



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

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

FORM SWUPA-N

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

For Official Use Only:

RECEIVED
COMMISSION ON WATER
RESOURCE MANAGEMENT

2022 JUN 14 AM 8:46

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 Waiakapu Gardens Homeowners Association		Applicant's Contact: Joseph Blackburn		2. SOURCE LANDOWNER'S NAME Wailuku Water Company		Source Landowner's Contact: Avery Chumbley					
Applicant's Mailing Address, or Principal Place of Business: Waiakapu Gardens Homeowners Association, PO Box 2390, 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: Iao Hys. Unir		Hydrologic Unit Code: 6022	
4. INSTREAM FLOW STANDARD (IFS) FOR HYDROLOGIC UNIT, IF APPLICABLE:		10 MGD IIFS					
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: 3 - 3 - 0 0 3 : 0 0 3							
6b. TMK OF PROPOSED DITCH DIVERSION LOCATION: 3 - 5 - 0 0 2 : 0 0 3							
7a. PROPOSED STREAM DIVERSION: How will water be diverted from the stream to your property? Check all that apply. <input type="checkbox"/> Pipe <input type="checkbox"/> Pump <input checked="" 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. McCrometer 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: 48831		gallons per day. See Table 1, Item 14.	
10. PROPOSED USE: Check all that apply. <input type="checkbox"/> Agriculture <input type="checkbox"/> Domestic <input type="checkbox"/> Industrial See Table 1, Item 1. <input checked="" 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 Print June 1, 2022 Date		17. SOURCE LANDOWNER Signature Avery Chumbley Print June 1, 2022 Date	
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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>Zone</div>	<div>Sec</div>	<div>Plat</div>	<div>Parcel</div>		<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	
	<div>Zone</div>	<div>Sec</div>	<div>Plat</div>	<div>Parcel</div>		<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	
	<div>Zone</div>	<div>Sec</div>	<div>Plat</div>	<div>Parcel</div>		<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	
	<div>Zone</div>	<div>Sec</div>	<div>Plat</div>	<div>Parcel</div>		<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													
IRRPA	<div>Zone</div>	<div>Sec</div>	<div>Plat</div>	<div>Parcel</div>	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	13.60	2500	34000	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
IRRPA	<div>Zone</div>	<div>Sec</div>	<div>Plat</div>	<div>Parcel</div>	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	2.65	2500	6625	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
IRRPA	<div>Zone</div>	<div>Sec</div>	<div>Plat</div>	<div>Parcel</div>	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	.25	2500	625	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
IRRPA	<div>Zone</div>	<div>Sec</div>	<div>Plat</div>	<div>Parcel</div>	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	1.08	2500	2706	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
TOTAL NON POTABLE USE (M)											43956	GPD	
TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) (N) =											43956	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
 No County of Maui Water Meter for these area's.

