

PUBLIC NOTICE

APPURTENANT RIGHTS CLAIMS PROCESS IN  
NA WAI EHA SURFACE WATER MANAGEMENT AREAS, MAUI  
(WAIHEE, WAIEHU, IAO and WAIKAPU STREAMS)

COMMISSION ON WATER RESOURCE MANAGEMENT

On September 27, 2011, the State Commission on Water Resource Management (Commission) approved a process for determining Appurtenant water rights in the Na Wai Eha Surface Water Management Areas (SWMAs) Maui. The Appurtenant rights determination is a three-step process. The first step was completed when the Commission notified potential claimants of its intent to process and recognize claims for Appurtenant rights as part of the surface water use permitting process.

The next two steps are: 1) to determine whether there is an Appurtenant water right associated with the parcel of land on which the water is being used or proposed to be used; and 2) to quantify the amount of water that may be used on that parcel as part of the surface water use permitting process.

The Commission has the legal authority to determine Appurtenant rights pursuant to Hawaii Revised Statutes §174-5(15) which provides that, in addition to its other powers and duties, the Commission "[s]hall determine appurtenant water rights, including quantification of the amount of water entitled to by that right..."

The land areas affected by the Appurtenant rights determination are located in the Wailuku District (Waihee, Waiehu, Iao and Waikapu), Na Wai Eha Surface Water Management Areas, Maui (see attached map). They include Tax Map Keys from (2) 3-2-002:009 to (2) 2) 3-5-012-028.

The Commission received the claims for Appurtenant rights in the Na Wai Eha Surface Water Management Areas listed below. Relevant documentation submitted by the applicants is available for viewing on the Commission's website at [http://hawaii.gov/dlnr/cwrm/sw\\_nawaieharights.htm](http://hawaii.gov/dlnr/cwrm/sw_nawaieharights.htm).

Written objections may be filed by any person or entity with a legal or material interest in the Appurtenant rights by submitting the form (Form APRT-OBJ) provided by the Commission at [http://hawaii.gov/dlnr/cwrm/sw\\_nawaieharights.htm](http://hawaii.gov/dlnr/cwrm/sw_nawaieharights.htm). Written objections must address and provide (as applicable): (1) documentation demonstrating that the parcel was not used as a residence or for cultivation at the time of the Mahele; (2) documentation demonstrating that the Appurtenant right has been reserved or extinguished; or (3) evidence suggesting there are materially false statements or representations in the application. Any persons filing objections must serve copies of the written objections on the applicant at the address provided and on the Commission at Commission on Water Resource Management, P.O. Box 621, Honolulu, HI 96809, **no later than March 25, 2013**. Applicants will be given the opportunity to submit a brief in support of their application / rebuttal to the written objections.

Upon the timely receipt of written objections, or if the staff has knowledge of issues which require further investigation or deliberation, the Commission will review the evidence and make a decision.

If no objection to an Appurtenant right claim is filed, the Commission may proceed to act upon the application within 120 days of the application being deemed complete.

For more information, please visit the Commission on Water Resource Management's website at [http://hawaii.gov/dlnr/cwrm/sw\\_nawaieharights.htm](http://hawaii.gov/dlnr/cwrm/sw_nawaieharights.htm), or call the Stream Protection and Management Branch at (808) 587-0234 or toll free from Maui at 984-2400 extension 70234.

COMMISSION ON WATER RESOURCE MANAGEMENT



WILLIAM J. AILA, JR., Chairperson  
WILLIAM M. TAM, Deputy Director

Dated: February 25, 2013

SWUPA* No.	Applicant	Address	Source Hydrologic Unit	Stream Name/ System Name	TMK
<b>WAIHEE</b>					
<a href="#">2287</a> <a href="#">2187</a>	Puliatch, Milla	2345 Kahekili Highway Wailuku, HI 96793	Waihee	South Waihee Kuleana Auwai	(2) 3-2-006-010
<a href="#">2334</a> <a href="#">2335N</a>	Sakata, Burt H. Fritz, Peter	107 Waihee Valley Road Wailuku, HI 96793	Waihee	South Waihee Kuleana Auwai	(2) 3-2-005-011 (2) 3-2-005-013 (2) 3-2-005-017 (2) 3-2-005-019 (2) 3-2-005-039 (2) 3-2-005-015
<b>WAIIEHU</b>					
<a href="#">2328</a> <a href="#">2329N</a>	Aloha Poi Factory, Inc.	800 Lower Main St. Wailuku, HI 96793	Waiehu	North Waiehu Kuleana Auwai	(2) 3-2-018-015
<a href="#">2305</a> <a href="#">2306N</a>	Buttaro, Alex	1299 A Malaihi Road Wailuku, HI 96793	Waiehu	North Waiehu Kuleana Auwai	(2) 3-2-018-005
<a href="#">2343N</a>	Cerizo, Thomas	1740 Kamamalu Place Wailuku, HI 96793	Waiehu	South Waiehu	(2) 3-2-002-014
<a href="#">2340</a>	Fernandez, Rudy M. Fernandez, Perlita Y.	P.O. Box 330808 Kahului, HI 96733	Waiehu	North Waiehu Kuleana Auwai	(2) 3-2-018-006
<a href="#">2342</a>	Higashino, Paul Higashino, Jennifer	P.O. Box 239 Wailuku, HI 96793	Waiehu	North Waiehu Kuleana Auwai	(2) 3-2-016-017
<a href="#">2171</a>	Molina, Renee K.	P.O. Box 1746 Wailuku, HI 96793	Waiehu	South Waiehu Auwai	(2) 3-2-002-009
<b>WAIKAPU</b>					
<a href="#">2268</a>	Riyu, Katherine	P.O. Box 696 Wailuku, HI 96793	Waikapu	Waikapu Stream Kuleana Auwai (Waiko Road)	(2) 3-5-012-028

\*Surface Water Use Permit Application (SWUPA)

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