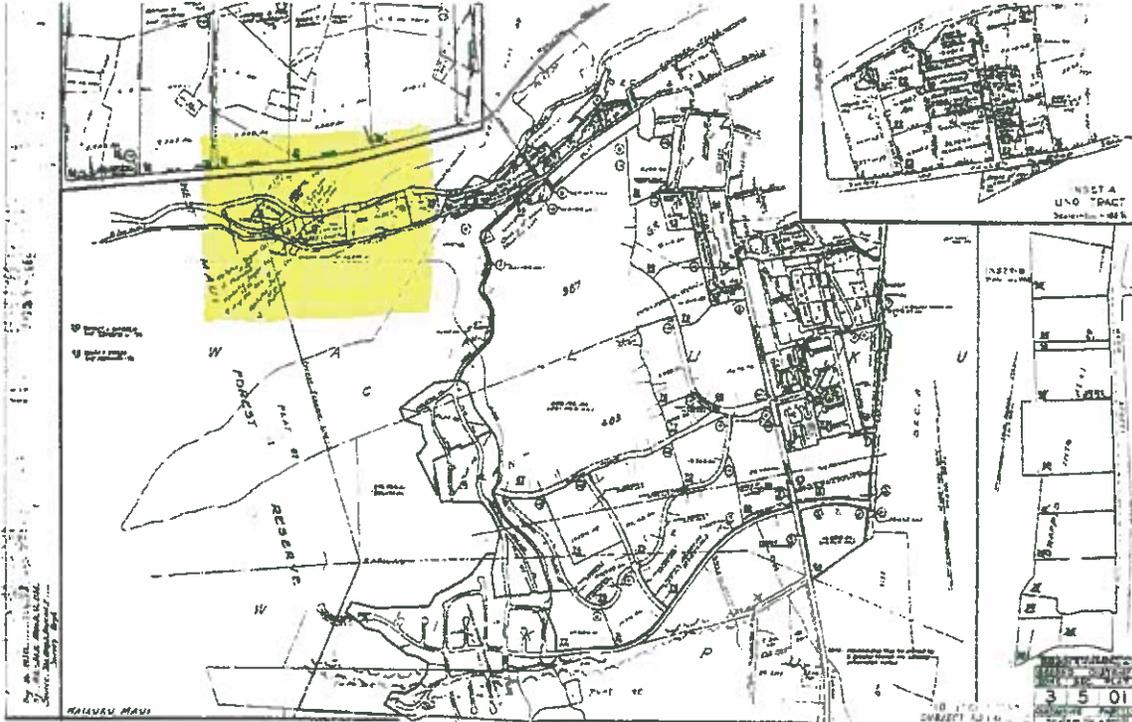
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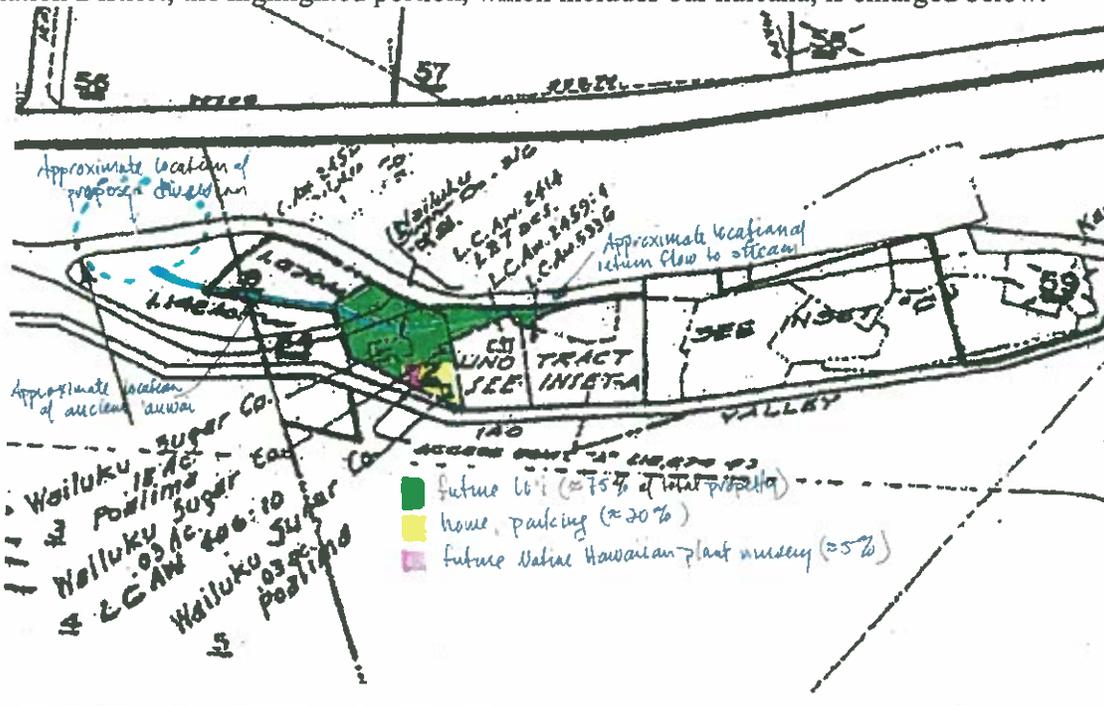
3. Our Proposed Use Will Not Interfere with the Rights of the Department of Hawaiian Home Lands

