



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

ORIGINAL

APPLICATION FOR SURFACE WATER USE PERMIT FOR PROPOSED NEW USE IN A DESIGNATED SURFACE WATER MANAGEMENT AREA

For Official Use Only:

RECEIVED
 COMMISSION ON WATER
 RESOURCE MANAGEMENT

2010 AUG -3 AM 9:48

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 MAUI COASTAL LAND TRUST		Applicant's Contact Scott Fisher, (808) 357-7739		2. SOURCE LANDOWNER'S NAME BELIEVED TO BE WAILUKU WATER COMPANY		Source Landowner's Contact Avery Chumbley	
Applicant's Mailing Address, or Principal Place of Business PO Box 965 Wailuku, Hawai'i, 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	Source Landowner's Fax	Source Landowner's E-mail	
				(808) 244-7079	(808) 242-7060	abc@aloha.net	

SOURCE INFORMATION

3. SURFACE WATER HYDROLOGIC UNIT: Island: MAUI Hydrologic Unit: WAIHE'E Hydrologic Unit Code: 6022

4. INSTREAM FLOW STANDARD (IFS) FOR HYDROLOGIC UNIT IF APPLICABLE:

5. CAN YOUR PROPOSED USE(S) BE ACCOMMODATED WITHIN THE ABOVE AMOUNTS: Yes No
 Explain how your proposed use(s) can be accommodated within the existing IFS for the above hydrologic unit:
 The water from the 'auwai will be returned once it has passed through the lo'i

6a. TMK OF PROPOSED STREAM DIVERSION LOCATION: [] - [] - [] [] [] : [] [] []
Zone Sec Plat Parcel

6b. TMK OF PROPOSED DITCH DIVERSION LOCATION: [3] - [2] - [0] [1] [0] : [0] [0] [1]
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: The 'Auwai runs completely onto the prperty and will be channelled into the lo'i.

7b. WILL THE DIVERTED WATER BE RETURNED TO THE STREAM OR DITCH?
 Yes. How much water will be returned? All water will be returned to the existing ditch
 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

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

9. TOTAL QUANTITY OF WATER REQUESTED: 300,000 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: Maui Coastal Land Trust 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 Dale B. Bonar Print Date 7/8/2010	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										
AGRAQ	3 - 2 - 0 1 0 : 0 0 1	Agriculture	<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	2	300,000	300,000	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	See Attachment
	Zone - Sec - Plat : Parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Zone - Sec - Plat : Parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Zone - Sec - Plat : Parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
TOTAL NON POTABLE USE								13	GPD	
TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =								14	GPD	
15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS To the best of our knowledge there are not any limitations on the water described above pursuant to HRS 174C-5 t(5).										

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 - 2 - 0 1 0 : 0 0 1 <small>Zone Sec Plat Parcel</small>	Taro	3	2	Annual	Annual	Flood (Taro)	Irrigate to 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>							
<small>Zone Sec Plat Parcel</small>							
<small>Zone Sec Plat Parcel</small>							
<small>Zone Sec Plat Parcel</small>							

9. COMMENTS:

We are proposing to use an existing 'auwai to flood the taro patch, and to return it to the ditch once it has passed through the lo'i.

