



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:

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		Applicant's Contact:		2. SOURCE LANDOWNER'S NAME		Source Landowner's Contact:					
Mark Juergensmeyer				Mark Juergensmeyer							
Applicant's Mailing Address, or Principal Place of Business:				Source Landowner's Mailing Address, or Principal Place of Business:							
30 Hau'oli St Unit 106, Wailuku HI 96793				same							
Applicant's Phone:		Applicant's Fax:		Applicant's E-mail:		Source Landowner's Phone:		Source Landowner's Fax:		Source Landowner's E-mail:	
						same				same	

SOURCE INFORMATION

3. SURFACE WATER HYDROLOGIC UNIT:		Island: Maui		Hydrologic Unit: Iao River		Hydrologic Unit Code: 6024	
4. INSTREAM FLOW STANDARD (IFS) FOR HYDROLOGIC UNIT, IF APPLICABLE: 10							
5. CAN YOUR PROPOSED USE(S) BE ACCOMMODATED WITHIN THE ABOVE AMOUNTS: <input checked="" 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: see Attachment A							
6a. TMK OF PROPOSED STREAM DIVERSION LOCATION: 3 - 3 - 018 : 008							
6b. TMK OF PROPOSED DITCH DIVERSION LOCATION: - - - : -							
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 checked="" 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 type="checkbox"/> Yes. List the manufacturer and describe the device. _____ <input checked="" type="checkbox"/> No. Explain how stream diversion will be measured or estimated to justify amounts requested in the space below. See Attachment A							

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

9. TOTAL QUANTITY OF WATER REQUESTED: 3550		gallons per day. See Table 1, Item 14.	
10. PROPOSED USE: Check all that apply.		<input checked="" type="checkbox"/> Agriculture <input checked="" 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. see attached maps			

PROPOSED USER INFORMATION

12. APPURTENANT RIGHT: Do you claim an appurtenant right for your proposed water use?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
See Attachment A If yes, has the appurtenant right been established by the courts or the Commission?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
13. PROPOSED END USER INFORMATION: Will you be an end user on an existing water system?			
<input type="checkbox"/> Yes. List the name of the system operator:		<input checked="" 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		17. SOURCE LANDOWNER	
Signature Mark Juergensmeyer		Signature Mark Juergensmeyer	
August 15, 2022		August 15, 2022	
Print		Print	
Date		Date	

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"><li>Property tax map, showing proposed location of use referenced to established property boundaries.</li><li>Photograph of the area of proposed use.</li></ul>	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>	<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>Zone</div>	-	<div>Sec</div>	-	<div>Plat</div>	:	<div>Parcel</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>Zone</div>	-	<div>Sec</div>	-	<div>Plat</div>	:	<div>Parcel</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>Zone</div>	-	<div>Sec</div>	-	<div>Plat</div>	:	<div>Parcel</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

