



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

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 COMMISSION ON WATER
 RESOURCE MANAGEMENT
 2009 DEC -9 PM 1:21

**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 /WAILUKU KUAKAHI LLC		Applicant's Contact Christopher L. Lau		2. SOURCE LANDOWNER'S NAME WAILUKU WATER COMPANY		Source Landowner's Contact Clayton Suzuki	
Applicant's Mailing Address, or Principal Place of Business c/o Towne Dev. of Hawaii, Inc. 220 S. King Street, Ste. 960; Honolulu, HI 96813				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	Source Landowner's Fax	Source Landowner's E-mail		
				808-242-7068	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: 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:
 Applicant will comply with any existing and future IFS for the Iao Hydrologic Unit.

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 10

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. Weir w/24 hour gauge; two inch badger water meter; serial #3405726; installed 12/07
 No. Explain how stream diversion will be measured or estimated to justify amounts requested in the space below.

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

9. TOTAL QUANTITY OF WATER REQUESTED: 675,000 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.

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): 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 Christopher L. Lau Print Date 12/2/09	17. SOURCE LANDOWNER Signature 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	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													
Agri	3	5	0 0 2	0 0 3	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	113 net acreage	5,000	665,000	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Per Maui County DWS Engineer. The total acreage is 150 acres, however, 5 acres will be used for a reservoir and 12 acres will be used for other than ag use, but necessary for ag activity.
Agron	3	5	0 0 2	0 0 3	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	20 net acreage	5,000	10,000	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Per Maui County DWS Engineer.
	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 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 - 002 : 003 <small>Zone - Sec - Plat : Parcel</small>	Dragon fruit, bananas, sweet	150	20	January	December	Trickle	Irrigate to Field Capacity
<small>Zone - Sec - Plat : Parcel</small>	potatoes, taro, & green onions						
<small>Zone - Sec - Plat : Parcel</small>	380 goats, 14 cows, llama, horse, & donkey	150	113	January	December	Sprinkler, large guns	Apply a fixed depth per irrigation
<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>							
<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:

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 ag customers is cost prohibitive	Water for non-potable use is not available from municipal sources
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)	There are no storm water reclamation facilities on Maui.	There are no storm water reclamation facilities on Maui.

