



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

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

FORM SWUPA-N

- ☒ Application for New Use
☐ Application to Modify SWUP No. _____

For Official Use Only:

2022 JUN 29

AM 10:36

For detailed instructions on filling out this application form completely, refer to the attached instructions sheet.
Incomplete applications will not be accepted for processing.

The following must be attached before this application is accepted as complete:

- Portion of 7.5-Minute Series USGS topographic map (scale 1:24,000) labeled with stream and diversion location and the quad map name.
- Property tax map showing the stream or diversion location and location of water use referenced to established property boundaries.
- Photograph(s) of the surface water source, diversion and end use, if applicable.

APPLICANT INFORMATION: NOTE: In accordance with HRS §174C-51(1)(B), in the event a lessee, licensee, developer, or any other person with a terminable interest or estate in the land which is the water source of the permitted water, applies for a water permit, the landowner shall be stated as a joint applicant for the water permit.

1. APPLICANT'S NAME Na Mala O Waihee Private Water Company		Applicant's Contact: Joseph Blackburn	2. SOURCE LANDOWNER'S NAME Wailuku Water Company		Source Landowner's Contact: Avery Chumhley
Applicant's Mailing Address, or Principal Place of Business: Na Mala O Waihee Private Water Company, Inc. c/o Maui Land Broker 104 N. Market Street, Wailuku, HI. 96793			Source Landowner's Mailing Address, or Principal Place of Business: PO Box 2790 Wailuku, HI. 96793		
Applicant's Phone:	Applicant's Fax:	Applicant's E-mail:	Source Landowner's Phone:	Source Landowner's Fax:	Source Landowner's E-mail:

SOURCE INFORMATION

3. SURFACE WATER HYDROLOGIC UNIT: Island: Maui Hydrologic Unit: Waihee Hydrologic Unit Code: 6022
4. INSTREAM FLOW STANDARD (IFS) FOR HYDROLOGIC UNIT, IF APPLICABLE:
5. CAN YOUR PROPOSED USE(S) BE ACCOMMODATED WITHIN THE ABOVE AMOUNTS: <input type="checkbox"/> Yes <input type="checkbox"/> No Explain how your proposed use(s) can be accommodated within the existing IFS for the above hydrologic unit:
6a. TMK OF PROPOSED STREAM DIVERSION LOCATION: Zone: 3 Sec: 2 Plat: 014 Parcel: 001
6b. TMK OF PROPOSED DITCH DIVERSION LOCATION: Zone: 3 Sec: 2 Plat: 014 Parcel: 001
7a. PROPOSED STREAM DIVERSION: How will water be diverted from the stream to your property? Check all that apply. <input checked="" type="checkbox"/> Pipe <input type="checkbox"/> Pump <input type="checkbox"/> Ditch/auwai <input type="checkbox"/> Other Describe: _____
7b. WILL THE DIVERTED WATER BE RETURNED TO THE STREAM OR DITCH? <input type="checkbox"/> Yes. How much water will be returned? _____ gallons per day TMK of Returned Water Location: _____ <input checked="" type="checkbox"/> No
8. PROPOSED FLOW MEASUREMENT INFORMATION: Will the stream diversion have a flow meter with totalizer or other device to measure diverted amounts? <input checked="" type="checkbox"/> Yes. List the manufacturer and describe the device. Micrometer 8" Meter <input type="checkbox"/> No. Explain how stream diversion will be measured or estimated to justify amounts requested in the space below.

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

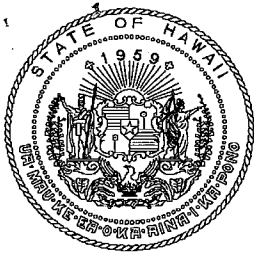
9. TOTAL QUANTITY OF WATER REQUESTED: gallons per day. See Table 1, Item 14.
10. PROPOSED USE: Check all that apply. <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Domestic <input type="checkbox"/> Industrial See Table 1, Item 1. <input type="checkbox"/> Irrigation <input type="checkbox"/> Military <input type="checkbox"/> Municipal
11. LOCATION OF PROPOSED WATER USE: Show the location of the proposed use on the same USGS and TMK maps as the proposed source location. Otherwise, attach similar maps. See Table 1, Item 2.

PROPOSED USER INFORMATION

12. APPURTENANT RIGHT: Do you claim an appurtenant right for your proposed water use? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, has the appurtenant right been established by the courts or the Commission? <input type="checkbox"/> Yes <input type="checkbox"/> No
13. PROPOSED END USER INFORMATION: Will you be an end user on an existing water system? <input checked="" type="checkbox"/> Yes. List the name of the system operator: Wailuku Water Company <input type="checkbox"/> No
14. REGISTRATION AND DECLARATION OF WATER USE: Do you have a Registration and Declaration of Water Use from the Commission? <input type="checkbox"/> Yes. List the file reference name(s): <input checked="" type="checkbox"/> No
15. STREAM DIVERSION WORKS PERMIT (SDWP): Do you have a SDWP from the Commission? <input type="checkbox"/> Yes. List the permit number(s): <input checked="" type="checkbox"/> No

NOTE: Signing below indicates that the signatories understand and affirm that the information provided on this application is accurate and true to the best of their knowledge. Furthermore, the signatories understand that: 1) if necessary, additional information may be required before the application is considered complete; 2) if a water use permit is granted by the Commission, this permit will be subject, but not limited to, any existing legal uses, changes in sustainable yields and instream flow standards, Hawaiian Home Lands uses, and any other conditions imposed by the Commission; and 3) the applicant is responsible for paying the required public notice fees associated with this application.

16. APPLICANT Signature Joseph G. Blackburn June 18, 2022 Print Date	17. SOURCE LANDOWNER Signature Avery Chumhley June 18, 2022 Print Date
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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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

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RECEIVED
COMMISSION ON WATER
RESOURCE MANAGEMENT

2022 JUN 29 AM 10:36

FORM SWUPA-N ☒ Application for New Use
☐ Application to Modify SWUP No. _____

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- The following must be attached before this application is accepted as complete:
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 - Property tax map showing the stream or diversion location and location of water use referenced to established property boundaries.
 - Photograph(s) of the surface water source, diversion and end use, if applicable.