DOM	<div>Zone</div>	-	<div>Sec</div>	-	<div>Plat</div>	:	<div>Parcel</div>	<div><input type="checkbox"/> Yes, date approved: / / <input checked="" type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>	Ag	<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>	1 unit	600	600	<div><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div>	Land use estimate see Attachment A
AGRCP	<div>Zone</div>	-	<div>Sec</div>	-	<div>Plat</div>	:	<div>Parcel</div>	<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>	Ag	<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>	1 acre	2500	2500	<div><input type="checkbox"/> Yes <input type="checkbox"/> No</div>	Land use estimate see Attachment A
AGRON	<div>Zone</div>	-	<div>Sec</div>	-	<div>Plat</div>	:	<div>Parcel</div>	<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>	Ag	<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>	.3 acre	450	450	<div><input type="checkbox"/> Yes <input type="checkbox"/> No</div>	Land use estimate see Attachment A
	<div>Zone</div>	-	<div>Sec</div>	-	<div>Plat</div>	:	<div>Parcel</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 NON POTABLE USE (M)													3550	GPD	
TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) (N) =													3550	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>3</div><div>Sec</div></div> - <div><div>0</div><div>1</div><div>8</div><div>Plat</div></div> : <div><div>0</div><div>0</div><div>8</div><div>Parcel</div></div>	fruit trees	.7	.7	year round	year round	trickle//drip	apply fixed depth irrigation
<div><div>3</div><div>Zone</div></div> - <div><div>3</div><div>Sec</div></div> - <div><div>0</div><div>1</div><div>8</div><div>Plat</div></div> : <div><div>0</div><div>0</div><div>8</div><div>Parcel</div></div>	native plants	.3	.3	year round	year round	trickle/spray	apply fixed depth irrigation
<div><div>3</div><div>Zone</div></div> - <div><div>3</div><div>Sec</div></div> - <div><div>0</div><div>1</div><div>8</div><div>Plat</div></div> : <div><div>0</div><div>0</div><div>8</div><div>Parcel</div></div>	nursesey/orna-mentals	.3	.3	year round	year round	drip/ sprinklers	apply fixed depth irrigation
<div><div>3</div><div>Zone</div></div> - <div><div>3</div><div>Sec</div></div> - <div><div>0</div><div>1</div><div>8</div><div>Plat</div></div> : <div><div>0</div><div>0</div><div>8</div><div>Parcel</div></div>	existing trees	.9	.0	n/a	n/a	n/a	n/a
<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>							
<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:

1. There is no existing water source to the parcel

2. Fruit trees include banana, papaya, avocado, mango, orange, lychee, lemon, lime, newly planted coffee

3. Native plants include ohia, a'ali'i, ti; kalo planned when water is available

4. Existing trees include kukui, monkeypod, african tulip, and coffee; they require no irrigation

5. Estimated irrigated acreages have taken into account driveways, easements, and dwelling and out-building footprints.

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.)
<b>Municipal sources</b>		
Municipal sources	Not available nearby; cost-prohibitive	Non-potable water not available from county
<b>Wastewater reuse</b>		
Wastewater reuse	Not available from country treatment center; other sources not legal	Not available
<b>Ditch system</b>		
Ditch system	Not available	Not available
<b>Desalinization</b>		
Desalinization	Not available	Not available
<b>Ground water</b>		
Ground water	Cost prohiabitive and permit unobtainable	Cost prohibitive and permit unobtainable
<b>Conservation measures</b>		
Catchment system	15000 gal catchment tank when rain is available; currently drought' filitration UV light	15000 gal catchment tank from rain
<b>Other (specify)</b>		

APPLICATION FOR SURFACE WATER USE PERMIT - PROPOSED NEW USE

OTHER PERTINENT INFORMATION
<p><b>21. PUBLIC INTEREST:</b> Hawaii Revised Statutes §174C-2(c) states that: <i>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.</i></p> <p>Explain how the proposed new use(s) in your application are consistent with items [a] and [b] above.</p> <p>See attached supplement A</p>
<p><b>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.</b></p> <p>See attached supplement A</p>
<p><b>21b. Identify the extent to which those resources, including traditional and customary Native Hawaiian rights, will be affected or impaired by the proposed action</b></p> <p>See attached supplement A</p>
<p><b>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?</b></p> <p>See attached supplement A</p>

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.

See attached supplement A

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.

See attached supplement A

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:

☐ Use of state or county lands, or use of state or county funds

☐ Use within a state conservation district

☐ Use within a shoreline setback area

☐ Use within a national or Hawaii registered historic site

☐ Use within the Waikiki Special District

☐ The construction, expansion or modification of helicopter facility

☐ A wastewater treatment unit

☐ Waste-to-energy facility

☐ Landfill

☐ Oil refinery

☐ Power-generating facility

☒ 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](mailto: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 use<sup>1</sup> as defined in section 174C-3;*
- (3) *Will not interfere with any existing legal use of water;*
- (4) *Is consistent with the public interest<sup>2</sup>;*
- (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.*

<sup>1</sup>According 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.

<sup>2</sup>Public 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/](http://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.

