

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

Susan Kuwada

DECLARATION OF Susan Kuwada

I, Susan Kuwada, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 88 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, "Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, "Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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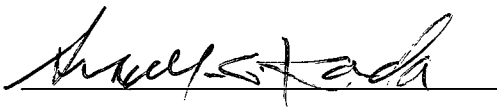
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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, December 16, 2015.



ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

In 2016, we will be planting an avocado orchard (100-109 trees per acre) on one acre of lot 88 (our lot). The orchard will be in addition to the approximately .5 acre on which we currently grow banana, bamboo, coconut trees, foxtail palms, areca palms, and several different types of croton plants for hedges.

On the remaining .5 acre, we will construct our family home which will be landscaped.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,) Case No. CCH-MA 15-01
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow) DECLARATION OF:
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao) GEOFFREY LEE
and Waikapu Streams, Maui)

DECLARATION OF GEOFFREY LEE

I, GEOFFREY LEE, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.
2. I am an owner of Lot 89 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.
3. I am a member of the Wailuku Country Estates Community Association.
4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.
5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, "Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, "Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, JAN. 3, 2016

Cathy Lu

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

Citrus trees are mature and bearing fruit including, orange, lemon, tangerine, grapefruit & tangelo. Trees are on a timer for watering including lime. Fruit is sold.

Avocado trees are mature and bearing, 13 trees. Fruit is sold, trees hand watered. 4 immature trees need 4+ years to bear.

Other trees include, mango, longan, kumquat, sapote, lychee, starfruit. Fruit sold when in season.

Others include bananas, bay leaf and decorative plumeria (many colors) for propagation with crotons.

Aquaponic tanks produce oregano, watercress at this time with 5000 gallon capacity. 9 - 500 gallon monthly replenishment. Future plan to grow herb & vegetable (eggplants) on drip irrigation system.

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Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

GREGORY MARTINO

DECLARATION OF GREGORY MARTINO

I, GREGORY MARTINO declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 90 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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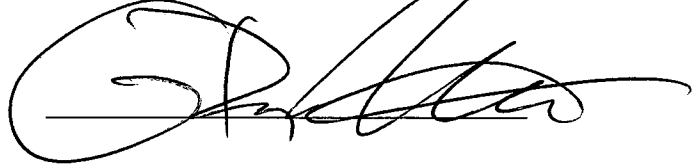
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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii,

DEC. 22, 2015.



ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

*Avocado orchard	½ acre-existing
1. Citrus	½ acre
2. Various fruit trees including mango, banana, papaya, breadfruit	¾ acre
3. Organic garden of various herbs, vegetables & leafy crops	¼ acre
4. Residential landscaping	¼ acre

I am in the process of completing construction of my residence and upon completion, (approx. March 2016) will be installing items 1-4.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

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Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

FLORO DELLA

DECLARATION OF FLORO DELLA

I, Floro Della, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 92 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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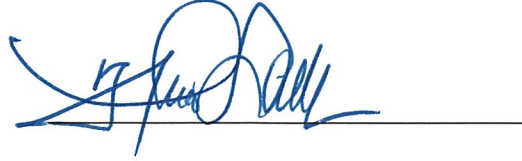
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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, December 31, 2015

A handwritten signature in blue ink is written over a horizontal line. The signature is stylized and appears to be a name, possibly "H. H. H.", with a large loop at the end.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
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Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

JOY YANAGIDA

DECLARATION OF JOY YANAGIDA

I, JOY YANAGIDA, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 93 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

EXHIBIT NO.

2189 WCEIC - 361

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

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15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

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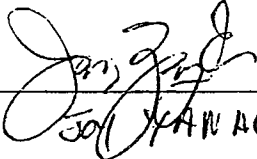
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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, 12/30/25.



JAN ZED

ADDENDUM TO DECLARATION

We harvest apple bananas, papayas, and lilikoi, sharing the fruit with the community on almost a weekly basis. There is ample produce, and very little goes to waste. Production is increasing on its own, as the soil is becoming enriched by the bananas and by castings from a worm farm. Banana bunches of 50 lbs are routine.

About 24 dwarf Samoan coconut palms are producing their first crop, which promises to be spectacular. A single palm sports four stalks of two dozen coconuts, meaning 100 coconuts per tree.

Mango, avocado, goji berry, loquats and citrus are now mature, but we are working on better and tastier yield.

We have extensive ornamental landscaping, including a half dozen varieties of ti, orchids, and anthuriums. These support the bees and butterflies, prevent erosion, and enhance the natural beauty of the area.

All these plants are supported by drip irrigation feeding plants, fed below the surface and at surface. The irrigation is on a timer, and we turn it off off during heavy rains. Without irrigation from non-potable water, the bananas and coconuts would not flourish. The mango would not likely survive. The papayas, lilikoi, goji, avocado, citrus, anthuriums would perish.

I declare under penalty of perjury the foregoing is true and correct.

DATED: Wailuku, Maui, Hawaii, December 30, 2015.



Joy Yanagida

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

Alan D. Burkle

DECLARATION OF Alan D. Burkle

I, Alan D. Burkle, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 96 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, "Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, "Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, December 31, 2015.



ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

Agricultural use of the land has been increased since the original application, to include native fruits and vegetables. These crops include regions of tapioca, taro, 'ape, banana, papaya, sweet potato, coconut, and watermelon. To illustrate current usage and plantings, documentary photographs have been included below, in Figures 1 through 4.



Figure 1. View toward left – Overview of existing agriculture use as of 12/31/2015.