APPLICANT INFORMATION: NOTE: In accordance with HRS §174C-51(1)(B), *In the event a lessee, licensee, developer, or any other person with a terminable interest or estate in the land which is the water source of the permitted water, applies for a water permit, the landowner shall be stated as a joint applicant for the water permit.*

1. APPLICANT'S NAME Na Mala O Waihee Private Water Company		Applicant's Contact: Joseph Blackubrn		2. SOURCE LANDOWNER'S NAME Wailuku Water Company		Source Landowner's Contact: Avery Chumbley					
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Applicant's Phone:		Applicant's Fax:		Applicant's E-mail:		Source Landowner's Phone:		Source Landowner's Fax:		Source Landowner's E-mail:	

SOURCE INFORMATION

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6a. TMK OF PROPOSED STREAM DIVERSION LOCATION: <table><tr><td>3</td><td>-</td><td>2</td><td>-</td><td>0</td><td>1</td><td>4</td><td>:</td><td>0</td><td>0</td><td>1</td></tr><tr><td colspan="3">Zone</td><td colspan="3">Sec</td><td colspan="3">Plat</td><td colspan="3">Parcel</td></tr></table>		3	-	2	-	0	1	4	:	0	0	1	Zone			Sec			Plat			Parcel		
3	-	2	-	0	1	4	:	0	0	1														
Zone			Sec			Plat			Parcel															
6b. TMK OF PROPOSED DITCH DIVERSION LOCATION: <table><tr><td>3</td><td>-</td><td>2</td><td>-</td><td>0</td><td>1</td><td>4</td><td>:</td><td>0</td><td>0</td><td>1</td></tr><tr><td colspan="3">Zone</td><td colspan="3">Sec</td><td colspan="3">Plat</td><td colspan="3">Parcel</td></tr></table>		3	-	2	-	0	1	4	:	0	0	1	Zone			Sec			Plat			Parcel		
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PROPOSED USE INFORMATION §§174C-51(4), (5), (6), HRS

9. TOTAL QUANTITY OF WATER REQUESTED: _____ gallons per day. See Table 1, Item 14.	
10. PROPOSED USE: Check all that apply. <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Domestic <input type="checkbox"/> Industrial See Table 1, Item 1. <input type="checkbox"/> Irrigation <input type="checkbox"/> Military <input type="checkbox"/> Municipal	
11. LOCATION OF PROPOSED WATER USE: Show the location of the proposed use on the same USGS and TMK maps as the proposed source location. Otherwise, attach similar maps. See Table 1, Item 2.	

PROPOSED USER INFORMATION

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16. APPLICANT <div>Signature Joseph G. Blackburn June 18, 2022 Print Date</div>		17. SOURCE LANDOWNER <div>Signature Avery Chumbley June 18, 2022 Print Date</div>	
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APPLICATION FOR SURFACE WATER USE PERMIT - PROPOSED NEW USE

PROPOSED NEW USE OR MODIFIED USE INFORMATION

18. TABLE 1: LAND USE CONSISTENCY / EFFICIENCY OF USE (Attach additional copies of Table 1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE											
A	B				C	D	E	F	G	H	I	J	K				
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: <ul style="list-style-type: none">Property tax map, showing proposed location of use referenced to established property boundaries.Photograph of the area of proposed use.				STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.				
Uses that require potable (drinking) water																	
	<div><div></div><div>Zone</div></div>	<div><div></div><div>Sec</div></div>	<div><div></div><div>Plat</div></div>	<div><div></div><div>Parcel</div></div>		<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>		<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>				<div><input type="checkbox"/> Yes <input type="checkbox"/> No</div>					
	<div><div></div><div>Zone</div></div>	<div><div></div><div>Sec</div></div>	<div><div></div><div>Plat</div></div>	<div><div></div><div>Parcel</div></div>		<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>		<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>				<div><input type="checkbox"/> Yes <input type="checkbox"/> No</div>					
	<div><div></div><div>Zone</div></div>	<div><div></div><div>Sec</div></div>	<div><div></div><div>Plat</div></div>	<div><div></div><div>Parcel</div></div>		<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>		<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>				<div><input type="checkbox"/> Yes <input type="checkbox"/> No</div>					
	<div><div></div><div>Zone</div></div>	<div><div></div><div>Sec</div></div>	<div><div></div><div>Plat</div></div>	<div><div></div><div>Parcel</div></div>		<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>		<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>				<div><input type="checkbox"/> Yes <input type="checkbox"/> No</div>					
TOTAL POTABLE USE (L)												GPD					
Uses that do not require potable water																	
AGRCP	<div><div>3</div><div>Zone</div></div>	<div><div>2</div><div>Sec</div></div>	<div><div>0</div><div>Plat</div></div>	<div><div>0</div><div>Parcel</div></div>	8	<div><div>0</div><div>Parcel</div></div>	6	7	Agriculture	<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>		<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>	12	2500	30000	<div><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div>	
AGRCP	<div><div>3</div><div>Zone</div></div>	<div><div>2</div><div>Sec</div></div>	<div><div>0</div><div>Plat</div></div>	<div><div>0</div><div>Parcel</div></div>	8	<div><div>0</div><div>Parcel</div></div>	6	6	Agriculture	<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>		<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>	2	2500	5000	<div><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div>	
AGRCP	<div><div>3</div><div>Zone</div></div>	<div><div>2</div><div>Sec</div></div>	<div><div>0</div><div>Plat</div></div>	<div><div>0</div><div>Parcel</div></div>	8	<div><div>0</div><div>Parcel</div></div>	6	4	Agriculture	<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>		<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>	1.5	2500	3750	<div><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div>	
AGRCP	<div><div>3</div><div>Zone</div></div>	<div><div>2</div><div>Sec</div></div>	<div><div>0</div><div>Plat</div></div>	<div><div>0</div><div>Parcel</div></div>	8	<div><div>0</div><div>Parcel</div></div>	6	3	Agriculture	<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>		<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>	1.5	2500	3750	<div><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div>	
TOTAL NON POTABLE USE (M)											42500	GPD					
TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) (N) =											42500	GPD					

O. LIMITATIONS: Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

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.