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

C. ADDITIONAL REQUIREMENTS:

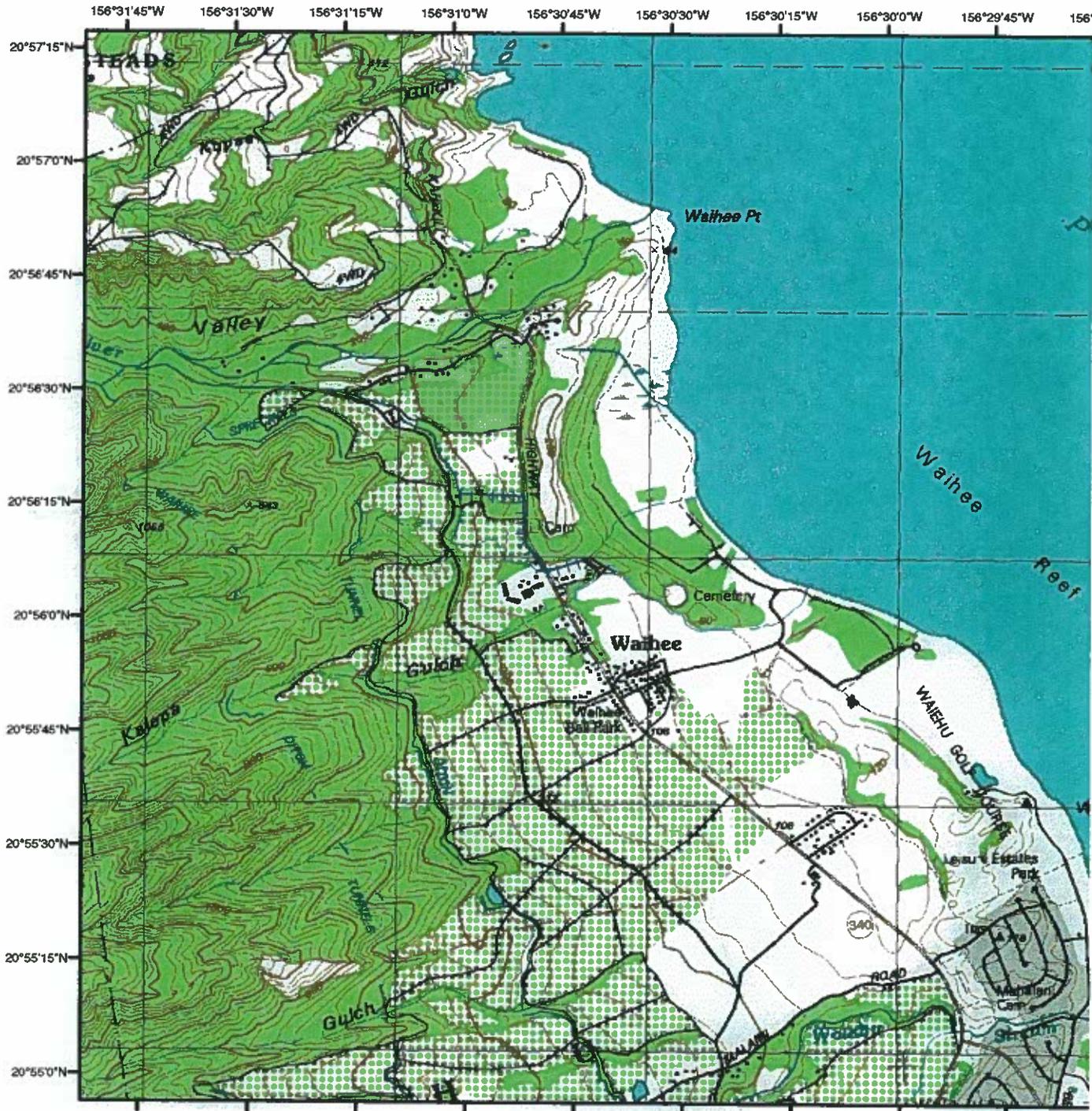
PUBLIC INTEREST Hawaii Revised Statutes §174C-2(c) states that: *The state water code shall be liberally interpreted to obtain maximum beneficial use of the waters of the State for purposes such as domestic uses, aquaculture uses, irrigation and other agricultural uses, power development, and commercial 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. Currently the water flows onto our property from upstream sources. The Maui Coastal Land Trust is proposing to use this currently flowing surface water to irrigate taro patches for non-commercial use.

2. Explain below how your proposed new use(s) will not interfere with any existing legal use(s). Because we are the end users, and will return all of the water flowing into the taro patches to the existing 'auwai there will be no impact to any other user in this area.