Figure 2. View toward left - Tapioca, Taro, 'Ape, Banana, Papaya



Figure 3. View toward right — Taro, Banana, Sweet Potato



Figure 4. View toward left, driveway – Watermelon, Bananas

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	TMC 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 data approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the data approved, if applicable.	UNITS OR NET ACREAGE	GPD/ACRE 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		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone	Sec	Plat	Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone	Sec	Plat	Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
	Zone	Sec	Plat	Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
TOTAL POTABLE USE													
Uses that do not require potable water													
AGRCP	3	3	017	096	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No	0.50	1200	1200	☒ Yes ☐ No	Allocated per the Wailuku Country Estates Irrigation Company (WCEIR) \$0,000 gallons of water per month for \$95.00. Any amount over \$0,000 gallon has an excess water charge of \$2.00 per thousand gallons.
AGRON	3	3	017	096	Agriculture	☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No	0.25	800	800	☒ Yes ☐ No	See Water Agreement Dated August 12, 2002 between WCEIR Developer Brian Anderson and Wailuku Agribusiness Co. Inc. Avery B. Chumbliv.
AGRCP	3	3	017	096	Agr.	☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No	Chapter 19.30A Agr. Dist.	☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No	0.40	400	400	☒ Yes ☐ No	See Agreement Regarding Irrigation Water (Individual Lots) signed at closing of escrow by all lots within WCE and the Developer
	Zone	Sec	Plat	Parcel		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No		☐ Yes, date approved: / / ☐ Yes, not acquired ☐ No				☐ Yes ☐ No	
TOTAL NON POTABLE USE										2000 2400			
TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =										2000 2400			
15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS There are limitations on use of Potable water to 540 gallons per day, see unilateral water agreement with the County of Maui. There are limitation on use of Non-Potable Water to 5000 GPD per lot in Water Agreement Regarding Individual Lots with Wailuku Water Company and the Individual lot owners. See attached additional sheets with main application.													

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		6		7		8	
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)								CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)					
3 - 3 - 0 1 7 : 0 9 6	Zone	Sect		Dist		Parcel		Orchard	2.094	0.50	April	April	Trickle, drip	Other - Timer as needed					
3 - 3 - 0 1 7 : 0 9 6	Zone	Sect		Dist		Parcel		Ornamental plants	2.094	0.25	April	April	Trickle, drip	Other - Timer as needed					
3 - 3 - 0 1 7 : 0 9 6	Zone	Sect		Dist		Parcel		Native Vegetables	2.094	0.40	April	April	Trickle, drip	Other - Timer as needed					
- - :	Zone	Sect		Dist		Parcel													
- - :	Zone	Sect		Dist		Parcel													
- - :	Zone	Sect		Dist		Parcel													
- - :	Zone	Sect		Dist		Parcel													
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- - :	Zone	Sect		Dist		Parcel													
- - :	Zone	Sect		Dist		Parcel													

9. COMMENTS:

There are limitations on use of Non-Potable Water to 5,000 GPD per lot in Water Agreement Regarding Individual Lots. See attached additional sheet. Per the Declaration of Covenants, Conditions, and Restrictions for Wailuku Country Estates, Article XX Water Systems, 20.1, there are two water systems, Potable and Non-Potable. The Non-Potable water will be used for the Agricultural Use of the Property.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

Stephen T. Leis

DECLARATION OF Stephen T. Leis

I, Stephen T. Leis, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 98 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, "Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, "Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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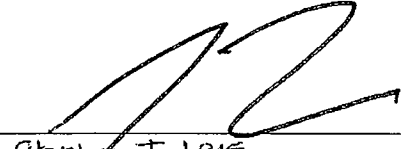
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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, 1-30-15


Stephen T. Leis

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

Henry C. Pacheco

DECLARATION OF

Henry C. Pacheco

I, Henry C. Pacheco, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 99 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, "Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, "Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, December 11, 2015.

Harry Parker

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

Since moving into our home in 2005 at Wailuku Country Estate, I have been growing ti leaf, papayas, bananas, guava and mango trees. I also use the non-potable water for the landscaping on my property.

I plan to retire at the end of 2016 and plan to grow more fruit trees and vegetables. I will need continued irrigation water for my property.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,) Case No. CCH-MA 15-01
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow) DECLARATION OF:
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao) KAROL & JOY SKRBEK
and Waikapu Streams, Maui)
_____)

DECLARATION OF KAROL & JOY SKRBEK

I, KAROL SKRBEK & JOY SKRBEK, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.
2. I am an owner of Lot 100 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.
3. I am a member of the Wailuku Country Estates Community Association.
4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.
5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, "Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, "Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, JANUARY 03, 2016.

John
Palmer

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

The main reason we purchased our lot at Wailuku Country Estates Sub. in 2003 is due to the fact it was in agricultural zoning. We have submitted Ag-Plan with County to use a high percentage of our property for farming. For that reason, irrigation water is very important for us.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

Jon Ammerman

DECLARATION OF Jon Ammerman

I, Jon Ammerman, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 101 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, 12/30/15.

A handwritten signature in black ink, consisting of a large, stylized 'P' followed by a horizontal line and a long, sweeping curve that extends to the right.

When my wife and I purchased our farmland in 2012 the previous owners had already done considerable agricultural planting. Since then we have expanded on that foundation. We now grow:

Small commercial scale Crops (aprox. 1/4 acre total plantings):

Apple Banana

Papaya

Avocado (various varieties)

Vegetables:

3 raised beds with various vegetable crops grown in spring-summer season (currently at rest).