PROPOSED NEW USE OR MODIFIED USE INFORMATION (continued)							
19. TABLE 2: IRRIGATION INFORMATION (List all crops that will be grown as separate line items, including landscape and golf course irrigation uses. Copy Table 2 and attach additional sheets to complete your list, as necessary.)							
A	B	C	D	E	F	G	H
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.)
<div><div>3</div><div>Zone</div></div> - <div><div>2</div><div>Sec</div></div> - <div><div>0</div><div>0</div><div>8</div><div>Plat</div></div> : <div><div>0</div><div>6</div><div>7</div><div>Parcel</div></div>	Macadamia Trees	12	12	January	December	Trickle Drip	Irrigate to Field Capacity
<div><div>3</div><div>Zone</div></div> - <div><div>2</div><div>Sec</div></div> - <div><div>0</div><div>0</div><div>8</div><div>Plat</div></div> : <div><div>0</div><div>6</div><div>6</div><div>Parcel</div></div>	Taro, Lilikoi, Fruit Trees Sod	2.1	2	January	December	Trickle Drip, Spray, Gun	Irrigate to Field Capacity
<div><div>3</div><div>Zone</div></div> - <div><div>2</div><div>Sec</div></div> - <div><div>0</div><div>0</div><div>8</div><div>Plat</div></div> : <div><div>0</div><div>6</div><div>5</div><div>Parcel</div></div>	Fruits, Vegetables Goat & Ducks	2	1	January	December	Trickle Drip, Mult. Sprnklers	Irrigate to Field Capacity
<div><div>3</div><div>Zone</div></div> - <div><div>2</div><div>Sec</div></div> - <div><div>0</div><div>0</div><div>8</div><div>Plat</div></div> : <div><div>0</div><div>6</div><div>4</div><div>Parcel</div></div>	Fruit Trees	1.5	1	January	December	Trickle Drip	Irrigate to Field Capacity
<div><div>3</div><div>Zone</div></div> - <div><div>2</div><div>Sec</div></div> - <div><div>0</div><div>0</div><div>8</div><div>Plat</div></div> : <div><div>0</div><div>6</div><div>3</div><div>Parcel</div></div>	Diversified Agriculture	2.233	1.5	January	December	Trickle Drip	Irrigate to Field Capacity
<div><div>3</div><div>Zone</div></div> - <div><div>2</div><div>Sec</div></div> - <div><div>0</div><div>0</div><div>8</div><div>Plat</div></div> : <div><div>0</div><div>6</div><div>2</div><div>Parcel</div></div>	Nursey Plants	2.2	2	January	December	Trickle Drip	Irrigate to Field Capacity
<div><div>3</div><div>Zone</div></div> - <div><div>2</div><div>Sec</div></div> - <div><div>0</div><div>0</div><div>8</div><div>Plat</div></div> : <div><div>0</div><div>1</div><div>3</div><div>Parcel</div></div>	Nursey Plants	2.2	2	January	December	Trickle Drip	Irrigate to Field Capacity
<div><div></div><div>Zone</div></div> - <div><div></div><div>Sec</div></div> - <div><div></div><div></div><div></div><div>Plat</div></div> : <div><div></div><div></div><div></div><div>Parcel</div></div>							
<div><div></div><div>Zone</div></div> - <div><div></div><div>Sec</div></div> - <div><div></div><div></div><div></div><div>Plat</div></div> : <div><div></div><div></div><div></div><div>Parcel</div></div>							
<div><div></div><div>Zone</div></div> - <div><div></div><div>Sec</div></div> - <div><div></div><div></div><div></div><div>Plat</div></div> : <div><div></div><div></div><div></div><div>Parcel</div></div>							
<div><div></div><div>Zone</div></div> - <div><div></div><div>Sec</div></div> - <div><div></div><div></div><div></div><div>Plat</div></div> : <div><div></div><div></div><div></div><div>Parcel</div></div>							
Comments:							

APPLICATION FOR SURFACE WATER USE PERMIT - PROPOSED NEW USE

PROPOSED NEW USE OR MODIFIED USE INFORMATION

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PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.				STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require potable (drinking) water													
	Zone	Sec	Plat	Parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Zone	Sec	Plat	Parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Zone	Sec	Plat	Parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Zone	Sec	Plat	Parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
TOTAL POTABLE USE (L)											GPD		
Uses that do not require potable water													
AGRLI	3	2	0 0 8	0 6 5	Agriculture	<input type="checkbox"/> Yes, date approved: / / <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No	2	2500	5000	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	Zone	Sec	Plat	Parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Zone	Sec	Plat	Parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Zone	Sec	Plat	Parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
TOTAL NON POTABLE USE (M)										5000	GPD		
TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) (N) =										5000	GPD		

O. LIMITATIONS: Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

APPLICATION FOR SURFACE WATER USE PERMIT - PROPOSED NEW USE

PROPOSED NEW USE OR MODIFIED USE INFORMATION

18. TABLE 1: LAND USE CONSISTENCY / EFFICIENCY OF USE (Attach additional copies of Table 1 if necessary.)

LAND USE CONSISTENCY										EFFICIENCY OF USE			
A	B				C	D	E	F	G	H	I	J	K
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.				STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.
Uses that require potable (drinking) water													
	Zone	Sec	Plat	Parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Zone	Sec	Plat	Parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Zone	Sec	Plat	Parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Zone	Sec	Plat	Parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
TOTAL POTABLE USE (L)												GPD	
Uses that do not require potable water													
AGRON	3	2	0 0 8	0 6 2	Agriculture	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No	1.5	3750	3750	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
AGRON	3	2	0 0 8	0 1 3	Agriculture	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No	1.5	3750	3750	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	Zone	Sec	Plat	Parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Zone	Sec	Plat	Parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
TOTAL NON POTABLE USE (M)											3750	GPD	
TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) (N) =											3750	GPD	