We are not aware of any DHHL lands using water from `Īao Stream. To the best of our knowledge, DHHL has not filed an application to use water from this source. While we are aware that DHHL has outstanding reservations for municipal water meters in Central Maui, our use will not interfere with those reservations, which are largely served by ground water sources. Instead, our proposed use will actually help to protect DHHL's rights because all of the water we are requesting will remain in the watershed where it will recharge the aquifer, protecting the health of the aquifer system for DHHL's present and future groundwater uses.

ATTACHMENT B – TAX MAP



Above is a true and correct copy of the tax map for Zone 3, Section 5, Plat 1 in the Second Taxation District; the highlighted portion, which includes our kuleana, is enlarged below.



ATTACHMENT C: PHOTOGRAPHS



This is a true and correct photograph taken on October 24, 2008 that accurately depicts the condition of TMK No. 3-5-001: 002 facing makai, where future lo'i will be cultivated.



This is a true and correct photograph taken on October 24, 2008 that accurately depicts the conditions of the middle portion of TMK No. 3-5-001: 002 facing Ma'alaea, where future lo'i will be cultivated.

ORNELLAS
TMK: 3-5-001-002; 3-5-001-003; 3-5-001-004; 3-5-001-005
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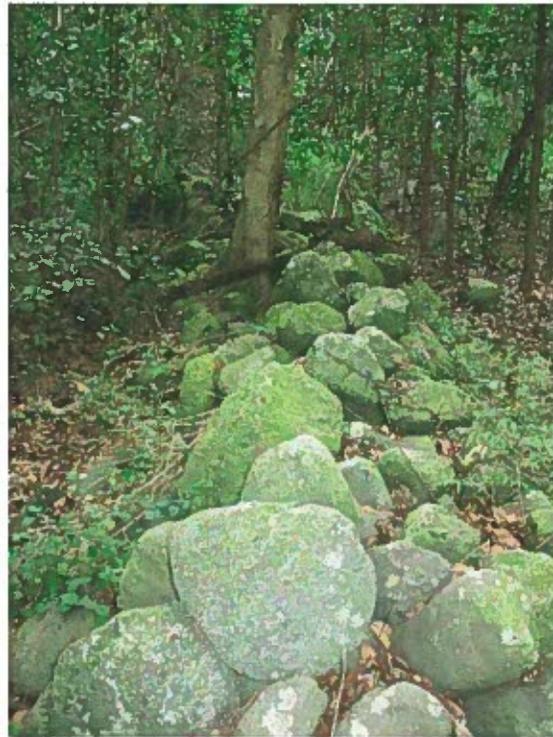
This is a true and correct photograph taken on October 24, 2008 that accurately depicts the conditions of the mango, banana, and papaya trees grown on the property.



This is a true and correct photograph taken on October 24, 2008 that accurately depicts the conditions of a lo'i where kalo was formerly cultivated and future lo'i will be cultivated.



This is a true and correct photograph taken on October 24, 2008 that accurately depicts the conditions of the dry lo'i where kalo was formerly cultivated and future kalo will be cultivated.



This is a true and correct photograph taken on October 24, 2008 that accurately depicts the conditions of ancient lo'i that was once cultivated on TMK No. 3-5-001: 002 and where future lo'i will be cultivated.

ORNELLAS
TMK: 3-5-001-002; 3-5-001-003; 3-5-001-004; 3-5-001-005
WATER USE PERMIT APPLICATION – NEW USE
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This is a true and correct photograph taken on October 24, 2008 that accurately depicts the conditions of 'Īao Stream which flows adjacent to the Ornellas' property.



This is a true and correct photograph taken on October 24, 2008 that accurately depicts the conditions of the ancient 'auwai system that once provided water from 'Īao Stream to the Ornellas's property.

ORNELLAS
TMK: 3-5-001-002; 3-5-001-003; 3-5-001-004; 3-5-001-005
WATER USE PERMIT APPLICATION – NEW USE
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This is a true and correct photograph taken on October 24, 2008 that accurately depicts the condition of TMK No. 3-5-001: 002 where water will be returned to 'Īao Stream, which lies adjacent to the kukui trees that are cultivated on the property.

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TMK: 3-5-001-002; 3-5-001-003; 3-5-001-004; 3-5-001-005

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Maloko o _____ apoua _____ Eka
 a oi iki aku, a eui iki mai paha. Ua koo nae i ke Aupuni na mine minerela a me ua metela a pau.
 No *Hailihuna*
 na auna la i haawia ma ke **Act Alodlo** a no kua maau hooihua, a me kua waihoia; ua pili me ka auna
 a ka Poe Ahaolelo o kua like ai ma ua auna aloha i keia manawa keia manawa.