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.*

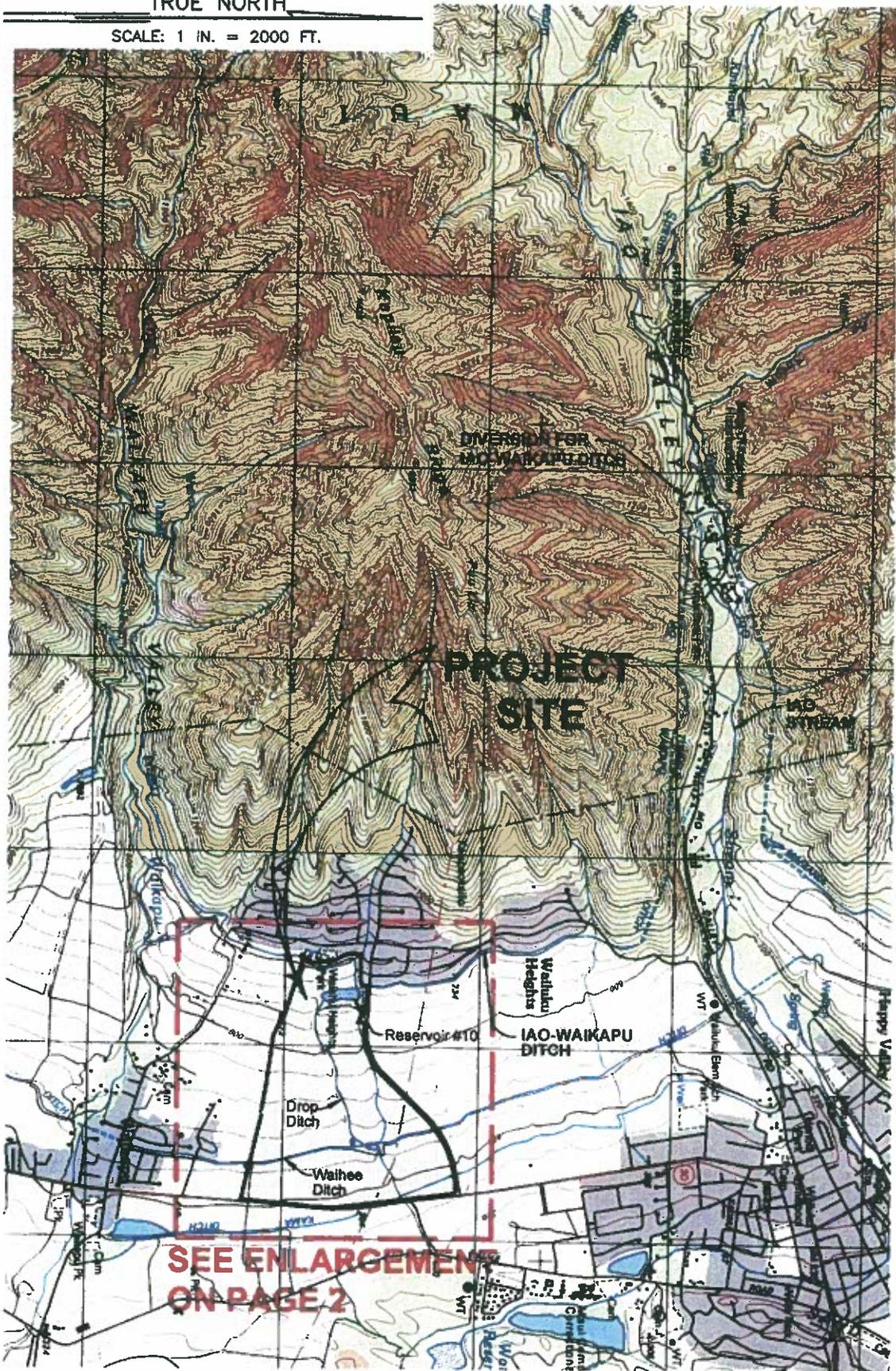
1. Explain below how your proposed new use(s) will maximize beneficial use(s) and how they will be deemed to be in the public interest as defined by the State Water Code above.
The Maui County GPAC requested that this parcel remain in ag. The community has lobbied to keep it in ag. use. This is prime ag. land that requires water.

2. Explain below how your proposed new use(s) will not interfere with any existing legal use(s).
Since the Commission will processing existing legal users' applications, prior to new applications, Applicant's proposed use will not interfere with any existing uses.

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.
Applicant's proposed use will not affect the rights of DHHL thus, Applicant's proposed use will not interfere with the rights of DHHL.

TRUE NORTH

SCALE: 1 IN. = 2000 FT.