O. LIMITATIONS: Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS

APPLICATION FOR SURFACE WATER USE PERMIT - PROPOSED NEW USE

OTHER PERTINENT INFORMATION

20. TABLE 3: ALTERNATIVES ANALYSIS

	A. Analysis of <i>Potable</i> Alternatives (Attach additional sheets if necessary.)	B. Analysis of <i>Non-Potable</i> Alternatives (Attach additional sheets if necessary.)
Municipal sources	County of Maui Water Available. Very Low Pressure	Very Low pressure not suitable for Irrigation of Crops or agriculture
Wastewater reuse	The Kahului Wastewater Treatment plant has no feeder lines in the area, the cost to install a distribution line from the treatment plant to Wailuku's Ditch System is cost prohibitive	The Kahului Wastewater Treatment plant has no feeder lines in the area, the cost to install a distribution line from the treatment plant to Wailuku's Ditch System is cost prohibitive
Ditch system	Area is severd by Pipeline. See map	Area is severd by Pipeline. See map
Desalinization	No salt water near property	No salt water near property
Ground water	Deed restrictions	Deed restrictions
Conservation measures	Drip Irrigation Being Used	Drip Irrigation Being Used
Other (specify)	Not Available	Not Available

APPLICATION FOR SURFACE WATER USE PERMIT - PROPOSED NEW USE

OTHER PERTINENT INFORMATION

21. PUBLIC INTEREST: Hawaii Revised Statutes §174C-2(c) states that: *The state water code shall be liberally interpreted to [a] obtain maximum beneficial use of the waters of the State for purposes such as domestic uses, aquaculture uses, irrigation and other agricultural uses, power development, and commercial and industrial uses. However, [b] adequate provision shall be made for the protection of traditional and customary Hawaiian rights, the protection and procreation of fish and wildlife, the maintenance of proper ecological balance and scenic beauty, and the preservation and enhancement of waters of the State for municipal uses, public recreation, public water supply, agriculture, and navigation. Such objectives are declared to be in the public interest.*

Explain how the proposed new use(s) in your application are consistent with items [a] and [b] above.
Na Mala O Waihee Private Water Compant (NMOWP) supplies irrigation water consistent with the Public Interest under Hawaii Revised Statues (HRS) 174-2(c) to 7 Owners of Lots within the NMOWP. Our main use is agricultural, the use of irrigation water for the growing, processing, and treating of crops, livestock, aquatic plants and animals, and ornamental flowers and similar foliage. The new use is consistent with past use by NMOWP under the Water Delivery Agreement Signed March 23, 2006 with Wailuku Water Companth the state and county land use plans and the public interest.NMOWP meets the reasonable-benefit use standard which implies the use of water is such quantity as is necessary for economic and efficient utiization, for a purpose and in a manner which is both reasonable and consisten with the state and county land use plands and the public interest.

21a. Please provide the identity and scope of cultural, historical, and natural resources in which traditional and customary Native Hawaiian rights are exercised in this area.
No information provided.

21b. Identify the extent to which those resources, including traditional and customary Native Hawaiian rights, will be affected or impaired by the proposed action
The new use is consistent with past use by NMOWP under the Water Delivery Agreement Signed March 23, 2006 with Wailuku Water Company. Water use will be consistent with new use guidelines, only after appurtenant Rights and Existing users have been allocated their water per the State Water Commission Decision.

21c. What feasible action, if any, could be taken by the Commission on Water Resource Management in regards to your application to reasonably protect Native Hawaiian rights?
Treat as new use, priority for water only after all other users.

APPLICATION FOR SURFACE WATER USE PERMIT - PROPOSED NEW USE

OTHER PERTINENT INFORMATION

22. INTERFERENCE WITH THE RIGHTS OF THE DEPARTMENT OF HAWAIIAN HOME LANDS
Explain how the proposed new use(s) of water will not interfere with the rights of the Department of Hawaiian Home Lands, as provided in section 221 of the Hawaiian Homes Commission Act.
The State Water Conde in 174C-101(a) HRS [Native Hawaiian water rights], states: Provisions of this chapter shall not be construed to amend or modify rights or entitlements to water as provided for by the Hawaiian Homes Commssion Act, 1920, as amended, and by chapers 167 and 168, relating to the Molokai irrigation systems. Decisions of the commission on water resource managgement relating to the planning for, regulation, management, and conservation of water resources in the State shall, to the extent applicable and consisten with other legal requirements and authority, incorporate and protecdt adequate reserves of water for current and foreseeable development and use Hawaiian home lands as set forth in section 221 of the Hawaiian Homes Commission Act.

23. INTERFERENCE WITH ANY EXISTING LEGAL USES
Explain how the proposed new use(s) of water will not interfere with any other existing legal use(s) of water.
New application only. Last on priority list for non potable water.

24. PUBLIC WATER SYSTEM INFORMATION
Check the appropriate box or boxes.
☒ PUC-Regulated Private System / ☐ Non-PUC-Regulated Private System / ☐ Not a Public Water System
☐ Intended dedication to Honolulu Board of Water Supply or to County of Maui, Department of Water Supply.

25. CHAPTER 343
This project proposes:

<input type="checkbox"/> Use of state or county lands, or use of state or county funds	<input type="checkbox"/> A wastewater treatment unit
<input type="checkbox"/> Use within a state conservation district	<input type="checkbox"/> Waste-to-energy facility
<input type="checkbox"/> Use within a shoreline setback area	<input type="checkbox"/> Landfill
<input type="checkbox"/> Use within a national or Hawaii registered historic site	<input type="checkbox"/> Oil refinery
<input type="checkbox"/> Use within the Waikiki Special District	<input type="checkbox"/> Power-generating facility
<input type="checkbox"/> The construction, expansion or modification of helicopter facility	<input type="checkbox"/> None of the above 11 items

☒ If none of the above 11 items are applicable, no 343 compliance is necessary
☐ An Environmental Assessment was completed, and
☐ An Environmental Impact Statement was required and has been accepted (attach letter of acceptance).
Publication date in The Environmental Notice:
☐ A Finding of No Significant Impact has been determined (attach letter).
Publication date in The Environmental Notice:

Na Mala O Waihee Private Water Company Answers to Section 174C-49(a) of the State Water Code.