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>-</div><div>5</div><div>-</div><div>0</div><div>2</div><div>8</div><div>:</div><div>0</div><div>6</div><div>2</div><div>Zone</div><div>Sec</div><div>Plat</div><div>Parcel</div></div>	Greenway Grass	13.60	13.60	January	December	Multiple Sprinkler	Apply at a fixed depth per irrigation
<div><div>3</div><div>-</div><div>5</div><div>-</div><div>0</div><div>3</div><div>1</div><div>:</div><div>1</div><div>2</div><div>1</div><div>Zone</div><div>Sec</div><div>Plat</div><div>Parcel</div></div>	Greenway Grass	2.65	2.65	January	December	Multiple Sprinklers	Apply at a fixed depth per irrigation
<div><div>3</div><div>-</div><div>5</div><div>-</div><div>0</div><div>0</div><div>2</div><div>:</div><div>0</div><div>1</div><div>8</div><div>Zone</div><div>Sec</div><div>Plat</div><div>Parcel</div></div>	Greenway Grass	2.2	.25	January	December	Multiple Sprinklers	Apply at a fixed depth per irrigation
<div><div>3</div><div>-</div><div>5</div><div>-</div><div>0</div><div>2</div><div>8</div><div>:</div><div>0</div><div>6</div><div>4</div><div>Zone</div><div>Sec</div><div>Plat</div><div>Parcel</div></div>	Greenway Grass	1.08	1.08	January	December	Multiple Sprinkler	Apply at a fixed depth per irrigation
<div><div></div><div>-</div><div></div><div>-</div><div></div><div></div><div></div><div>:</div><div></div><div></div><div></div><div>Zone</div><div>Sec</div><div>Plat</div><div>Parcel</div></div>							
<div><div></div><div>-</div><div></div><div>-</div><div></div><div></div><div></div><div>:</div><div></div><div></div><div></div><div>Zone</div><div>Sec</div><div>Plat</div><div>Parcel</div></div>							
<div><div></div><div>-</div><div></div><div>-</div><div></div><div></div><div></div><div>:</div><div></div><div></div><div></div><div>Zone</div><div>Sec</div><div>Plat</div><div>Parcel</div></div>							
<div><div></div><div>-</div><div></div><div>-</div><div></div><div></div><div></div><div>:</div><div></div><div></div><div></div><div>Zone</div><div>Sec</div><div>Plat</div><div>Parcel</div></div>							
<div><div></div><div>-</div><div></div><div>-</div><div></div><div></div><div></div><div>:</div><div></div><div></div><div></div><div>Zone</div><div>Sec</div><div>Plat</div><div>Parcel</div></div>							
<div><div></div><div>-</div><div></div><div>-</div><div></div><div></div><div></div><div>:</div><div></div><div></div><div></div><div>Zone</div><div>Sec</div><div>Plat</div><div>Parcel</div></div>							
<div><div></div><div>-</div><div></div><div>-</div><div></div><div></div><div></div><div>:</div><div></div><div></div><div></div><div>Zone</div><div>Sec</div><div>Plat</div><div>Parcel</div></div>							
<div><div></div><div>-</div><div></div><div>-</div><div></div><div></div><div></div><div>:</div><div></div><div></div><div></div><div>Zone</div><div>Sec</div><div>Plat</div><div>Parcel</div></div>							
Comments:							

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	Water from non potable use is not availabe from municipal sources	No water meter
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	No other ditch systems available	No other ditch systems available
Desalinization	No salt water near property	No salt water near property
Ground water	Deed restrictions	Deed restrictions
Conservation measures	Montior and fix irrigation sprinklers	Montior and fix irrigation sprinklers
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.
Waikapu Gardens Homeowner Association (WGA) has 467 homes that were built as an affordable subdivision on Maui. The non potable provides a greenway area for all homeowners and residents of the Waikapu Area. The greenway is open to public use. The irrigation water use is consistent with the Public Interest under Hawaii Revised Statues (HRS) 174-2(c) to 467 Owners of Lots within the WGA. Our main use is agricultural, the use of irrigation water for the keeping the greenway safe for walking, and other park use activities. WGA meets the reasonable-beneficial use standard which implies the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is both reasonable and consistent with the state and county land use plans and the public interest.

The new use is consistent with past use by Waikapu Gardens Homeowners Association under the Water Delivery Agreement Signed November 10, 2006 with Wailuku Water Company

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.

The area was used for irrigation of Cane Fields with a stream water reservoir, surrounded by Cane Fields for generations.

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 Waikapu Gardens under the Water Delivery Agreement Signed November 10, 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 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 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:

INSTRUCTIONS FOR FILLING OUT APPLICATION FOR SURFACE WATER USE PERMIT FOR A PROPOSED NEW USE OR TO MODIFY A SURFACE WATER USE PERMIT

This application form is to be used for **proposed new surface water uses** or for a modification of a previously approved water use permit in designated surface water management areas. **If you are applying for an existing surface water use, which are uses prior to the effective date of designation, do not use this form.** Instead, use the *Application for Surface Water Use Permit for Existing Use* (Form SWUPA-E) for existing uses. New surface water uses are proposed uses after the effective date of designation of the surface water management area. Please check the appropriate box.

Most questions can be addressed by visiting our website at: <https://dlnr.hawaii.gov/cwrm/>, or contacting us at 587-0234, or by email at: dlnr.cwrm@hawaii.gov. The current application forms are also available at: <https://dlnr.hawaii.gov/cwrm/info/forms/>.