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

- 7b. **WILL THE DIVERTED WATER BE RETURNED TO THE STREAM OR DITCH?** Check “Yes” or “No.” If yes, enter the amount of water to be returned and the TMK location of where water will be returned to the stream or ditch.
8. **PROPOSED FLOW MEASUREMENT INFORMATION:** Check “Yes” or “No”. If yes, please describe the measuring device. A flowmeter with a totalizer will directly measure the total use for the source (similar to a car’s odometer). If no, explain how stream diversion will be measured or estimated to justify amounts requested.

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

9. **TOTAL QUANTITY OF WATER REQUESTED:** Enter the amount of water requested as gallons per day (GPD). Fill out Table 1 and enter the amount in Box 14, “Total Use Requested.”
10. **PROPOSED USE:** Check all the boxes that apply for the proposed use. Refer to the instructions for Table 1: Land Use Consistency/Efficiency of Use, Item 1: Purpose/Water Use Category below to determine which water use category to use.
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 and show the location of the proposed use.

PROPOSED USER INFORMATION

12. **APPURTENANT RIGHT:** An appurtenant water right is a legally recognized right to a specific amount of surface freshwater – usually from a stream – on the specific property that has that right. This right traces back to the first time the land was converted to fee simple title; i.e., the Great Mahele and the issuance of either a Land Commission Award or Royal Patent. The quantity of water under the appurtenant right is the amount that was being used on the land shortly before or at the time of the Mahele.  
Do you claim an appurtenant right for your proposed water use? Check “Yes” or “No.”  
If yes, has your appurtenant right been established by the courts or the Commission? Check “Yes” or “No.”
13. **PROPOSED END USER INFORMATION:** Will you be an end user on an existing water system? Check “Yes” or “No.” If yes, please list the name of the water system operator.
14. **REGISTRATION AND DECLARATION OF WATER USE:** Do you have a Registration and Declaration of Water Use from the Commission? Check “Yes” or “No”. If yes, list the name of the registrant(s).
15. **STREAM DIVERSION WORKS PERMIT (SDWP):** Have you ever been issued a SDWP by the Commission? If yes, please list the permit number(s). Otherwise, check “No.”
16. **APPLICANT:** Sign and print your name, and date your application.
17. **SOURCE LANDOWNER:** Sign and print your name, and date your application. The landowner of the source shall be a joint applicant in the event the applicant is 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. §174C-51(1)(B)

PROPOSED NEW USE OR MODIFIED USE INFORMATION

18. **TABLE 1: LAND USE CONSISTENCY / EFFICIENCY OF USE:**  
Provide information on all of the proposed uses you are applying for or seeking to modify. In the space provided below the table or on a separate sheet, explain whether there are any limitations (e.g., a contract or other legal agreement(s)) on your proposed water use(s), as required by §174C-51(5), HRS.
- A. **PURPOSE / WATER USE CATEGORY:** For each proposed use, choose one of the categories listed below and enter the appropriate code in the space provided (e.g. AGRAQ, IRRIG, etc.)

<b>AGRICULTURE</b> AGRAQ Aquatic Plants & Animals AGRCP Crops & Processing AGRLI Livestock & Processing, and Pasture AGRON Ornamental & Nursery Plants AGROTH Other	<b>DOMESTIC</b> DOM Single & Multi Low-Rise & High-Rise Household DOMN Domestic (Non-residential) DOMNCB Commercial Businesses DOMNRI Religious Institutions DOMNHOS Hospitals DOMNHOT Hotels DOMNOB Office buildings DOMNOTH Domestic Non-Residential - Other DOMNSC Schools
<b>IRRIGATION</b> IRRGC Golf Course IRRHM Habitat Maintenance IRRHOT Hotel IRRLA Landscape/Water Features IRROTH Other IRRPC Parks IRRSC Schools	<b>INDUSTRIAL</b> INDEL Geothermal, Thermoelectric Cooling, Power Development INDFP Fire Protection INDMI Mining, Dust Control INDOTH Industrial – Other
<b>MILITARY</b> MIL Military	<b>MUNICIPAL</b> MUNCO County MUNPR Privately-owned but defined as public water system by MUNST DOH State