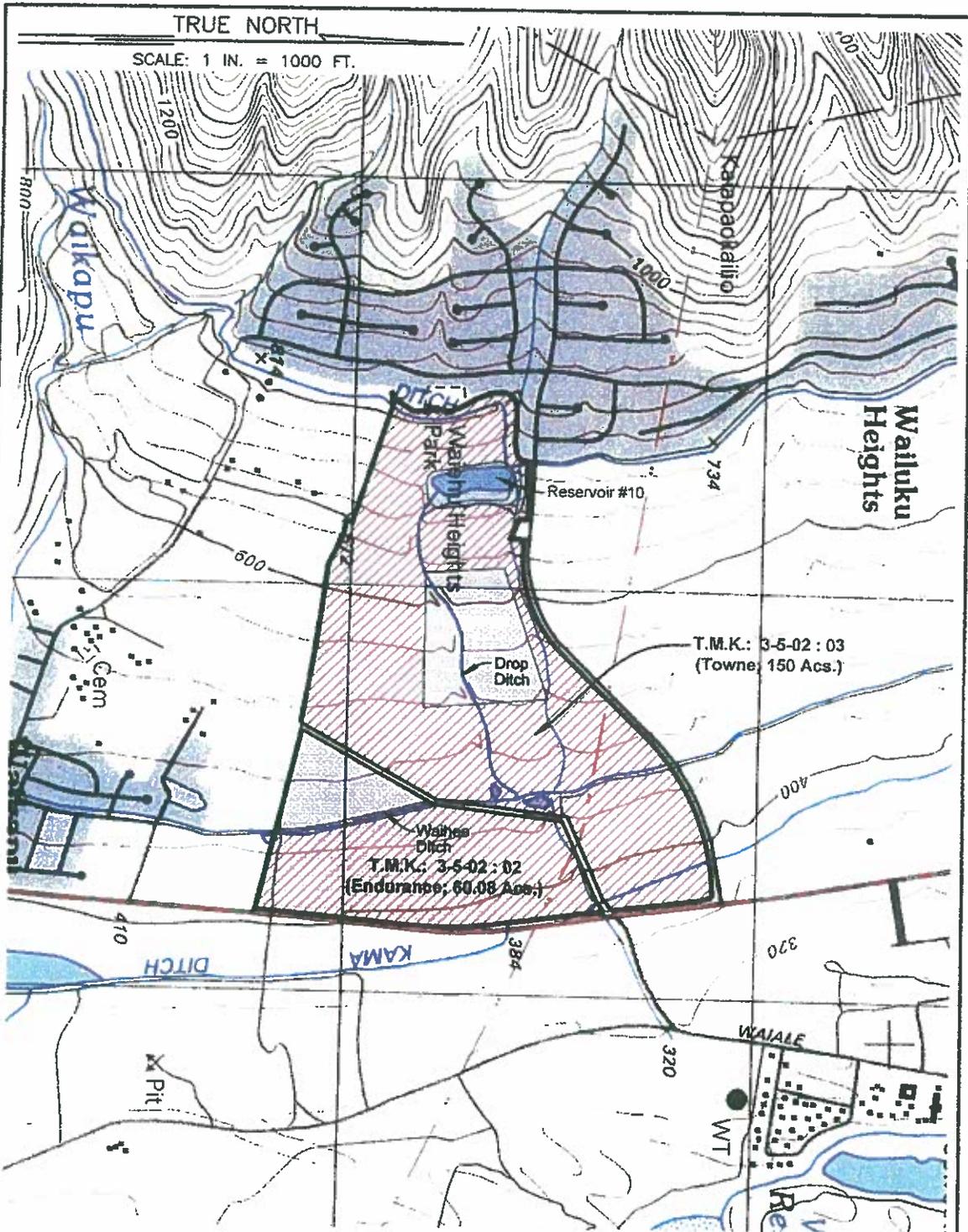


Portion of USGS Topographic Map
 Wailuku Quadrangle, 1997
 Maui County, Hawaii

0 2,000 FT. 4,000 FT. 6,000 FT. 8,000 FT.

SCALE: 1 : 24,000

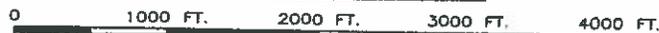
v:\Projdata\05proj\05039 Towne-Sadeltani (Monroe)\dwg2004\exhibits\USGS-LOCMAP00.dwg



AGRICULTURAL USE SUMMARY

Symbol	Use	Endurance TMK 3-5-02: 02	Towne TMK 3-5-02: 03	Total
	DIVERSIFIED AGRICULTURE	11 Ac.	20 Ac.	31 Ac.
	PASTURE/GRAZING	49 Ac.	113 Ac.	162 Ac.
	RESERVOIR	0 Ac.	5 Ac.	5 Ac.
	NON-AGRICULTURAL USE, BUT NECESSARY FOR AGRICULTURAL OPERATION	0.08 Ac.	12 Ac.	12.08 Ac.
		60.08 Ac.	150 Ac.	210.08 Ac.