Other foods grown on our property include (but not limited to):

Herbs

Various heirloom sugarcane

Coconut

Lilikoi

Lychee

Guava

Breadfruit

Dryland Taro

Lime

Orange

Mango

Test plantings (as potential for cash crops)

Cacao

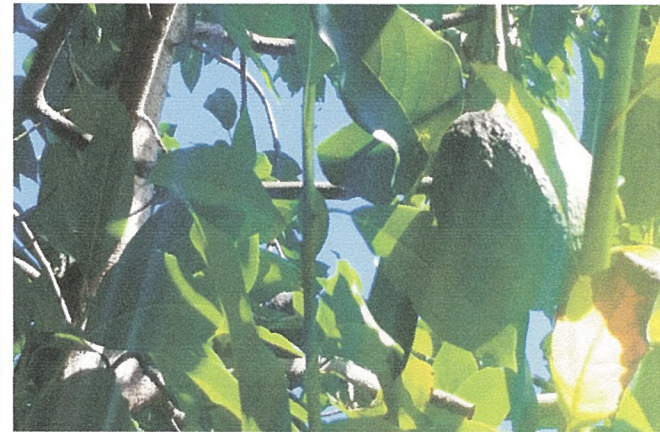
Cherimoya

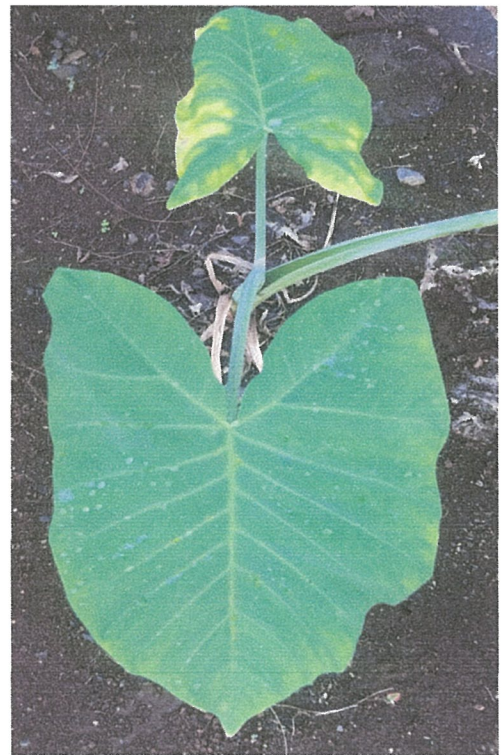
Sweetsop / Custard apple

Ginger

Tumeric

The food we produce is shared among our families living on the island as well as friends and coworkers. We strive to do our part in moving Hawaii towards food sustainability. Inadequate or expensive access to water would have a negative impact on our extended community group as we would no longer be able to continue our agricultural activities. Furthermore our plans for the production of a medium scale "cash crop" would be dropped resulting in a financial loss. It is my opinion that water redistribution efforts often have little to no impact on large corporate agribusinesses or to the environment at large, while often being detrimental to the small family farmer. It is exactly this type of action that is counterproductive to our shared imperative: moving Hawaii away from a mainland reliance on food production. Recent changes within the Na Wai Eha Surface Water Management Area serve to reinforce that notion. The result of recent actions will ultimately result in less local food production for Maui County while cane molasses production for export to the mainland remains unchanged.





COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)

Case No. CCH-MA 15-01

DECLARATION OF:

Micki Ly

DECLARATION OF MICKI LY

I, Micki Ly, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.
2. I am an owner of Lot 103 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.
3. I am a member of the Wailuku Country Estates Community Association.
4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.
5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

EXHIBIT NO.

2189 WCEIC - 367

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, "Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, "Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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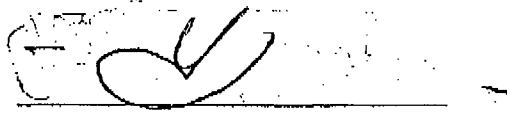
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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, DEC 09 2015

A handwritten signature in black ink, appearing to be "E. V.", is written over a horizontal line.

Addendum to the declaration

Since purchasing my lot in year 2003, I have been successfully growing papayas, bananas, lychees, star fruit, apples, pears, persimmon, lemons, oranges and other vegetables (squash, kale, green beans, tomatoes) , including Taro for sale at the Farmer's market.

I use drip irrigation for all of my crops and need continued irrigation water for all my crop.

Micki ly (lot 103)

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

George Shimada

DECLARATION OF George Shimada

I, George Shimada, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot U105 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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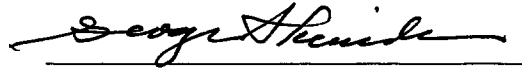
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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, 12-11-15.



COMMISSION ON WATER RESOURCE MANAGEMENT
STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

Kent R. Carlson

DECLARATION OF Kent R. Carlson

I, Kent R. Carlson, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 106 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, "Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, "Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, January 3, 2016.

Kent R. Carlson

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

We moved into our home when it was completed in April 2009. We immediately started using the non-potable water from Wailuku Country Estates Irrigation Company for irrigation purposes. All of our irrigation, except for the lawn and plantings immediately around our house, is done using drip irrigation. We irrigate two main types of crops, bananas and orchard trees.

Bananas have been our main commercial crop, with us selling an average of about 8,000 pounds per year to a vendor at the farmer's market at the Queen Kaahumanu shopping center. We pay General Exercise, State Income, and Federal Income taxes on the proceeds from these sales. Without irrigation water, we would have to shut down our banana operation.

Our orchard consists of: numerous papaya trees, five avocado trees, four mango trees, two lychee trees, two orange trees, and single lime, tangerine, sour sop, cherimoya, and mangosteen trees. Because of the age of the trees, they are only now starting to bear fruit, much of which we plan to sell. All are drip irrigated. Without the irrigation water, the trees would probably survive, but fruit production would be cut significantly.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

PAUL A. GAUTHIER

DECLARATION OF PAUL A. GAUTHIER

I, PAUL A. GAUTHIER, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 107 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, "Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, "Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, DECEMBER 11 2015.

Paul A. Gushik

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

I do have a 250 sq./ft vegetable garden & multiple & assorted citrus and papaya trees also.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

Susan N Moulton

DECLARATION OF Susan N Moulton

I, Susan N Moulton, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot U108 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, "Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, "Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, December 31, 2015.

