



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

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 Official Use Only:

RECEIVED
 COMMISSION ON WATER RESOURCE MANAGEMENT
 2012 FEB -6 PM 2:49

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 <i>waikapu Properties, LLC</i>		Applicant's Contact <i>Albert Boyce</i>		2. SOURCE LANDOWNER'S NAME <i>waialuku water Company LLC</i>		Source Landowner's Contact <i>Clayton Suzuki</i>	
Applicant's Mailing Address, or Principal Place of Business <i>P.O. Box 1870 manteca, CA 95336</i>				Source Landowner's Mailing Address, or Principal Place of Business <i>225 East waialua Road waialuku, Hawaii 96793</i>			
Applicant's Phone [REDACTED]		Applicant's Fax [REDACTED]		Applicant's E-mail [REDACTED]		Source Landowner's Phone <i>(808) 244-7068</i>	
						Source Landowner's Fax <i>(808)</i>	
						Source Landowner's E-mail <i>csuzuki@waialukewater.com</i>	

SOURCE INFORMATION

3. SURFACE WATER HYDROLOGIC UNIT: Island: *maui* Hydrologic Unit: *waikapu* Hydrologic Unit Code: *6001*

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:
There is sufficient capacity under the existing IFS to deliver this usage

6a. TMK OF PROPOSED STREAM DIVERSION LOCATION: *3 - 6 - 003 : 001* by *WWC.*

6b. TMK OF PROPOSED DITCH DIVERSION LOCATION: *3 - 6 - 006 : 036*

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*

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.
 No. Explain how stream diversion will be measured or estimated to justify amounts requested in the space below.
weir estimates

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

9. TOTAL QUANTITY OF WATER REQUESTED: *5,544* 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: *waialuku 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 <i>[Signature]</i> Signature <i>Albert Boyce</i> Print <i>2-1-12</i> Date		17. SOURCE LANDOWNER <input checked="" type="checkbox"/> Signature Print Date	
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FILE ID: *SWUP:3472.6*
 DOC ID: *8756*

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	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	0 ¹²	GPD		
Uses that do not require potable water										
AGRI	3 - 6 - 006 : 036	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	0.72	7,700	5,544	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Feed & forage irrigation for livestock production.
	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	5,544 ¹³	GPD		
						TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	5,544 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 <i>there is no information that would lead me to conclude that the provision of water under this application would interfere with any existing known limitations.</i>										

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 - 6 - 006 : 036 <small>Zone - Sec - Plat : Parcel</small>	Feed & forage	0.72	0.72	Feb. 2012	Mar. 2013	sprinkler, large guns	apply to a fixed depth per irrigation.
<small>Zone - Sec - Plat : Parcel</small>							
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<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	DWS does not have the capacity to provide the needed volumes of water	Water for non-potable use is not available from the DWS
Wastewater reuse	The Kahului (closest treatment plant) has no feeder lines in the area, the cost to install a distribution line from the plant to this property is prohibitive	The Kahului (closest treatment plant) has no feeder lines in the area, the cost to install a distribution line from the plant to this property is prohibitive
Ditch system	There are no other ditch systems available	There are no other ditch systems available
Desalinization	There are no desalinization plants on MAui and cost to develop one is prohibitive	There are no desalinization plants on MAui and cost to develop one is prohibitive
Ground water	Pumping of Ground water in the Iao Aquifer is under a CWRM designation and capacity is limited	Pumping of Ground water in the Iao Aquifer is under a CWRM designation and capacity is limited
Other (specify)	Storm water reclamation has no facilities or infrastructure in place at this time and is cost prohibitive	Storm water reclamation has no facilities or infrastructure in place at this time and is cost prohibitive