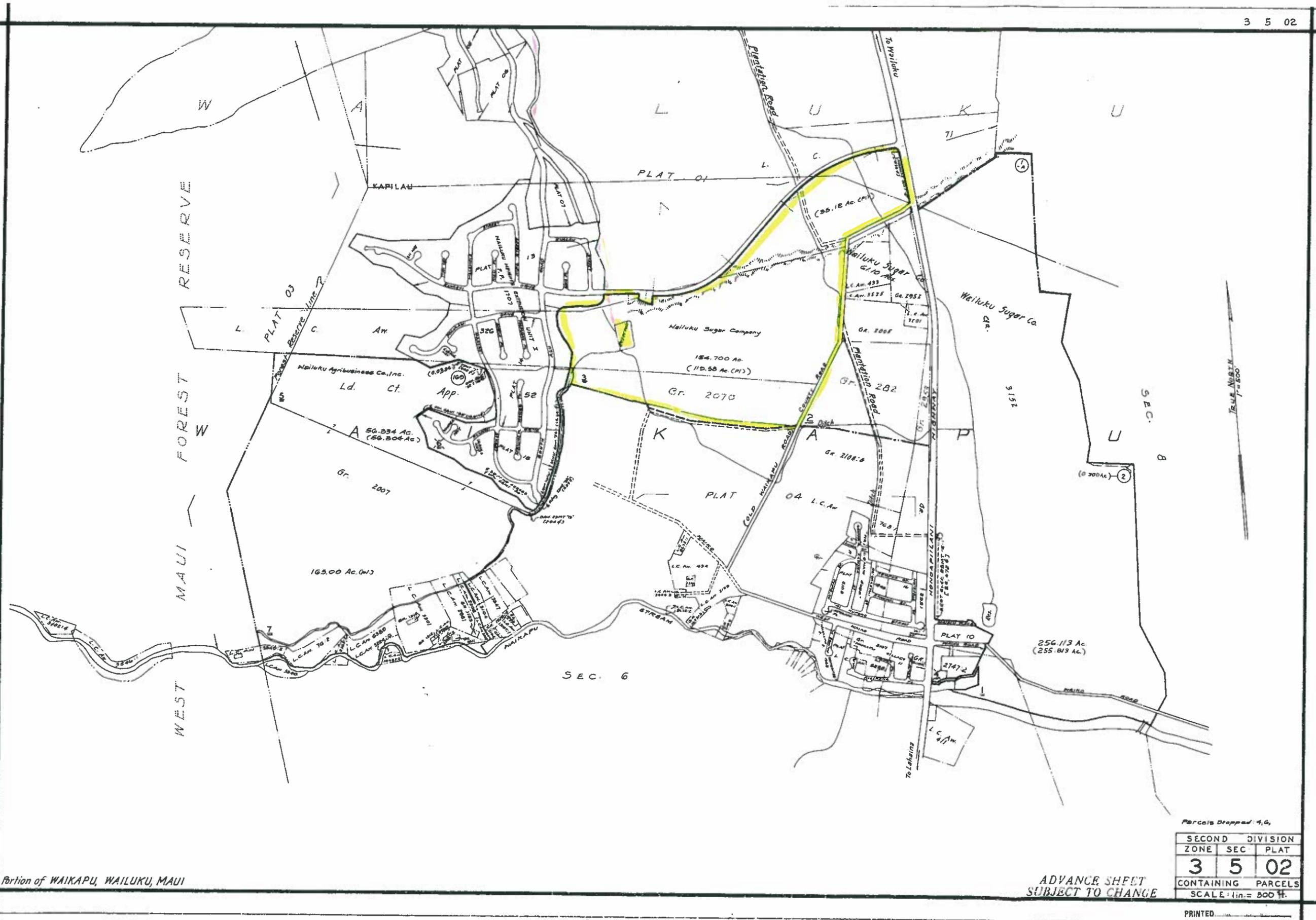
ENLARGEMENT



SCALE: 1 : 12,000

PROPERTY TAX KEY MAP

CCY
 REV. 2: 25
 21976
 FEB 11 1981
 JUN 24 1987
 MAY 29 1988



Orig. No. 1036
 Revised to
 By L.K. L.A.K. March 14, 1974
 Source: Tax Maps Bureau