REQUIREMENTS FOR A COMPLETE APPLICATION

1. Fill in the most recent application form. A current form is available at our web site or by contacting us at 587-0234.
2. Print in ink or type in the information on the application.
3. The application form has a total of 25 items on six pages. Items 18, 19, and 20 are tables, with multiple line items. Fill in the required information for every item in the application form as it relates to your proposed new use or permit modification.
4. Enclose a check for the non-refundable filing fee of \$25 payable to: Department of Land and Natural Resources. Government agencies are not required to pay the filing fee.
5. Pay for the cost of publishing any required public notices related to your application. The current cost for publishing public notices is approximately \$400.00. Commission staff will provide instructions later in the permit process regarding payment of these costs.
6. Mark the proposed source and end use location(s) on the appropriate USGS quad map (scale 1:24,000) and property tax (TMK) map, and attach these maps to the application.
7. Attach photos showing the existing or proposed source diversion(s), measuring device(s) (if applicable), and end use areas.
8. Sign the application form in ink. Both the applicant and the landowner where the source is located must sign the application form.
9. Submit the **original application in hardcopy and one (1) digital copy** of the application form and all attachments (maps, photos and any other attachments) and filing fee to: Commission on Water Resource Management, P.O. Box 621, Honolulu, HI 96809.

Further, the applicant must address §174C-49(a) of the State Water Code, which states that:

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;*
- (2) *Is a reasonable-beneficial use¹ as defined in section 174C-3;*
- (3) *Will not interfere with any existing legal use of water;*
- (4) *Is consistent with the public interest²;*
- (5) *Is consistent with state and county general plans and land use designations;*
- (6) *Is consistent with county land use plans and policies;*
- (7) *Will not interfere with the rights of the department of Hawaiian home lands as provided in section 221 of the Hawaiian Homes Commission Act.*

¹According to §174C-3, HRS, “Reasonable-beneficial use” means the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is both reasonable and consistent with the state and county land use plans and the public interest.

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

NOTE: Filling in the application completely will address the requirements of §174C-49(a).

LINE BY LINE INSTRUCTIONS ON APPLICATION

APPLICANT INFORMATION

In accordance with the Hawaii Water Code, both the applicant and the person who owns the property where the water source is located are required to apply for a water use permit. §174C-51(1)(B), HRS, states, *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 also be stated as a joint applicant for the water permit.*

1. **APPLICANT INFORMATION:** Fill in the information for the applicant. This should be the person who will be responsible for all conditions of the water use permit.
2. **SOURCE LANDOWNER INFORMATION:** Fill in the information for the landowner of the property where the existing surface water diversion source (e.g., stream, spring, etc.) is located.

SOURCE INFORMATION

3. **SURFACE WATER HYDROLOGIC UNIT AND CODE:** Enter the appropriate island name, hydrologic unit name, and hydrologic code where the proposed source is located. The “source” is the stream from which water is diverted to the user. For information on hydrologic unit names and unit codes please refer to the *Surface Water Hydrologic Unit: A Management Tool for Instream Flow Standards* report on the CWRM website at: <https://files.hawaii.gov/dlnr/cwrm/publishedreports/PR200501.pdf>, or contact CWRM staff at (808) 587-0234. You may also contact CWRM toll-free from Maui at: (808) 984-2400, ext. 70234.
4. **INSTREAM FLOW STANDARD (IFS) FOR HYDROLOGIC UNIT:** Provide Instream Flow Standard (IFS) for hydrologic unit if available.
5. **CAN YOUR PROPOSED USE BE ACCOMMODATED WITHIN THE ABOVE AMOUNTS:** Check “Yes” or “No”. Explain how your proposed use(s) can be accommodated within the Instream Flow Standard (IFS) for the above hydrologic unit.
- 6a. **TMK OF PROPOSED STREAM DIVERSION LOCATION:** Fill in the Tax Map Key (TMK) number of the tax parcel where the stream diversion is or will be located. Each tax parcel is issued a TMK number by the county property tax office and is defined as follows: 1st digit = (Island code), 2nd digit = Zone, 3rd digit = Section, Digits 4 to 6 = Plat, Digits 7 to 9 = Parcel, e.g. (1) 1-1-001:001. To find out your TMK number, call Maui County Real Property Tax Division at: (808) 270-7297, or check online at: www.mauipropertytax.com/
- 6b. **TMK OF PROPOSED DITCH DIVERSION LOCATION:** Fill in the Tax Map Key (TMK) number of the parcel where the proposed ditch diversion will be located, if applicable.
- 7a. **PROPOSED STREAM DIVERSION:** How will water be diverted from the stream to your property? Check all the appropriate boxes.