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. The 'Auwai on the Maui Coastal Land Trust's property does not flow onto Department of Hawaiian Home Lands Property.

MCLT Water Use Permit USGS Quad Map

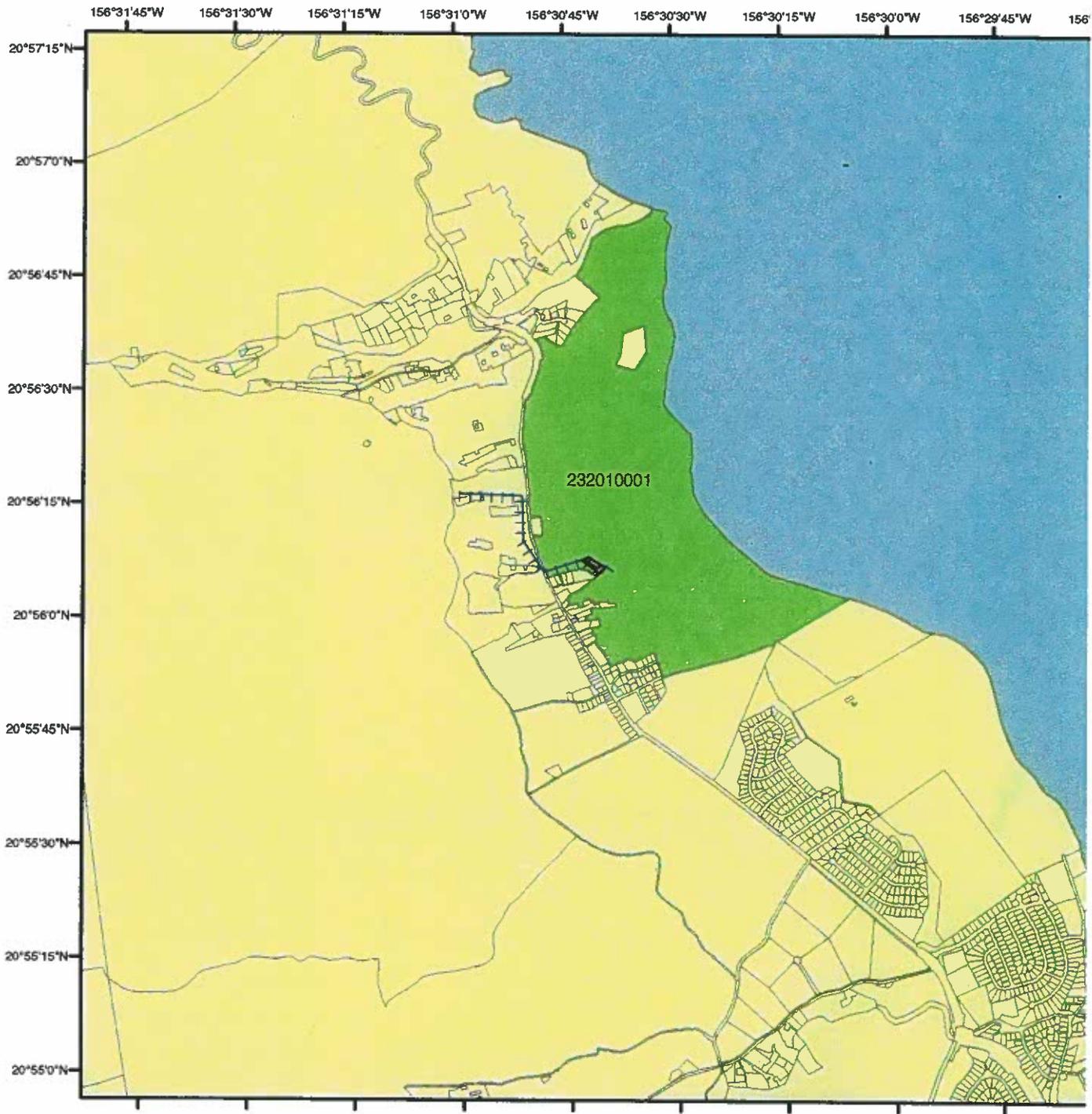


-  Kuleana Ditch
-  Lo'i Area



Scale: 1:24,000
 NAD83
 Created by James Crow
 2010-06-22

MCLT Water Use Permit TMK Map

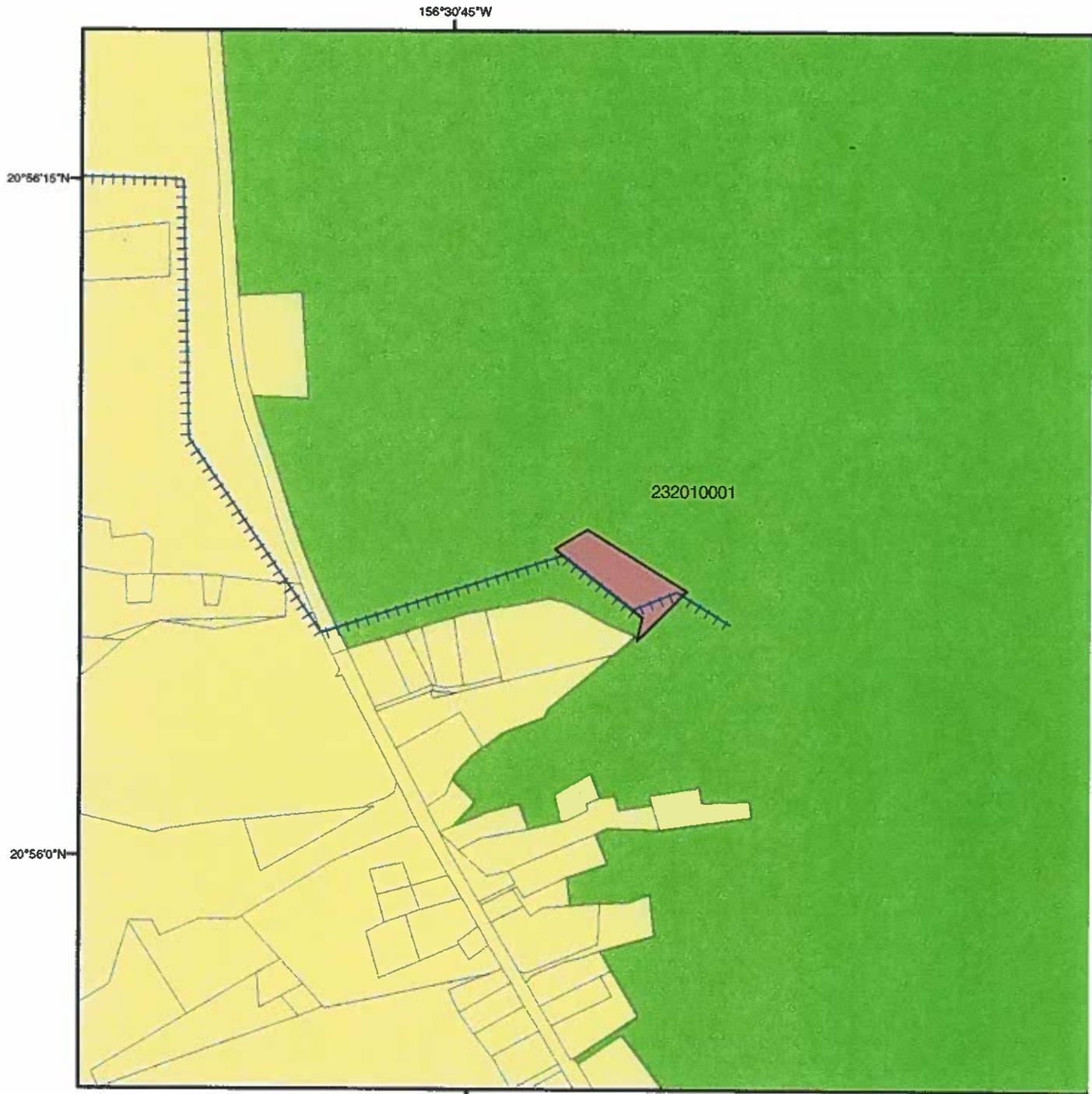


- ++++ Kuleana Ditch
- Lo'i Area
- TMK



Scale: 1:24,000
NAD83
Created by James Crow
2010-06-22

MCLT Water Use Permit TMK Map



-  Kuleana Ditch
-  Lo'i Area
-  TMK



Scale: 1:4,000
NAD83
Created by James Crowe
2010.06.22

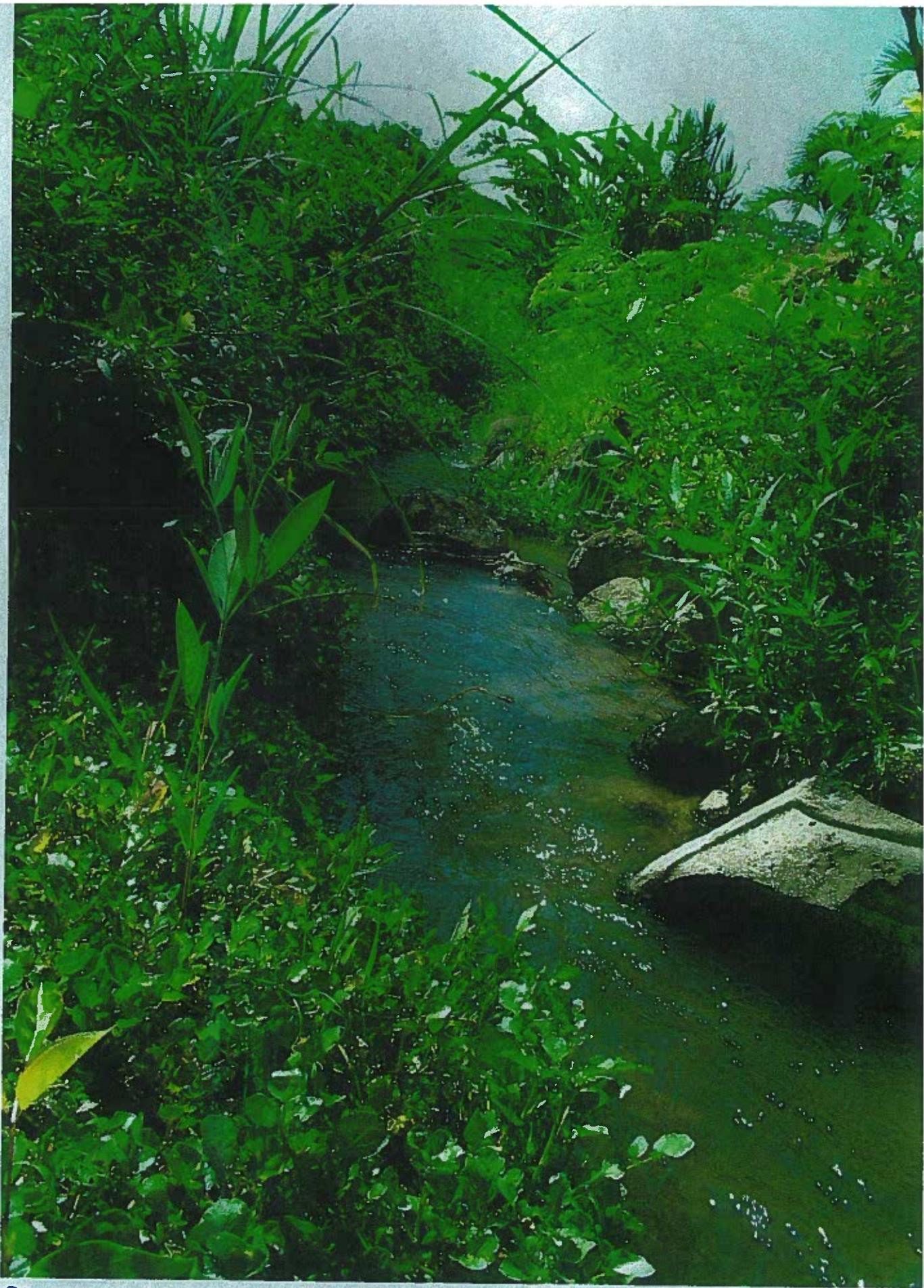


Photo 1: APPROXIMATE location of Proposed intake for taro Patches (lo'i)



Photo 2: APPROXIMATE location of Kuleana discharge into the ocean;
Note: this streambed is entirely on the Maui Coastal Land Trust property.

Maui Coastal Land Trust
TMK.3-2-010:001
SWUPA-New Use Attachment
July 7, 2010

Attachment