To obtain a permit pursuant to this part, the applicant shall establish that the proposed use of water:

(1) Can be accommodated with the available water source; The non-potable stream water is through the Wailuku Water Company Contract, which will be under new use. Water can be accommodated after Kuleana, and existing users are served.

(2) Is a reasonable-beneficial use¹ as defined in section 174C-3.

The non-potable stream water will be used to irrigate agriculture lands. The land use designation is agriculture, and the area is used multiple agricultural uses.

(3) Will not interfere with any existing legal use of water; Water will be allocated only after existing legal uses are served, as a new user.

(4) Is consistent with the public interest; The non-potable stream water will irrigate existing agricultural land.

(5) Is consistent with state and county general plans and land use designations; Yes, all parcels are zoned agriculture. Tax Map Keys are agricultural zoned.

(6) Is consistent with county land use plans and policies; Yes, all Tax Map Keys are agricultural zoned. Water delivery agreement with Wailuku Water Company for up to 2,700,000 gallons per calendar quarter or about 30,000 gallons per day. Agreement dated March 23, 2006.

(7) Will not interfere with the rights of the department of Hawaiian homelands as provided in section 221 of the Hawaiian Homes Commission Act. The State Water Code in 174C-101(a) HRS [Native Hawaiian water rights], states: Provisions of this chapter shall not be construed to amend or modify rights or entitlements to water as provided for by the Hawaiian Homes Commission Act, 1920, as amended, and by chapters 167 and 168, relating to the Molokai irrigation systems. Decisions of the commission on water resource management relating to the planning for, regulation, management, and conservation of water resources in the State shall, to the extent applicable and consistent with other legal requirements and authority, incorporate and protect adequate reserves of water for current and foreseeable development and use Hawaiian homelands as set forth in section 221 of the Hawaiian Homes Commission Act.