Susan N. Monahan
for BNM Holdings, Ltd

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

We need the non-potable water so we can continue to produce macadamia nuts, leafy vegetables, bananas and papayas

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

Margi L. Calder

DECLARATION OF Margi L. Calder

I, Margi L. Calder, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 109 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, "Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, "Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, December 9th, 2015

Margi Halder

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)	Case No. CCH-MA 15-01
Integration of Appurtenant Rights and)	
Amendments to the Interim Instream Flow)	DECLARATION OF:
Standards, Na Wai Eha Surface Water)	
Management Areas of Waihee, Waiehu, Iao)	<u>OVIDIU & SIMONA BRESKAN</u>
and Waikapu Streams, Maui)	
_____)	

DECLARATION OF OVIDIU & SIMONA BRESKAN

I, Ovidiu & Simona Brescan, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.
2. I am an owner of Lot 110 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.
3. I am a member of the Wailuku Country Estates Community Association.
4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.
5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, "Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, 01-04-2016

Kidini Brescan Simona Brescan

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

Clyde + Jean Y. Kono

DECLARATION OF Clyde + Jean Y. Kono

I, Clyde + Jean Y. Kono, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 111 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

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15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, 12/9/2015.

Dr. G.
Jury G. Kimo

Addendum To Declaration

Listed below are the agriculture activities that I have been engaged in since moving into my new home in Wailuku Country Estates (Lot 111) in January 2007.

Fruits:

1. Bananas
2. Papayas (12)
3. Mountain Apple (3)
4. Avocado (1)
5. Mango (1)
6. Olive (1)
7. Macadamia Nut (6)
8. Kukui Nut (1)
9. Star Fruit (1)
10. Citrus Trees (4)
11. Dragon Fruit (15 & expanding)

Vegetables:

1. Squash
2. Taro
3. Eggplant
4. Chili Peppers
5. Various herbs
6. Daikon
7. Various Leafy Greens

T-Leaves

Aquaponic System:

I'm growing various leafy greens with a 600 gallon tilapia pond. I use the ag water to replace the pond water every 1 to 2 months. I also use the pond water to irrigate my fruit trees.

Chickens:

I have 7 hens that I raise for eggs. I need about a ¼ acre of grassy area for them to free range.

Erosion Control:

I have about ¼ acre where I grow ground cover for erosion control. This is to prevent mudslides during heavy rain.

Comment:

All of the agricultural products that I grow are for home consumption and to give away to friends and family. The T-Leaves are for home use. I also donate the T-Leaves to non-profit organizations for their fund raising activities (ie lau lau, kalua pig, leis, etc). I am continually experimenting with various crops and other agriculture activities. I started growing dragon fruit 2 years ago and have been slowly expanding. I also plan to grow more papayas, and experimenting with different varieties. All of my plants and vegetables are on an automatic timer drip system to conserve water. The current ag water allocation is essential to continue my current agricultural activities and to pursue my future expansion plans.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)

Case No. CCH-MA 15-01

DECLARATION OF:

Teresita Bravo

DECLARATION OF

Teresita Bravo
I, Teresita Bravo, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 113 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

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9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

/ Bananas	chives
/ Mangoes	spinach
/ Avocados	star apple
/ Jackfruit	
/ coconuts	Sour soap
/ chico	artich
/ Macadamia	
/ pumpkin	
/ lemon grass	

* Existing Crops

I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, Tuesita Bravo

January 4, 2016

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

* See page 4 *

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

PETER J. STAHL

DECLARATION OF PETER J. STAHL

I, PETER J. STAHL, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 114 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

EXHIBIT NO.

2189 WCEIC - 376

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

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9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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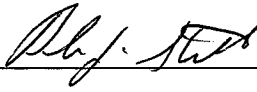
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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, 4 JANUARY 2016.



ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

The ag water supply to my Lot 114 is crucial to my agricultural operations, and plans for further agricultural growth.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

Leona Borge

DECLARATION OF Leona Borge

I, Leona Borge, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 117 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

EXHIBIT NO.

2189 WCEIC - 377

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, January 3, 2016
Lena Berger

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

I am the owner of Lot 117. From 2007, I have been cultivating taro, t-leafs and native plants. In 2008 I planted more taro, papayas and 20 lychee trees. Currently, an acre consists of taro, avocado, bananas, tomatoes, beans, okra, lychee, papayas and ohia lehua and many native plants.

I am using the non-potable water for all of the above.

Mahalo,

Leona Borge

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,	)	Case No. CCH-MA 15-01
Integration of Appurtenant Rights and	)	
Amendments to the Interim Instream Flow	)	DECLARATION OF:
Standards, Na Wai Eha Surface Water	)	
Management Areas of Waihee, Waiehu, Iao	)	<u>GERMAINE ROLLINSON</u>
and Waikapu Streams, Maui	)	
_____	)	

DECLARATION OF GERMAINE ROLLINSON

I, Germain Rollinson, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.
2. I am an owner of Lot 118 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.
3. I am a member of the Wailuku Country Estates Community Association.
4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.
5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, Jan. 1, 2016.

Samuel Robinson

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

Additional farming is on the property. Taro and fruit trees.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

Edward & Gail Reinhardt

DECLARATION OF Edward & Gail Reinhardt

1. Edward & Gail Reinhardt declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 119 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, "Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, "Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, 12/15/15

Jeffrey A. Kula
Paul A. Kula

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

The following is a summary of crops that require irrigation water on our property.

In 2009 we filed a Farm Plan Application with the County of Maui, which was approved in January of 2010 by the County of Maui. The initial farm plan included growing yams, sweet potatoes, banana trees, papaya trees, taro, macadamia trees and other assorted vegetables. The following is an approximation of the current usage and crops that are grown on this lot.

1. Macadamia trees take up approximately 5% of the property
2. Fruit trees, which include guava, lemon, pear, papaya and banana trees take up approximately 15% of the property.
3. Dry land taro, yams and potatoes take up approximately 40% of the property
4. And other miscellaneous other plants, such as ti leaf and tropical flowers and normal lawn irrigation take up the remainder of the needed water.

All of the crops on our property are in drip irrigation; except for a portion of the lawn, which is on a sprinkler system.