We are filing a single new use application in order to create demonstration lo'i for educational and cultural purposes. We are requesting to take water that is currently flowing onto and through our property, the Waihe'e Coastal Dunes and Wetlands Refuge. The contact person for this permit application is Scott Fisher, the Maui Coastal Land Trust's Project Manager.

Exhibits

Appended hereto as Exhibit A is a copy of a 1:24,000 USGS topographic map as well as a 1:24,000 TMK Map and a 1:4,000 TMK map all of which show the location of the lo'i kalo we intend to create. Additionally, Exhibit B consists of photographs of the 'auwai from which we are requesting the water to feed the above mentioned lo'i kalo.

Supplemental Information for Box 2: Source Landowner

Not applicable pursuant to HRS §174C-51(1)(B), because applicant does not have a terminable interest in the land which is the source of the permitted water. According to the Water Commission's records, which have not been verified, Wailuku Water Company claims to be the source landowner.

Supplemental Information for Box 5: Can Your Proposed Use(s) be Accommodated Within the Above Amounts

As our proposed uses are for cultural and educational purposes, we will be accommodated within the amount of water which flows in the kuleana ditch.

Supplemental Information for Box 7b: Will the Diverted Water Be Returned to the Stream or Ditch?

Other than water that seeps into the ground or is lost through evaporation, all water which runs through the lo'i kalo will be returned to the existing 'auwai ditch system.

Table 3: Alternatives Analysis and Additional Requirements, Section B: Analysis of Non-Potable Alternatives.

Because we are requesting to use water that currently flows onto our property (riparian rights), and we are the end users of this water, there will not be any adverse impact to any other potential user. Additionally, we are proposing to use this water for a recognized cultural use, for primarily educational, non-commercial uses.

Municipal Sources: As a small, local non-profit we are not able to afford municipal fees to accommodate this project. Since the water is flowing through our property, we are only proposing to capture it and allow it to flow back to the ditch from which it came.

Maui Coastal Land Trust
TMK.3-2-010:001
SWUPA-New Use Attachment
July 7, 2010

Wastewater Reuse: Reusing wastewater is impractical. As a small user engaged in non-commercial activities, we do not have the means to hookup to and use treated wastewater. The nearest wastewater treatment plant is in Kahului.

Ditch System: We are proposing to use the water from an existing 'auwai. Drawing water from another source would be neither practical nor reasonable.

Desalinization: Desalinization of brackish water is not a practical alternative because we are not aware of any such plant having been built on Maui.

Ground Water: Even if we were able to secure the permits necessary to drill a well and pump ground water for our uses, installing an operating such a well for our small, non-commercial uses would be extremely burdensome.