Portion of WAIKAPU, WAILUKU, MAUI

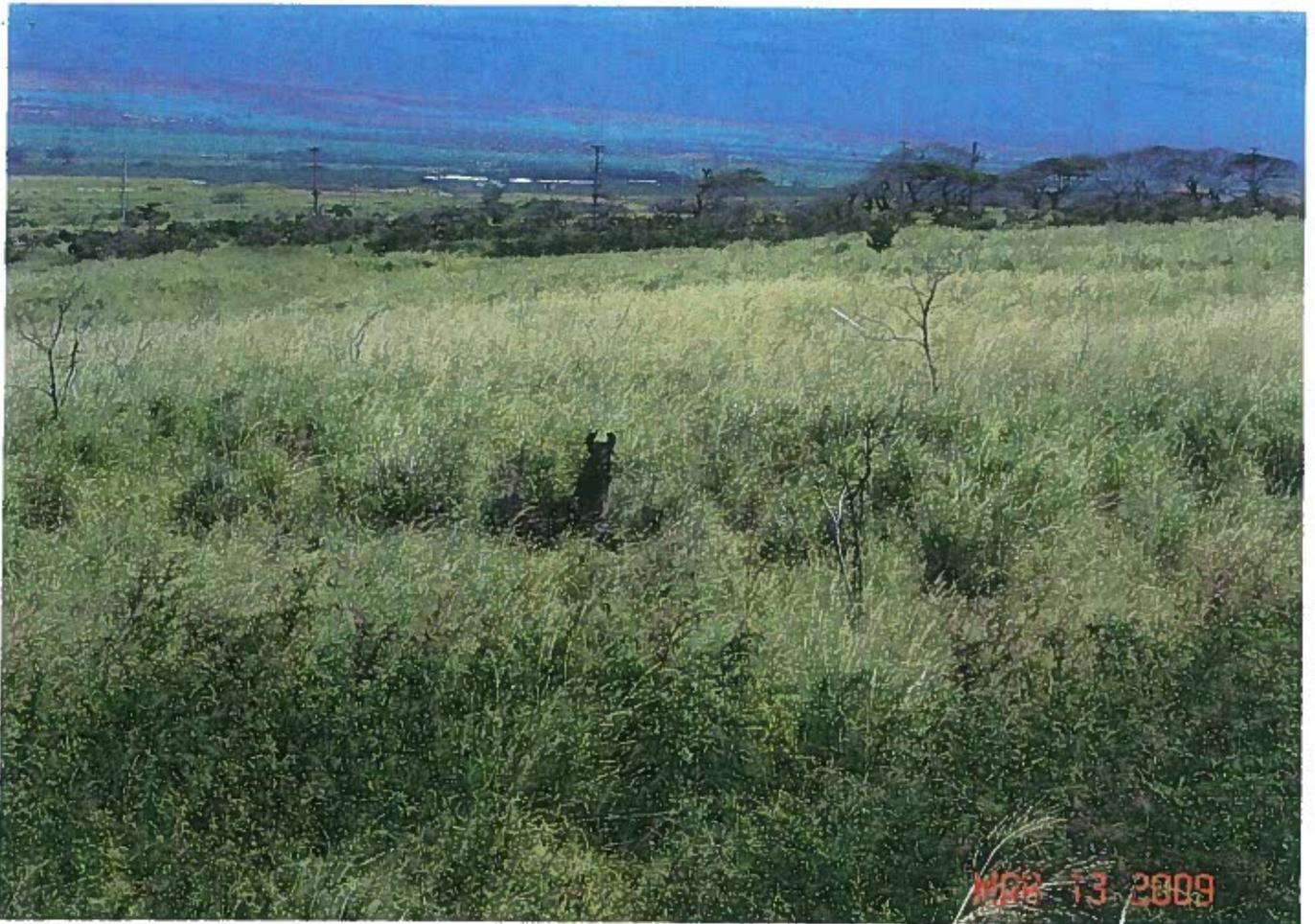
Parcels Dropped: 9, 6.