A i mea o **Ikemai**, ua kau au i ko'u inoa, a me ka Sila Nui o ko Hawaii Pae
 Aiea ma Honolulu i kela la 29 o *Januari* 1877

No ka Inoi
Ke Hahina Kalaiaina
J. Mott Smith

Kalakaia R

HELU 6863

Palapala Sila Nui

A KE ALII, MAMULI O KA OLELO A KA POE HOONA KULEANA.

No ka Mea, Ua hoooho na Luna Hoona i na kumu kuleana sina i ka olelo, he kuleana oia ke

Hailikuna

Kuleana Helu 34,14

na ke Ano Aledio Uloko o kahi i oleloia mahele.

Nelania, na keia Palapala Sila Nui, ka hoiko aka nei o **Kalakaaua**, ke Alii Nui a ke Akua i koma lokumakani i hooohoia ai ma luna o ke Hawaii Pae Aiea, i na kanaka a pau, i keia la noua iho, u no koma maat hope Alii, a un hanwi aku oia, na ke **Ano Aledio** ia *Hailikuna* i keia wahi a pau loa na *Kumuwikiwiki* *Wailuku* na ka Makupuni o *Maui* penel na makua:

E hoomaka ke ana ana ma ka wiliwili, oia ke kumupali a pili ana ma ke Kalakaua, a i ke holo
 Ukaui 75° Kona 4.85 Kk ma ke kumupali a hiki i ke kumukukui
 Ukaui 75° Kona 1.65 " " i ke papohaku
 Ukaui 26° Kona 2.59 " " ke Hanuaina a holo ana o kahawai i keia
 Ukaui 45 1/4 Hiki 1.60 " " kokoke i ke kahawai
 Kona 69 1/2 Hiki 5.15 " " ma kahawai a hiki i ke kumuhoana o Kalakaua
 Kona 27 1/4 Hiki 1.30 " " ke Kalakaua
 Kona 26 1/4 Hiki 2.29 " " a hiki i kahi i hoomaka i
 A malika o keia Apaia 1 1/100 Eka ko wahi na poalima 1278.

Poalima 1. E ana i hooohoia i keia kahi i hoomaka i ke kumukukui a i loa ke kahi kumukukui o keia ala ala holo Ukaui 13 1/4 Kona 63 Kk Ukaui 75 1/4 Hiki 4.85 Kk Kona 18 Hiki 71 Kk Kona 81 1/2 Kona 51 Kk a hiki i kahi i hoomaka i. A malika o keia loa 335 1/4 Kaulaha.

Poalima 2. Mai ke kumukukui i oleloia ma luna ana i 40 Kk i hope a i loa ke kahi kumukukui o keia loa ala ala holo Ukaui 7 1/4 Kona 86 Kk Ukaui 70 1/4 Hiki 1.95 Kk Kona 14 1/4 Hiki 1.00 Kk Kona 75 1/4 Kona 2.03 Kk a hiki ma kahi i hoomaka i. A malika o keia Apaia 15/100 Eka

Handwritten notes and stamps at the bottom of the page, including a circular stamp with the number 15 and a rectangular stamp with the number 335 1/4.

Land.
 It is bounded North, by Kamehameha's land, Waikua, by
 the land of Waikua, by the East Coast of Waikua, by the South Coast of Waikua.

C. 1125. Kaimanani.

Kaimanani I know the lands of the Old. They consist of 6 pieces,
 in the town of Waikua, Hawaii.
 The first is a whole lot in the town of Waikua.
 The second is a half lot in the town of Waikua.
 The third is a half lot in the town of Waikua.
 The fourth is a half lot in the town of Waikua.
 The fifth is a half lot in the town of Waikua.
 The sixth is a half lot in the town of Waikua.

C. 1126. Kaimanani.

Kaimanani I know the lands of the Old. They consist of 6 pieces,
 in the town of Waikua, Hawaii.
 The first is a whole lot in the town of Waikua.
 The second is a half lot in the town of Waikua.
 The third is a half lot in the town of Waikua.
 The fourth is a half lot in the town of Waikua.
 The fifth is a half lot in the town of Waikua.
 The sixth is a half lot in the town of Waikua.

C. 1127. Kaimanani.

- Kaimanani I know the lands of the Old. They consist of 6 pieces,
 in the town of Waikua, Hawaii.
- 1. A whole lot in the town of Waikua.
 - 2. A half lot in the town of Waikua.
 - 3. A half lot in the town of Waikua.
 - 4. A half lot in the town of Waikua.
 - 5. A half lot in the town of Waikua.
 - 6. A half lot in the town of Waikua.

ORNELLAS

TMK: 3-5-001-002; 3-5-001-003; 3-5-001-004; 3-5-001-005

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ATTACHMENT E – USGS QUAD MAP