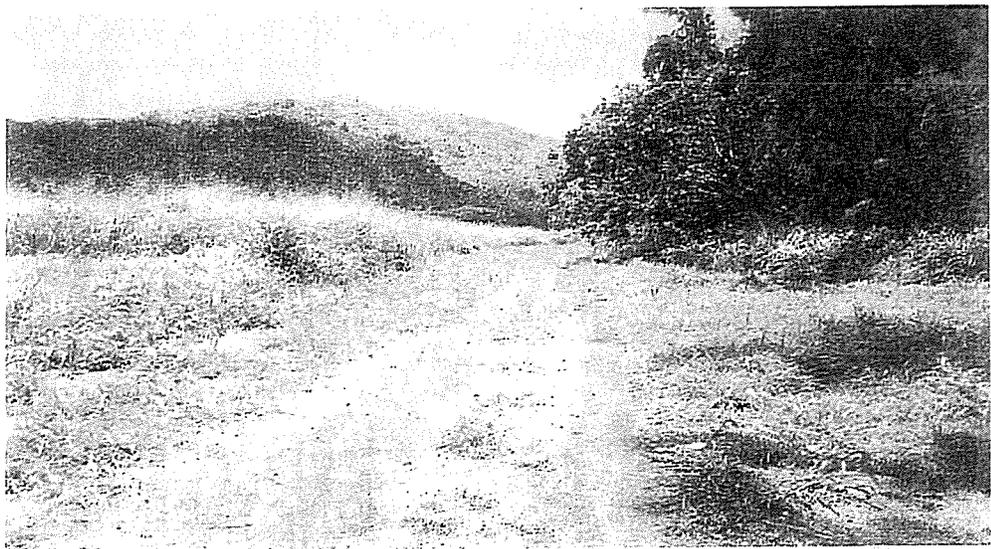
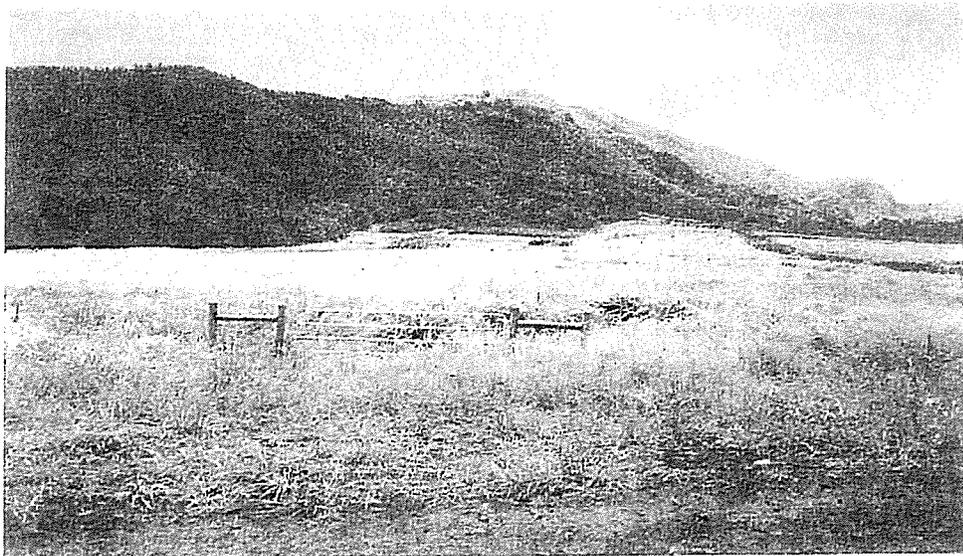
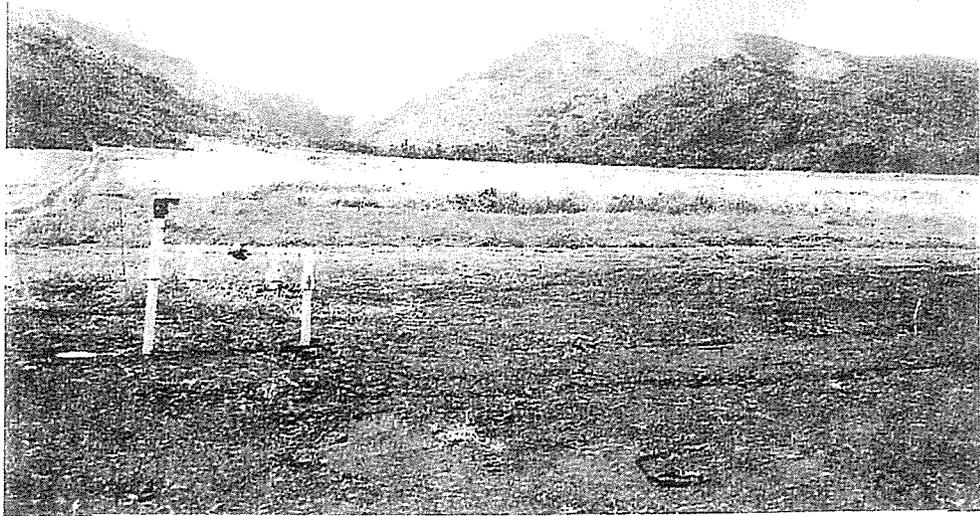
C. ADDITIONAL REQUIREMENTS:

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.
 Maximum Beneficial Use/Public Interest. The Hawaii State Water Code (HRS, Section 174C-2(c)) mandates that the code be interpreted and implemented to obtain maximum beneficial uses for waters of the State for agricultural and irrigation uses. The proposed new use is for irrigation to grow feed and forage for livestock to be maintained at the property, Coffee production and reforestation. The net area to be irrigated under this water use permit application is 200.0 acres of the 657.2 acre TMK. The use is consistent with and implements the water codes dictates and fosters the maximum beneficial use for agricultural and irrigation purposes.

2. Explain below how your proposed new use(s) will not interfere with any existing legal use(s).
 There is no information that would lead me to conclude that the provision of water under this application would interfere with any existing known use.

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.
 Rights of the Department of Hawaiian Homelands. The State Water Code, Section 174C-101(a) relates that the provisions of the Water Code shall not be construed to amend or modify the rights or entitlements to water as provided for by the Hawaiian Homes Commission Act, 1920. The referenced water source has no current or foreseeable development in use of Hawaiian homelands as set forth in Section 221 of the Hawaiian Homes Commission Act. There has been no indication that from the Office of Hawaiian Homes that it would request or reserve water from this service for current or foreseeable development. Consequently, the proposed use will not interfere with the rights of the Department of Hawaiian Homelands as provided in Section 221 of the Hawaiian Homes Commission Act.



END USE AREAS