Waikapu Gardens 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 water greenways and landscaping for 467 owners in a planned affordable housing subdivision. The land use designation is agriculture and the area is used for greenways, public passive park and playground for children. Area is open to the public and heavily used by residents of the Waikapu Area.

(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 serve thousands of residents in the Waikapu Area, consistent with providing recreational and park use for residents.

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

(6) Is consistent with county land use plans and policies; Yes, greenway and Tax Map Keys are agricultural zoned. Water delivery license with Wailuku Water Company for up to 200,000 gallon per day.

(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 home lands as set forth in section 221 of the Hawaiian Homes Commission Act.

Waikapu Gardens Non Potable Water Use 2021

- Jan – 1,732,650 gallons
- Feb – 1,355,170 gallons
- Mar – 1,095,280 gallons
- Apr – 620,700 gallons
- May – 337,900 gallons
- Jun – 1,415,400 gallons
- Jul – 1,326,200 gallons
- Aug – 1,773,390 gallons
- Sep – 1,669,290 gallons
- Oct – 1,192,030 gallons
- Nov – 1,303,930 gallons
- Dec – 1,245,100 gallons



Parcel Information

Parcel Number	350280620000
Location Address	E WAIKO RD WAILUKU HI 96793
Neighborhood Code	3565-1
Legal Information	
Land Area	592253 Square Feet
Parcel Note	

[View Map](#)

Owner Information

Owner Names	Mailing Address
WAIKAPU GARDENS HOMEOWNERS ASSOC INC Fee Owner	WAIKAPU GARDENS HOMEOWNERS ASSOC INC ATTN: MAUI LAND BROKER & PROPERTY MGMT INC 104 N MARKET STREET WAILUKU HI 96793

Assessment Information

		⊕ Show Historical Assessments						
Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2022	NON-OWNER-OCCUPIED/RESIDENTIAL	\$332,900	\$0	\$332,900	\$478,800	\$811,700	\$0	\$811,700

[How to calculate real property taxes](#)

Current Tax Bill Information

Tax Period	Description	Original Due Date	Taxes Assessment	Tax Credits	Net Tax	Penalty	Interest	Other	Amount Due
2021-2	Real Property Tax	02/22/2022	\$180.24	\$0.00	\$180.24	\$0.00	\$5.41	\$0.00	\$185.65
	Tax Bill with Interest computed through 06/30/2022		\$180.24	\$0.00	\$180.24	\$0.00	\$5.41	\$0.00	\$185.65

Historical Tax Information

Year	Tax	Payments and Credits	Penalty	Interest	Other	Amount Due
⊕ 2021	\$4,415.06	(\$4,234.82)	(\$163.85)	(\$16.39)	\$0.00	\$180.24
⊕ 2020	\$4,386.02	(\$4,386.02)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2019	\$4,185.44	(\$4,185.44)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2018	\$4,016.91	(\$4,016.91)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2017	\$3,819.28	(\$3,819.28)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2016	\$3,556.30	(\$3,556.30)	\$0.00	\$0.00	\$0.00	\$0.00

Click a year to see tax payment information for the year.