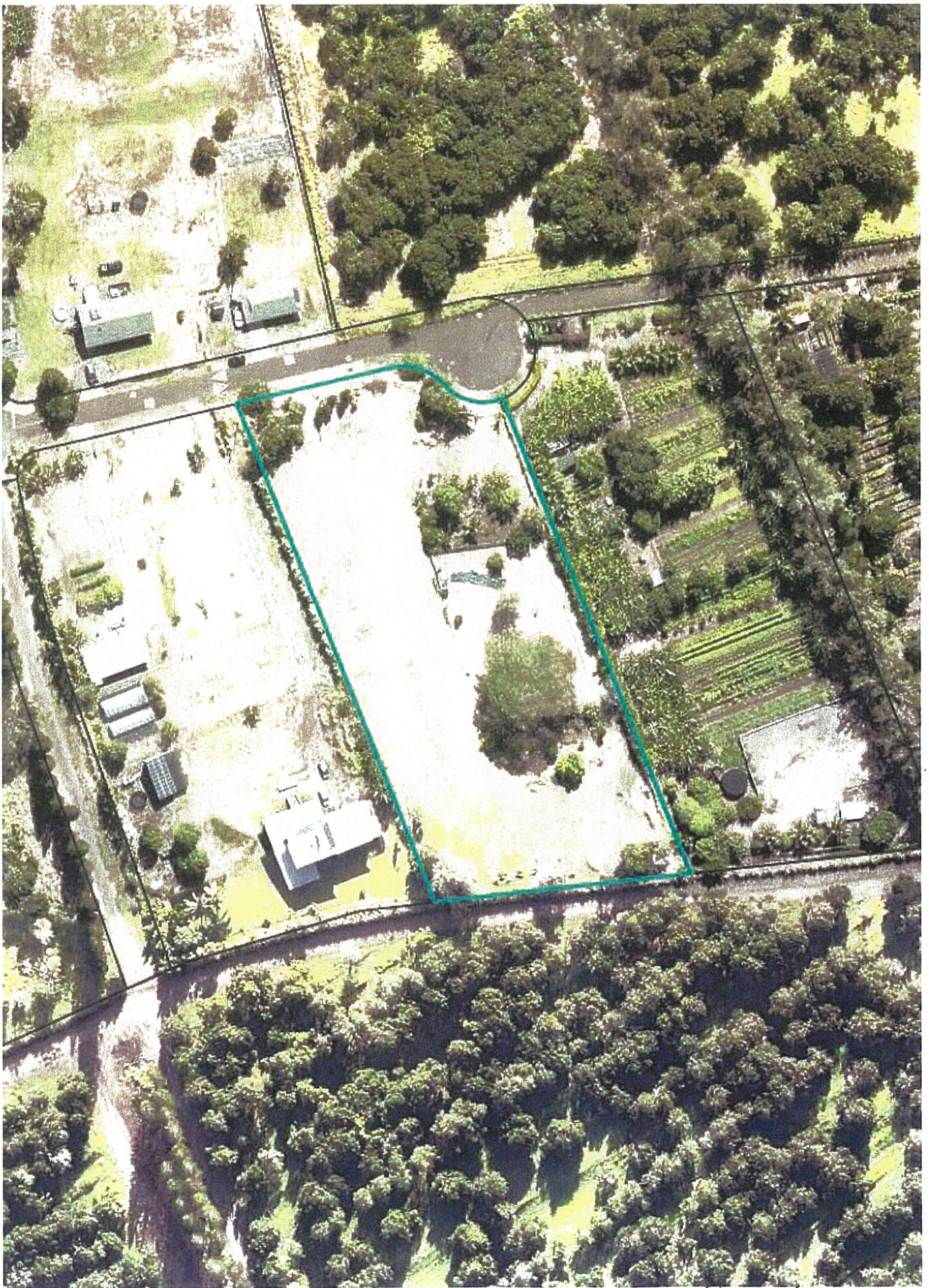
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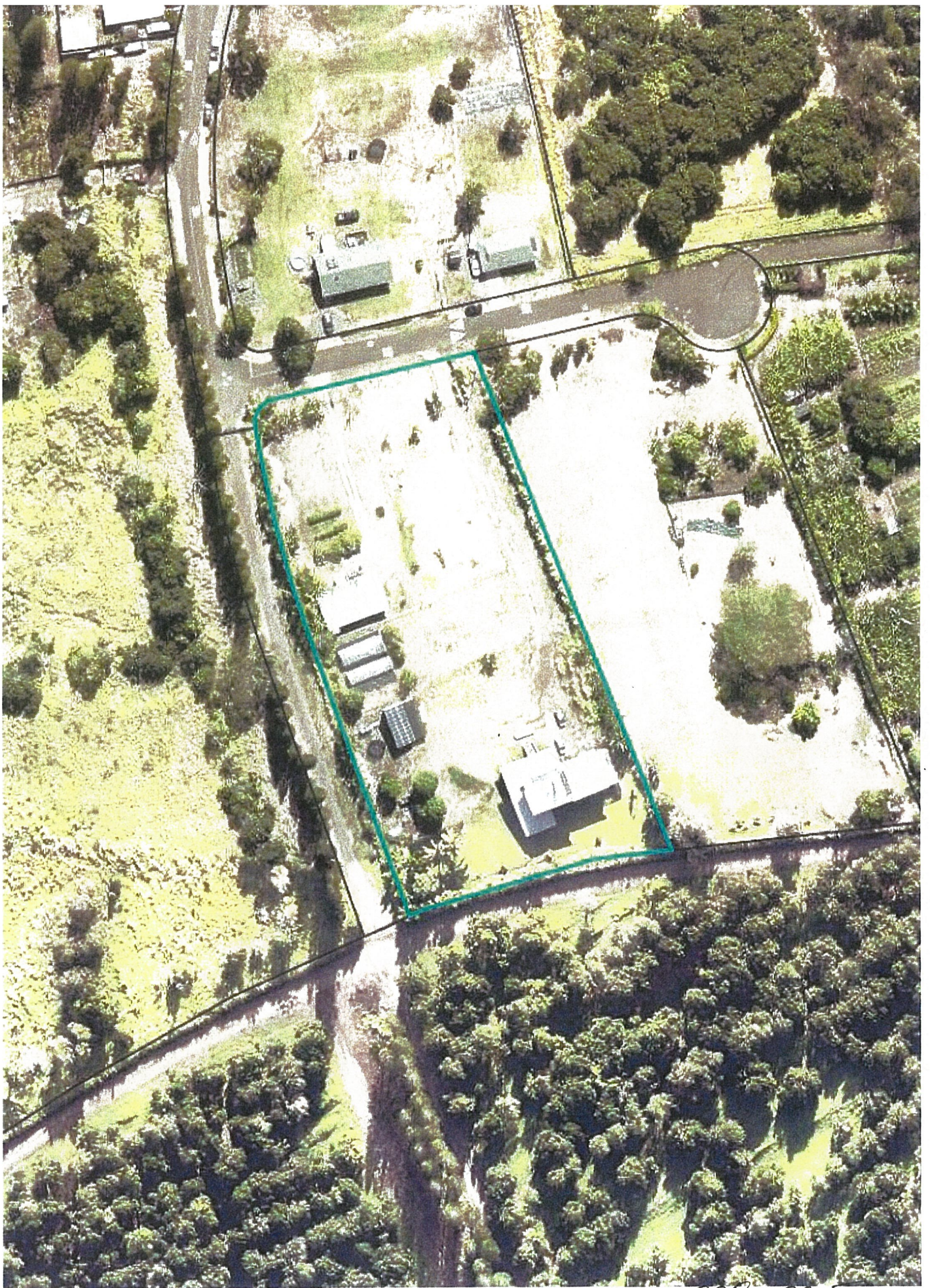
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7-2-008-063