Although, we have never sold our produce, and in addition to our own usage, we normally give away to family members, friends and members of our Church Group or other people in the community.

Irrigation water is an essential part of our ability to continue to farm our property. There have been times in the last few years where we were asked to curtail usage of irrigation water because we had already reached the maximum allowed.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

KENN KATO

DECLARATION OF

KENN KATO

I, KENN KATO, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 120 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, "Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, "Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, DECEMBER 9, 2015.

W. K. K.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,	)	Case No. CCH-MA 15-01
Integration of Appurtenant Rights and	)	
Amendments to the Interim Instream Flow	)	DECLARATION OF:
Standards, Na Wai Eha Surface Water	)	
Management Areas of Waihee, Waiehu, Iao	)	JASON CHAU
and Waikapu Streams, Maui	)	
_____	)	

DECLARATION OF JASON CHAU

I, **JASON CHAU**, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.
2. I am an owner of Lot **122** at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.
3. I am a member of the Wailuku Country Estates Community Association.
4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.
5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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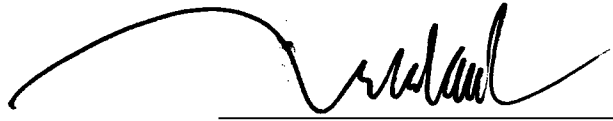
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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, DEC/10/15.



A handwritten signature in black ink, appearing to read "Wailuku", is written over a horizontal line. Below this line is another horizontal line.

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

I have same and add some more.

COMMISSION ON WATER RESOURCE MANAGEMENT
STATE OF HAWAII

Surface Water Use Permit Applications,)
Intégration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

Mauvy King

DECLARATION OF Mauvy King

I, Mauvy King, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 123 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, 12/14/2015.

Maurice King

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

Lot 123, which I own and has the common address of 403 Maika St Wailuku, HI 96793, has been turned into an agroforest or food forest full of fruit trees and vegetables.

Most of the usable 2 acres has had the macadamia nut trees removed and approximately 60 fruit trees have been planted along with a number of vegetables. In some cases these things are 'interplanted' in 'layers', hence the term agroforest or food forest.

I have many kinds of citrus trees, several different varieties of avocados and mangoes, papayas, different kinds of bananas, breadfruit, soursop, star fruit, Surinam cherries, kalamungay, mangosteen, cacao, palm trees for hearts of palm, coconuts, noni, guava, pigeon pea, chaya, kotok, 3 kinds of lilikoi and other fruit trees as well.

In addition, there are herbs and vegetables including eggplant, tomatoes, beets, lemon grass, squashes, asparagus, mint, kale, mung beans, rosemary and many others.

In addition to the edible fruits and vegetables, there are plants grown specifically to produce nitrogen enhancing mulch. These include peanut, vetiver grass and gliricidia trees.

There are also windbreaks of Arica palms and bamboo.

All of the above things are on my irrigation system consisting of pvc or rubber pipes running to every individual tree and through the vegetable garden.

I would not be able to continue to grow this bounty of food, which I use as much as I can of and either give away or sell the rest. This orchard is less than 3 years old and many of the trees aren't up to full production. The younger trees especially need the irrigation water.

I bought into Wailuku Country Estates with the idea that it was intended as agricultural 'estates' that came with a secondary water supply to grow food with. I was not aware of any controversy surrounding the continued availability of that water. I would be very disappointed if I were to lose the ability to water my agricultural crops with the ag water we get for a monthly fee of \$100. as I have quite a financial investment in what I have created here. And a desire to feed myself and other people.

A handwritten signature in black ink that reads "Maury King". The signature is written in a cursive, flowing style with a large, prominent 'M' and 'K'.

Maury King

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)	Case No. CCH-MA 15-01
Integration of Appurtenant Rights and)	
Amendments to the Interim Instream Flow)	DECLARATION OF:
Standards, Na Wai Eha Surface Water)	
Management Areas of Waihee, Waiehu, Iao)	<u>SANE & LIENNE SISOUVONG</u>
and Waikapu Streams, Maui)	
_____)	

DECLARATION OF SANE & LIENNE SISOUVONG

I, Sane & Lienne Sisouvong, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.
2. I am an owner of Lot 124 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.
3. I am a member of the Wailuku Country Estates Community Association.
4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.
5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, 12 / 31 / 2015.

Sam Lihoua
Hawaii

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

FELICIANO + JOVITA RAYRAY

DECLARATION OF FELICIANO + JOVITA RAYRAY

I, FELICIANO + JOVITA RAYRAY declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.
2. I am an owner of Lot 4-125 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.
3. I am a member of the Wailuku Country Estates Community Association.
4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.
5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, 12/15/2015.

Belinda Pyg

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

I am the owner of Lot 125 from 2007. I grow mostly vegetables as okra, squash, tomatoes, eggplant, bitter melon, long beans, wing beans, avocado, mango, lime trees, coconuts and I raise live stock as goat and chicken. I am using the non-potable water for all my plants. The water is necessary for any agriculture on this lot.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

Frederick K. Kaya

DECLARATION OF Frederick K. Kaya

I, Frederick K. Kaya, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 127 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, December 31, 2015.

Frederick K. Kaya

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

Presently $\frac{3}{4}$ acre in cultivation with a mixture of crops (pepper, herbs, long squash, kabocha squash, onions, chives, bananas – 60 plants, sweet potato, Okinawan potato, Molokai potato, ginger), fruit trees (mango 2, avocado 3, lychee 3, loquat 2, jack fruit, guava 4, Surinam cherry 1, mulberry 1, pomegranate 1, various citrus 21, figs 6).

Also, ground cover, ornamental and lawn grass around yard and driveway. Future increase in area cultivated to 1 – $1\frac{1}{2}$ acres as land is cleared. Need present amount of water to sustain operations.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

Thomas + Rene Haynes

DECLARATION OF Thomas + Rene Haynes

I, Thomas + Rene Haynes, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 128 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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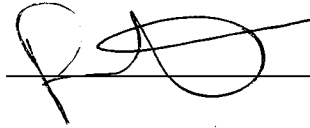
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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, 12/28/15.



ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

19	Citrus trees	15	Papayas
8	Mango trees	1	Macadamia nut
14	Avocado trees		
1	Star fruit tree		
1	Guava trees		
14	Plumeria trees for leis		
18	Shower trees for air layers		
250	Red ti's for cuttings and propagation		

Projections (not planted yet)

10	Plumeria	25	Papayas
1	Citrus	20	Palm trees (propagation)
2	Mangos		
6	Avocados		
150	Red Ti's		

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

Lloyd D. Watanabe

DECLARATION OF

Lloyd D. Watanabe
I, Lloyd D. Watanabe, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 130 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, January 3, 2016.

Lloyd Watson

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

100% agriculture use

100% bananas

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,) Case No. CCH-MA 15-01
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

DECLARATION OF:

HONG P. NGHIEM

DECLARATION OF HONG P. NGHIEM

I, HONG P. NGHIEM, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.
2. I am an owner of Lot 131 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.
3. I am a member of the Wailuku Country Estates Community Association.
4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.
5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, Dec 16th - 2015.

Hong Nien

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

We're growing: Tahitian lime trees as our main crops and tropical fruit trees; green papayas; banana; longan; lychee; avocados; mangos ...

We need to have irrigation water for agriculture purposes.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

RICHARD CIRIMELLI

DECLARATION OF RICHARD CIRIMELLI

I, RICHARD CIRIMELLI, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.
2. I am an owner of Lot U132 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.
3. I am a member of the Wailuku Country Estates Community Association.
4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.
5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, "Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, "Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, JANUARY 3, 2016.


RICHARD CIRIMELLI

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

We are currently growing bananas, macadamia nuts, avocados, lilikoi, papaya and mangos.

It is important for us to have the non-potable water to irrigate the agricultural products shown above so that we can harvest and sell our crops to support ourselves by supplementing our income. We plan to sell this produce at the local farmer's market which will benefit our local community, as well as ourselves.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

ERLINDA ROSARIO

DECLARATION OF ERLINDA ROSARIO

I, ERLINDA ROSARIO, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.
2. I am an owner of Lot U133 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.
3. I am a member of the Wailuku Country Estates Community Association.
4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.
5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, December 22, 2015.

Eulinda Rosado

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

Anne M. Oishi

DECLARATION OF

Anne M. Oishi
I, Anne M. Oishi, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 134 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, "Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, "Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, 12/28/15



A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal stroke, is written over a horizontal line.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,) Case No. CCH-MA 15-01

Integration of Appurtenant Rights and)

Amendments to the Interim Instream Flow)

Standards, Na Wai Eha Surface Water)

Management Areas of Waihee, Waiehu, Iao)

and Waikapu Streams, Maui)

DECLARATION OF:

JOSEPH BLACKBURN II

DECLARATION OF JOSEPH BLACKBURN II

I, JOSEPH BLACKBURN II, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 136 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water-supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, "Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, "Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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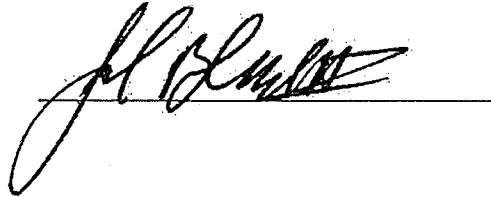
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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, DECEMBER 8, 2015

A handwritten signature in black ink, appearing to be "J. Blum", is written over a horizontal line.

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

I am the owner of Lot 136. From about 2008 to 2011 I grew mostly dryland taro and bananas. I sold the luau leaf and bananas. I then decided to run for Maui County Council. During my two attempts for office, I did not take care of my Loi's, (I made small circles for my taro). While I did use irrigation water, the taro did not do well as I did not transplant the Huli etc. I did plant some fruit trees including avocado, acai, betel nut, mango. Citrus including lime and tangerine. I have the home for sale and recently planted more avocado trees. I am using the non potable water for all my trees and plants and have made it clear to prospective new owners that they need to do more agriculture than I have done recently. The water is necessary for any agriculture on this lot. The home has been for sale for about 284 days.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)

Case No. CCH-MA 15-01

DECLARATION OF:

PAUL MCKIERNAN

DECLARATION OF

I, PAUL MCKIERNAN, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 137 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

EXHIBIT NO.

2189 WCEIC - 393

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, DECEMBER 30, 2015

Paul McKinn

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

Since purchasing Lot 137, I have saved the macadamia nut trees on the north and south end of the lot (approx. 40 trees). Also I have approximately 100 banana tree plantings as well as 50 kalamungay trees, papaya and mango tree plantings. All, but especially the bananas must have this irrigation water to produce viable fruit for sale. I have installed drip irrigation for all the bananas, as well as irrigation for the lawn. Loss of this water would seriously impact me!

COMMISSION ON WATER RESOURCE MANAGEMENT
STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

Mark Miller

DECLARATION OF

Mark Miller

I, Mark Miller, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 138 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, 12/30/15.



A handwritten signature in blue ink, consisting of a large, stylized 'O' followed by a cursive 'M' and a horizontal stroke.

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

My purchase of this property (Lot #138) was in large part was determined by the fact that there was non-potable agricultural water available. I am just beginning the process of developing our lot for agricultural purposes as well as our primary residence.

It is our intention to grow dry-land taro, bananas, papayas & avocado for our personal consumption as well as selling all excess produce. The loss of this non-potable water source would have a negative impact on us.

COMMISSION ON WATER RESOURCE MANAGEMENT
STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

Mei Wei Xiao

DECLARATION OF

Mei Wei Xiao

I, Mei Wei Xiao, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 40 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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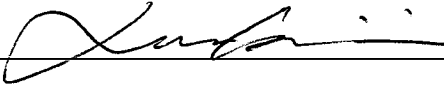
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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, 2/2/16.