Improvement Information

Building Number	1	Heating/Cooling	NONE
Style	Contemporary	Exterior Wall	FIBER CEMENT
Year Built	2006	Bedrooms/Full Bath/Half Bath	3/2/1
Eff Year Built		Roof Material	Composition Shingle
Percent Complete	100%	Fireplace	No
Living Area	2,334	Grade	4
Construction Type	Frame	Building Value	\$478,800

Sales Information

Sale Date	Price	Instrument Number	Instrument Type	Valid Sale or Other Reason	Document Type	Record Date	Land Court #	Land Court Cert
12/27/2016	\$0	A62080631	Easements		Grant of easement	12/30/2016		
10/7/2016	\$0	A61350216B	Easements		Grant of easement	10/18/2016		
5/2/2016	\$0	A59760908	Fee conveyance		Deed	5/12/2016		
4/28/2015	\$0	A56060551	Fee conveyance		Grant of easement	5/8/2015		
9/11/2012	\$0	A46440446	Easements	Related individuals	Cancellation of easement	9/18/2012		
2/18/2010	\$0	10-022120	Easements		Grant of easement	2/18/2010		
3/14/2008	\$0	08-044598	Easements		Grant of easement	3/20/2008		

Maui's Automated Planning & Permitting System

[Click Here to View All Planning and Permitting Info Regarding This TMK](#)





Parcel Information

Parcel Number 350311210000
Location Address KAMAHAO CIR
WAILUKU HI 96793
Neighborhood Code 3565-1
Legal Information LOT 414 WAIKAPU GARDENS SUBD FP 2468
Land Area 115642 Square Feet
Parcel Note

[View Map](#)

Owner Information

Owner Names
WAIKAPU GARDENS HOMEOWNERS ASSOC INC Fee Owner

Mailing Address
WAIKAPU GARDENS HOMEOWNERS ASSOC INC
ATTN: MAUI LAND BROKER & PROPERTY MGMT INC
104 N MARKET STREET
WAILUKU HI 96793

Assessment Information

Show Historical Assessments

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2022	NON-OWNER-OCCUPIED/RESIDENTIAL	\$104,400	\$0	\$104,400	\$0	\$104,400	\$0	\$104,400

[How to calculate real property taxes](#)

Historical Tax Information

Year	Tax	Payments and Credits	Penalty	Interest	Other	Amount Due
⊕ 2021	\$542.82	(\$542.82)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2020	\$525.38	(\$525.38)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2019	\$476.56	(\$476.56)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2018	\$400.00	(\$400.00)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2017	\$400.00	(\$400.00)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2016	\$323.30	(\$323.30)	\$0.00	\$0.00	\$0.00	\$0.00

Click a year to see tax payment information for the year.

Sales Information

Sale Date	Price	Instrument Number	Instrument Type	Valid Sale or Other Reason	Document Type	Record Date	Land Court #	Land Court Cert
5/2/2016	\$0	A59760908	Fee conveyance		Deed	5/12/2016		

Maui's Automated Planning & Permitting System

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Parcel Information

Parcel Number 350020180000
Location Address WAIALE RD
WAILUKU HI 96793
Neighborhood Code 1100-5
Legal Information
Land Area 2.2 Acres
Parcel Note Non taxable

[View Map](#)

Owner Information

Owner Names
SPENCER HOMES INC Fee Owner

Mailing Address
SPENCER HOMES INC
1100 ALAKEA ST FL 27
HONOLULU HI 96813

Assessment Information

⊞ Show Historical Assessments

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2022	AGRICULTURAL	\$200	\$0	\$200	\$0	\$200	\$200	\$0

[How to calculate real property taxes](#)

Sales Information

Sale Date	Price	Instrument Number	Instrument Type	Valid Sale or Other Reason	Document Type	Record Date	Land Court #	Land Court Cert
12/28/2017	\$0	A65770556A	Easements		Grant of easement	1/3/2018		
3/3/2017	\$0	A62910504	Fee conveyance		Warranty deed	3/23/2017		
10/20/2016	\$0	A61690856	Easements		Grant of easement	11/21/2016		
6/27/2016	\$0	A60260745	Fee conveyance		Deed	7/1/2016		
5/3/2016	\$0	A59730658	Easements		Grant of easement	5/9/2016		
2/2/2011	\$51,333	11-049640	Fee conveyance	Not open market	Warranty deed	3/28/2011		
3/14/2008	\$0	08-044598	Easements		Grant of easement	3/20/2008		
10/14/2005	\$0	05-211195	Fee conveyance		Warranty deed	10/18/2005		

Maui's Automated Planning & Permitting System

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Recent Sales In Area

Sale date range:

From:

06/03/2019

To:

06/03/2022

1500

Feet





Parcel Information

Parcel Number 350280640000
Location Address HONOAPIILANI HWY
WAILUKU HI 96793
Neighborhood Code 3565-1
Legal Information LOT 423 WAIKAPU GARDENS SUBD FP 2468
Land Area 49762 Square Feet
Parcel Note Non taxable

[View Map](#)

Owner Information

Owner Names
WAIKAPU GARDENS HOMEOWNERS ASSOC INC Fee Owner

Mailing Address
[WAIKAPU GARDENS HOMEOWNERS ASSOC INC](#)
ATTN: MAUI LAND BROKER & PROPERTY MGMT INC
104 N MARKET ST
WAILUKU HI 96793

Assessment Information

[⊕ Show Historical Assessments](#)

		Market	Agricultural			Total	Total	Total
		Land	Land	Assessed	Building	Assessed	Exemption	Net Taxable
Year	Tax Class	Value	Value	Land	Value	Value	Value	Value
2022	NON-OWNER-OCCUPIED/RESIDENTIAL	\$100	\$0	\$100	\$0	\$100	\$100	\$0

[How to calculate real property taxes](#)

Sales Information

Sale Date	Price	Instrument Number	Instrument Type	Valid Sale or Other Reason	Document Type	Record Date	Land Court #	Land Court Cert
5/2/2016	\$0	A59760908	Fee conveyance		Deed	5/12/2016		

Maui's Automated Planning & Permitting System

[Click Here to View All Planning and Permitting Info Regarding This TMK](#)

Recent Sales In Area

Sale date range:

From:

06/03/2019

To:

06/03/2022

1500

Feet



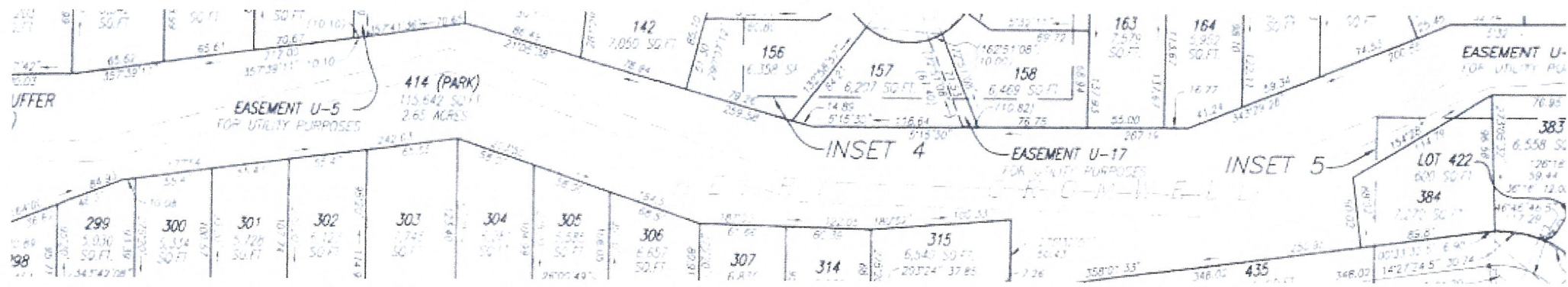


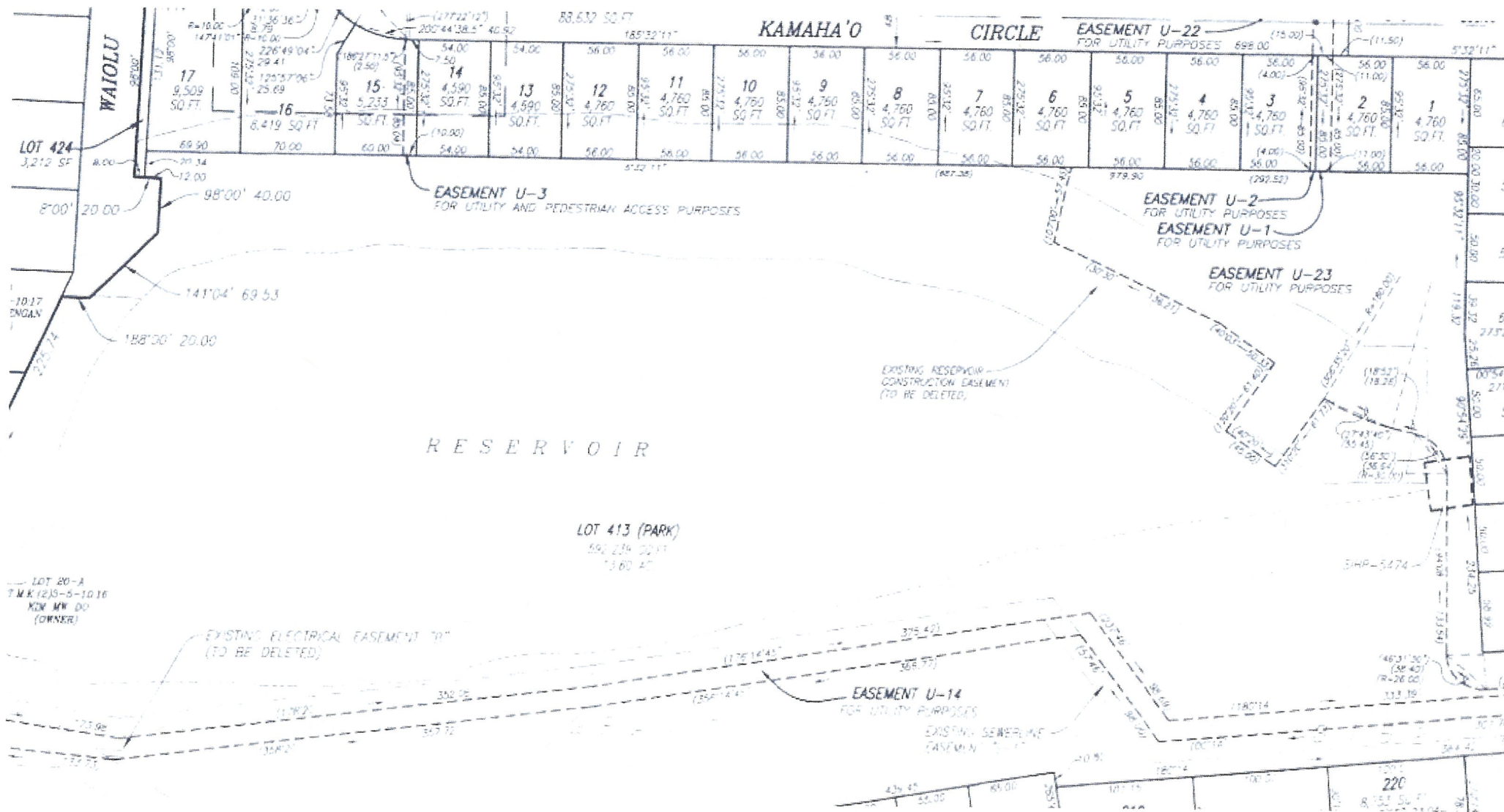
6/2019

Waikapu Gardens meter

Google

Imagery Date: 6/15/2019 20°51'44.45" N 156°30'08.79" W elev





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):

Type of Permit Applied For:

3. APPLICANT CONTACT

3.1) Name: _____ 3.2) Title: _____

3.3) Street Address: _____

3.4) County: _____ 3.5) State: _____ 3.6) Zip Code: _____

3.7) Phone: _____ 3.8) Email: _____

4. PROJECT DATA

4.1) Permit Number (if applicable):

4.2) TMK [e.g. (3) 1-2-003:004]:

4.3) Street Address:

4.4) County: 4.5) State: 4.6) Zip Code:

4.7) Total Property Acreage:

4.8) Project Area (acreage, square feet):

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

LOG NO. 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://dlmr.hawaii.gov/shpd/>

☐ Yes ☐ No

5.4) Detailed Project Description and Scope of Work:

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):

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.
- 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.

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)

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: PO Box 2390

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]: 35028067 35031121 35002018 35028064

4.3) Street Address: Please use TMK's above, greenways

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

4.7) Total Property Acreage: 17.58

4.8) Project Area (acreage, square feet): 765,784

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:

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):

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
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- ☐ 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

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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