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

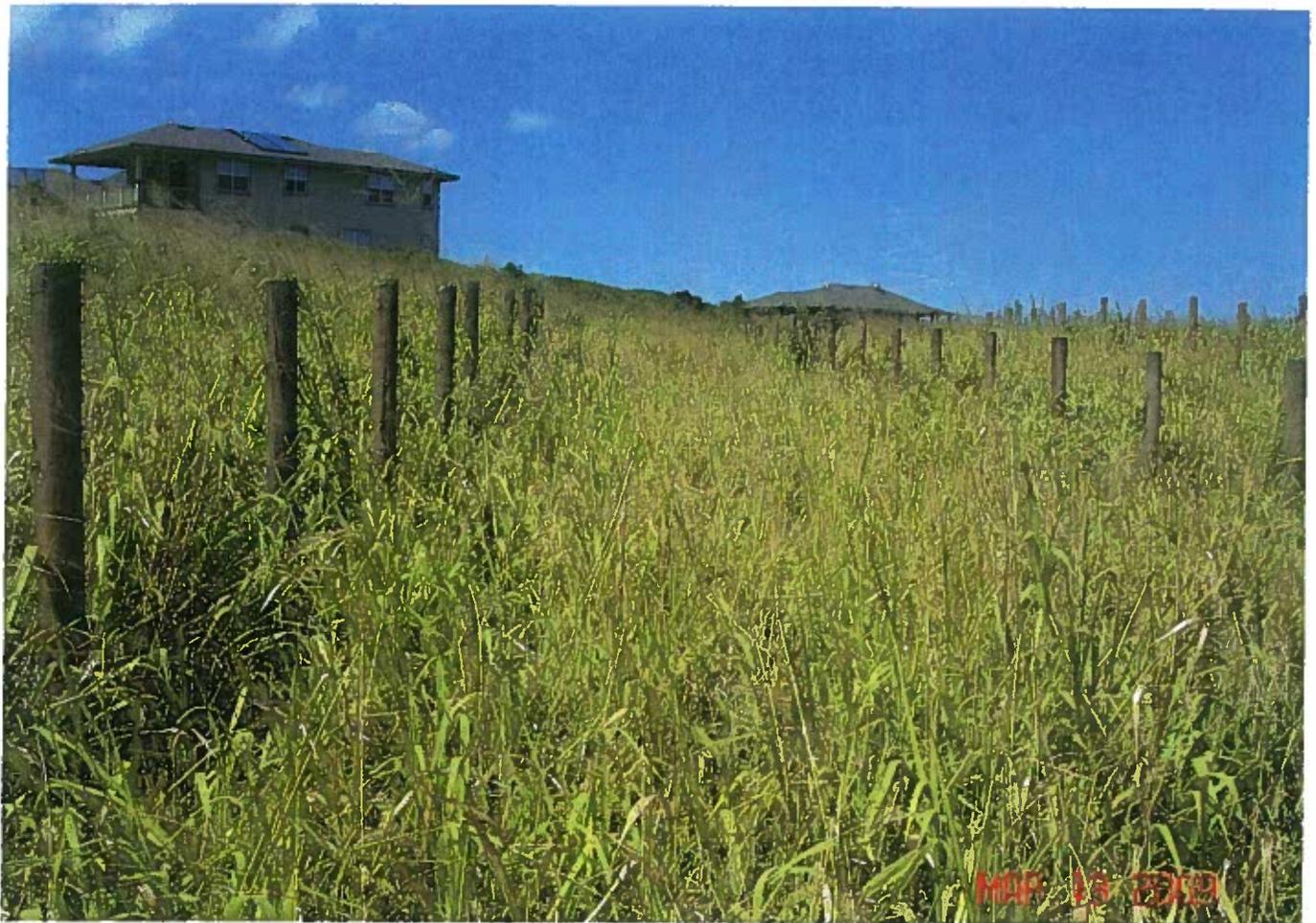
PRINTED

ADVANCE SHEET
SUBJECT TO CHANGE

**PHOTOGRAPHS OF PASTURE LANDS
FOR LIVESTOCK**



PHOTOGRAPHS OF SPROUTING DRAGON FRUIT





**PHOTOGRAPHS OF
SWEET POTATO, BANANA, TARO, AND GREEN ONION**



04/27/2009



04/27/2009



04/27/2009

**PHOTOGRAPHS OF TANK FILTER SYSTEM ON TMK:3-5-2:3
BELOW RESERVOIR 10 ON KUIKAHI DRIVE**



04/14/2009



04/14/2009



04/14/2009