A handwritten signature in cursive script, appearing to read 'L. L. L.', is written over a horizontal line.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

J. STEPHEN GOODFELLOW

DECLARATION OF J. STEPHEN GOODFELLOW

I, J. STEPHEN GOODFELLOW*, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 141 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

* J. Stephen Goodfellow, Trustee of
J. Stephen & Denise Goodfellow Main Trust,
property owners

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, "Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, "Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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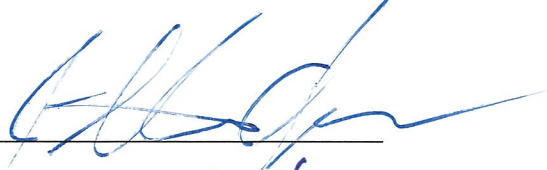
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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, December 29, 2015


Trustee

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

At this time, property remains undeveloped.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

SANDRA D. CRAWFORD

DECLARATION OF SANDRA D. CRAWFORD

I, SANDRA D. CRAWFORD, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.
2. I am an owner of Lot 142 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.
3. I am a member of the Wailuku Country Estates Community Association.
4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.
5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, "Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, "Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, JANUARY 4, 2016.

Raymond S. Crawford

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

My mother and I purchased our home and cottage in 2009. The photos you have of our lot are not current.

We made an additional investment of landscaping the 2 acre lot with various tropical plants, flowers and palm trees. Including, 1 mango, 2 banana, 2 papaya, 3 star fruit and 7 coconut trees.

We also repaired the irrigation system and have sprinklers on the entire lot with timers.

We had planned on growing more fruit trees between the house and cottage.

We need the irrigation water for our existing landscaping and future fruit trees.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

J. STEPHEN GOODFELLOW

DECLARATION OF J. STEPHEN GOODFELLOW

I, J. STEPHEN GOODFELLOW, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 143 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

* J. Stephen Goodfellow, Trustee of
J. Stephen & Denise Goodfellow Main Trust,
property owners

EXHIBIT NO.

2189 WCEIC - 398

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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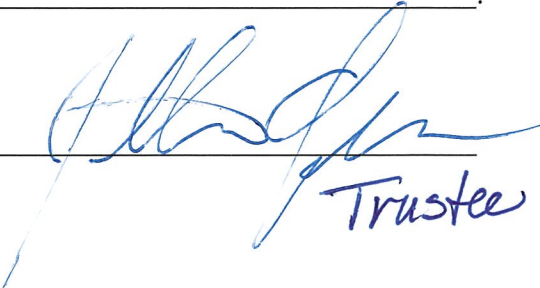
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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, _____.



Trustee

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

At this time, property remains undeveloped.

COMMISSION ON WATER RESOURCE MANAGEMENT
STATE OF HAWAII

Surface Water Use Permit Applications,) Case No. CCH-MA 15-01
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow) DECLARATION OF:
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao) LUCY PHAM
and Waikapu Streams, Maui)
_____)

DECLARATION OF LUCY PHAM

I, Lucy Pham, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 144 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

EXHIBIT NO.
2189 WCEIC - 399

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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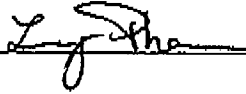
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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, 1-3-2016.



COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

Frederick K. Kaya

DECLARATION OF Frederick K. Kaya

I, Frederick K. Kaya, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 145 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, December 31, 2015.

Frederick K. Kaya

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

Land presently vacant but will need allotted water for near future plans to cultivate, provide ground care protection, and lawn grassing.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

HAROLD BERMAN

DECLARATION OF

HAROLD BERMAN

*MEMBER MANAGER
HTR3 ENTERPRISES
LLC*

I, HAROLD BERMAN, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 146 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, "Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, "Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, December 18, 2016.



COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)

Case No. CCH-MA 15-01

DECLARATION OF:

PETER T. Cahill

DECLARATION OF

Peter T. Cahill
I, Peter T. Cahill, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.
2. I am an owner of Lot 147 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.
3. I am a member of the Wailuku Country Estates Community Association.
4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.
5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, Dec. 23, 2015.


Peter T. Cahill

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

Randall H. Endo

DECLARATION OF

Randall H. Endo

I, Randall H. Endo, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.
2. I am an owner of Lot 148 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.
3. I am a member of the Wailuku Country Estates Community Association.
4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.
5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

EXHIBIT NO.

2189 WCEIC - 403

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, "Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, "Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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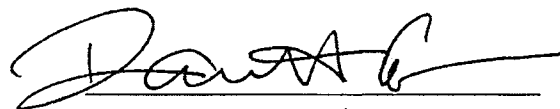
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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, December 31, 2015.

A handwritten signature in black ink, appearing to read "Randall H. Endo", written over a horizontal line.

RANDALL H. ENDO

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

Taro is currently being cultivated on approximately 1.5 acres of my Lot 148. In addition, windbreak pine trees and a few macadamia nut trees exist on my lot.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)

Case No. CCH-MA 15-01

DECLARATION OF:

Virginia N. Kitagawa

DECLARATION OF

Virginia N. Kitagawa

I, Virginia N. Kitagawa, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 149 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, "Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, "Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company." A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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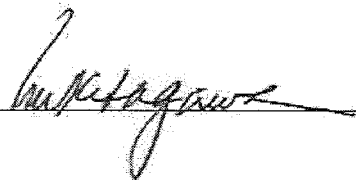
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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, 1/2/16.



COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

FARROKH ARDESHIR IRANI

DECLARATION OF FARROKH ARDESHIR IRANI

I, FARROKH ARDESHIR IRANI declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 152 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

EXHIBIT NO.