3-2-008-244



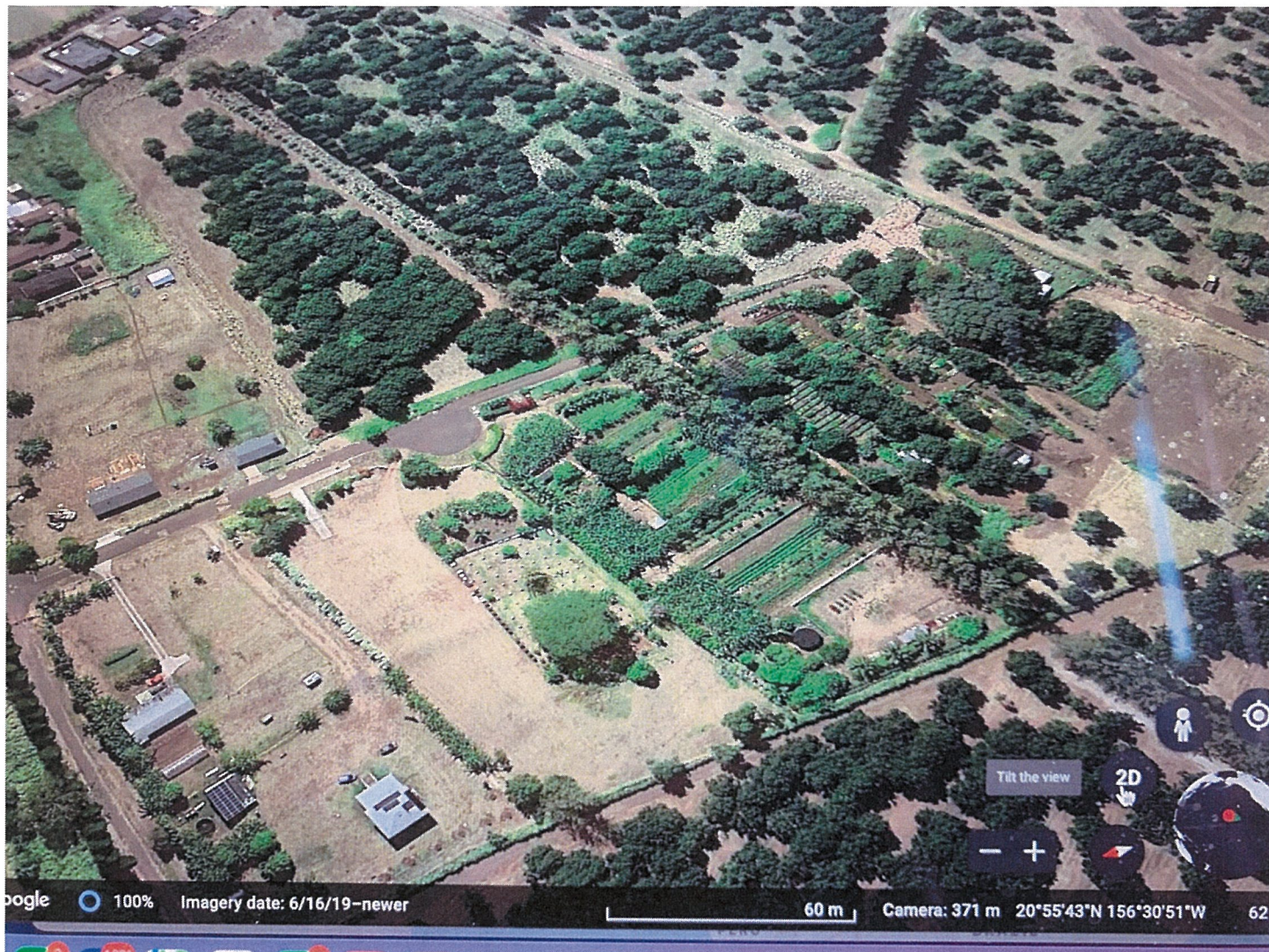
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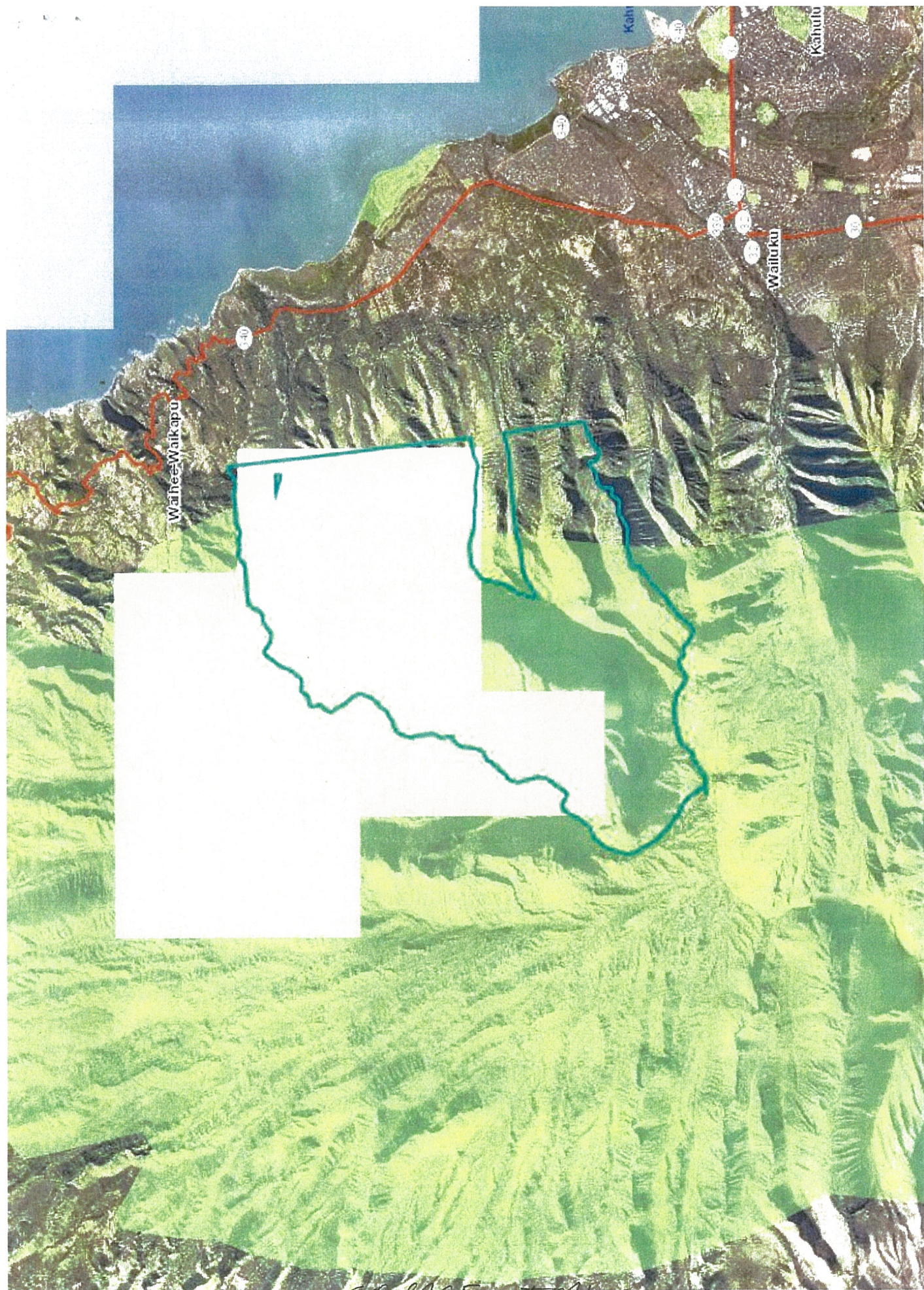
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SUBDIVISION



State Historic Preservation Division
HRS 6E Submittal Form

Per §6E, Hawai'i Revised Statutes, if the Project requires review by the State Historic Preservation Division (SHPD), please review and fill out this form and submit all requested information to SHPD. All forms and project documentation must be submitted **electronically** via HICRIS. Please visit our website.