2189 WCEIC - 405

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, DECEMBER 10, 2015

Jerome A. Jones

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

Since the original declaration about 8 years ago the orchard has grown and matured. The landscaping (groundcover) keeps shrinking (shaded out)!

Fruit trees in the orchard are: -

1. 17+ mangoes –	0.5 acres
2. 11+ avacados –	0.25 acres
3. 13 sour sops & awonas -	0.25 acres
4. Bananas (others) -	0.25 acres
5. 3 lychees and 4 rambutans	0.125 acres
6. 20+ Citrus - oranges, limes, tangerines	0.125 acres
7. 10+ Nut Trees – pili, yoco, mac	0.125
8. Ground cover and landscaping	<u>0.25</u>
	1.875

Rest residences and barn

Without irrigation water this highly productive orchard is doomed!!

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

BARBARA MOSLE

DECLARATION OF

Barbara Mosle

I, Barbara Mosle, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.
2. I am an owner of Lot 183 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.
3. I am a member of the Wailuku Country Estates Community Association.
4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.
5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, Dec 14, 2015.



ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

Lot purchased in 2015 with intention to support limited agriculture use of approximately 50% of the lot.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and)
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water)
Management Areas of Waihee, Waiehu, Iao)
and Waikapu Streams, Maui)
_____)

Case No. CCH-MA 15-01

DECLARATION OF:

Van & Aileen Waki

DECLARATION OF

Van & Aileen Waki

I, Van & Aileen Waki, declare as follows.

1. I am competent to make this declaration, and I make this declaration upon personal knowledge.

2. I am an owner of Lot 154 at the Wailuku Country Estates agricultural subdivision in Wailuku, Maui, Hawaii.

3. I am a member of the Wailuku Country Estates Community Association.

4. As with all of the agricultural lots at Wailuku Country Estates, my lot receives non-potable water for irrigation and agricultural purposes from the Wailuku Country Estates Irrigation Company.

5. I am a party to the Agreement Regarding Irrigation Water (Individual Lots) with Wailuku Country Estates Irrigation Company, a true and accurate copy of which is marked as an exhibit in this proceeding. Pursuant to that agreement, I agreed that I would use the non-potable water supplied by the Wailuku Country Estates Irrigation Company only for irrigation and agricultural activities on my lot (and only on my lot). Since entering into the agreement, I have been in compliance with the agreement regarding non-potable water.

6. As a member of the Wailuku Country Estates Community Association, I understand that agreements signed by the developer of Wailuku Country Estates, including a Unilateral Water Use Agreement dated November 28, 2002 and a Modification of Subdivision Requirements Agreement No. 2 dated December 26, 2006, have provisions regarding the use of County-supplied potable water and the use of non-potable water supplied by the Wailuku Country Estates Irrigation Company.

7. As with all agricultural lots at Wailuku Country Estates, my lot has a water meter that measures the amount of non-potable water received from the Wailuku Country Estates Irrigation Company.

8. If applicable, the tables relating to my lot attached to the surface water use permit application (for existing use) dated April 22, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information: a) the average daily use of the non-potable water on my lot; b) the amount of water requested relating to my lot for existing use; and c) irrigation information relating to my lot.

9. A true and accurate copy of the existing use application, including the tables relating to my lot, if applicable, is marked as an exhibit in this proceeding.

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10. If applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture, and the amount of non-potable water used for that agriculture, as of the date of the submission of the surface water use permit application (for existing use), is included and summarized in a spreadsheet entitled, “Wailuku Country Estates Irrigation Company Agricultural Spreadsheet for Wailuku Country Estates Owners TMK 3-3-017-Lot#.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

11. If applicable, true and accurate photographs of agricultural activities on my lot as of the date of the submission of the surface water use permit application (for existing use) are marked as exhibits in this proceeding.

12. The tables relating to my lot attached to the surface water use permit application (for new use) dated April 15, 2009 and filed with the Commission on Water Resource Management by the Wailuku Country Estates Irrigation Company states, among other information, estimated irrigation information for agricultural activities and the requested amount of non-potable water for those agricultural activities on my lot after April 30, 2008. A true and accurate copy of the new use application, including the tables relating to my lot, is marked as an exhibit in this proceeding.

13. As applicable, best estimates of the type(s) of agriculture (including landscaping) on my lot, the acreage of that agriculture and the amount of non-potable water used for that agriculture after April 30, 2008, is included and summarized in a spreadsheet entitled, “Na Wai Eha New Use Spreadsheet for Wailuku Country Estates Irrigation Company.” A true and accurate copy of the spreadsheet is marked as an exhibit in this proceeding.

14. To the best of my knowledge and belief, the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company reflected in the documents relating to irrigation and agricultural activities on my lot described above are necessary for economic and efficient utilization of my agricultural property in a manner that is not wasteful, and is both reasonable and consistent with state and county land use plans and the public interest.

15. To the best of my knowledge and belief, there are no practical alternatives to the use and quantity of non-potable water from Wailuku Country Estates Irrigation Company for the irrigation and agricultural activities described in the documents relating to my agricultural property.

16. If applicable, supplemental information regarding the agricultural activities on my lot and other matters is attached hereto, which is incorporated herein by reference.

17. I reserve the right to amend and/or supplement this declaration, including, but not limited to, for rebuttal purposes in this proceeding.

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I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED: Wailuku, Hawaii, December 18, 2015.

Van Wale
Aileen Wale

ADDENDUM TO DECLARATION

I further declare as follows, which shall be incorporated by reference in the declaration to which this addendum is attached:

Since purchasing Lot #154, Wailuku Country Estates in 2006, we have been growing palm trees, various vegetables & landscaping plants on our lot (about $\frac{3}{4}$ acre).

We plan to utilize more (about $\frac{1}{2}$ acre) of the lot to grow more plants to sell or a landscaping business.

We use drip irrigation for all of our vegetables & plants. We sell our vegetables @ local farmer's market & use the plants for the landscape business.

We need continued irrigation water for our crops.