<https://shpd.hawaii.gov/hicris>

If you are unable to submit electronically, please contact SHPD at (808) 692-8015. Mahalo.

The submission date of this form is:

1. APPLICANT (select one)

☒ Property Owner ☐ Government Agency

2. AGENCY (select one)

☐ Planning Department ☐ Department of Public Works ☒ Other (specify): **State Water Commission**

Type of Permit Applied For: **Surface Water Use Permit**

3. APPLICANT CONTACT

3.1) Name: **Joseph Blackburn** 3.2) Title: **Managing Agent**

3.3) Street Address: **104 N. Market Street, Wailuku**

3.4) County: **Maui** 3.5) State: **HI** 3.6) Zip Code: **96793**

3.7) Phone: **808 442.3063** 3.8) Email: **sales@maulandbroker.com**

4. PROJECT DATA

4.1) Permit Number (if applicable): **NA**

4.2) TMK [e.g. (3) 1-2-003:004]: **(2) 3-2-008-067/066/065/064/063/062/013**

4.3) Street Address: **11, 16, 20, 24, 28 and 201 Heahea Place**

4.4) County: **Maui** 4.5) State: **HI** 4.6) Zip Code: **96793**

4.7) Total Property Acreage: **24.233**

4.8) Project Area (acreage, square feet): **1,055,589.48**

4.9) List any previous SHPD correspondence (LOG Number & DOC Number, if applicable):

LOG NO. **NA**

DOC NO.

5. PROJECT INFORMATION

5.1) Does the Project involve a Historic Property? A Historic Property is any building, structure, object,

district, area, or site, including heiau and underwater site, which is over 50 years old (HRS §6E-2).

☐ Yes ☒ No

5.2) The date(s) of construction for the historic property (building, structure, object, district, area, or site, including heiau and underwater site) is

5.3) Is the Property listed on the Hawai'i and or National Register of Historic Places? To check:
<http://dlnr.hawaii.gov/shpd/>

☐ Yes ☒ No

5.4) Detailed Project Description and Scope of Work:

Use of irrigation water through exiting pipeline infrastructure.

5.5) Description of previous ground disturbance (e.g. previous grading and grubbing):

5.6) Description of proposed ground disturbance (e.g. # of trenches, Length x Width x Depth):

None

5.7) The Agency shall ensure whether historic properties are present in the project area, and, if so, it shall ensure that these properties are properly identified and inventoried. Identify all known historic properties:

5.8) Once a historic property is identified, then an assessment of significance shall occur.

Integrity (check all that apply):

☐ Location ☐ Design ☐ Setting ☐ Materials ☐ Workmanship ☐ Feeling ☐ Association

Criteria (check all that apply):

- ☐ a – associated with events that have made an important contribution to the broad patterns of our history
- ☐ b – associated with the lives of persons important in our past
- ☐ c – embody the distinctive characteristics of a type, period, or method of construction; represent the work of a master; or possess high artistic value
- ☐ d – have yielded, or is likely to yield, information important for research on prehistory or history
- ☐ e – have an important value to the Native Hawaiian people or to another ethnic group of the state due to associations with cultural practices once carried out or still carried out, at the property or due to associations with traditional beliefs, events, or oral accounts - - these associations being important to the group's history and cultural identity

5.9) The effects or impacts of a project on significant historic properties shall be determined by the agency.

Effect Determination (select one):

- ☒ No Historic Properties Affected
☐ Effect, with Agreed Upon Mitigation Commitments (§6E-42, HRS)
☐ Effect, with Proposed Mitigation Commitments (§6E-8, HRS)

5.10) This project is (check all that apply, if applicable):

- ☐ an activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency;
☐ carried out with Federal financial assistance; and or
☐ requiring a Federal permit, license or approval.

If any of these boxes are checked, then the Project may also be subject to compliance with Section 106 of the National Historic Preservation Act (NHPA).

6. PROJECT SUBMITTALS

6.1) Please submit a copy of the Tax Map Key (TMK) map

6.2) Please submit a copy of the property map showing the project area and indicate if the project area is smaller than the property area. NA

6.3) Please submit a permit set of drawings. A permit set is a set of drawings prepared and signed by a licensed architect or engineer and is at least 65% complete. Not a building or construction

6.4) Are you submitting a survey?

☐ Yes ☒ No

Specify Survey:

6.5) Did SHPD request the survey?

☐ Yes ☒ No

If 'Yes', then please provide the date, SHPD LOG NO, and DOC NO:

Date:

LOG NO.

DOC NO.

6.6) **SURVEY REVIEW FEES.** Fee for Review of Reports and Plans (§§13-275-4 and 284-4). A filing fee will be charged for all reports and plans submitted to our office for review. Please go to:

The Submittal Filing Fee Form is located on the Forms page

A check payable to the Hawaii Historic Preservation Special Fund should accompany all reports or plans submitted.

6.7) Please submit color photos/images of the Historic Property (any building, structure, object, district, area, or site, including heiau and underwater site) that will be affected by the Project.

The following are the minimum number and type of color photographs required:

Quantity	Description
1-2	Street view(s) of the resource and surrounding area
1-2	Over view of exterior work area
1	exterior photo of the North elevation (if applicable)
1	exterior photo of the South elevation (if applicable)
1	exterior photo of the East elevation (if applicable)
1	exterior photo of the West elevation (if applicable)
1-2	interior photos(s) of areas affected (if applicable)

CHECKLIST



SHPD FORM 6E (this form)



PROJECT SUBMITTALS (any requested documentation for items 6.1 - 6.7 of this form)



FILING FEE FORM (if applicable)

Maps of Area