**INSTRUCTIONS FOR FILLING OUT APPLICATION FOR SURFACE WATER USE PERMIT  
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- B. USE TMK:** The Tax Map Key number of the parcel over which the water will be applied. There should only be one parcel for each line. Also, attach: 1) a TMK map (or maps) showing each of the lots listed and the boundaries of the end use area(s); and 2) a photograph of the area of use.
- C. STATE LAND USE DISTRICT:** Write in the name of the current land use district. To find out the current Land Use District, contact the Land Use Commission at (808) 587-3822.
- D. CDUP REQUIRED:** If a Conservation District Use Permit (CDUP) is required, check “Yes” and enter the date CDUP was approved if you have a CDUP applicable to this project; or check “Yes, not acquired”. If a CDUP is not required, check “No.” To find out if your parcel is in the Conservation District, contact the Land Use Commission at (808) 587-3822.  
If your parcel is in a Conservation District, contact the Department of Land and Natural Resources Office of Conservation and Coastal Lands at (808) 587-0377 to find out if a CDUP is required.
- E. COUNTY ZONING CODE:** To find out the Zoning Code for Maui, contact the Maui County Planning Department at (808) 270-7253.
- F. SMAP REQUIRED:** If a Special Management Area Permit (SMAP) is required, check “Yes” and enter the date SMAP was approved if you have a SMAP applicable to this project; or check “Yes, not acquired”. If a SMAP is not required, check “No.” To find out if your parcel is in a Special Management Area and requires an SMAP, contact Maui County Planning Department at (808) 270-8205.
- G. UNITS OR NET ACREAGE:** This is the value and category as the basis for calculating the duty. “Duty” means the amount of water requested for a “unit” over a specific time period, e.g. gallons per acre per day, or gallons/acre/day. “Unit” can mean dwelling unit, or number of people, or animals. Some examples of this category include: 400 dwelling units, 500 people, and 3.74 acres.
- H. GPD/UNIT or GPD/ACRE** (GPD=gallons per day): Enter the gallons per day or gallons per acre for each water use category listed in Column A.
- I. REQUESTED QUANTITY OF USE:** Enter the proposed quantity of use in gallons per day (GPD) at build out after all phases of your project have been completed. The build out amount may differ from the four-year cumulative projected demand if your build out date extends beyond the cumulative projected four-year demand. Justification (Column K) for the quantity(ies) requested may depend on the information provided in Columns G and H of this table.
- J. SUBMETERED:** Is there a second measuring device or meter for another user? Check “Yes” or “No” if the specific use will be submetered or not. Submetering is specific to each line item.
- K. APPLICANT’S JUSTIFICATION FOR QUANTITY OF REQUESTED USE:** Explain how you are justifying the quantity of water requested for each use in Column I of this table. Attach additional sheets, if necessary, showing how the proposed quantity was calculated. For all proposed irrigation uses, you are required to also complete Item 19 (Table 2) of the application.
- L. TOTAL POTABLE USE:** Add the quantities listed in Column I for proposed potable water use(s). Enter the total quantity in gallons per day (GPD) in Line L.
- M. TOTAL NON-POTABLE USE:** Add the quantities listed in Column I for proposed uses that do not require potable water. Enter the total quantity of proposed non-potable water use in gallons per day (GPD) in Line M.
- N. TOTAL QUANTITY OF WATER REQUESTED:** Add the totals in Lines L and M, and enter the sum in Line N. The quantity in Line N should be the same as the amount entered in Line 9 on page 1 of this application.
- O. LIMITATIONS:** Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5), HRS.

**19. TABLE 2: IRRIGATION INFORMATION:**

On Table 2, provide the information requested for all the crops you are proposing to grow, including landscape and golf course turf and plants. Enter only one crop and one parcel number (TMK) per line. For multiple crops, list each one as a separate line item. All proposed or modified irrigation uses you are applying for must be listed. Attach additional copies of Table 2, if necessary.

- A. TMK OF PROPOSED USE LOCATION:** Enter the parcel number where the crop will be grown. Also attach a property tax map with an outline around the area(s) of proposed use(s) and a photograph of each area of the proposed use.
- B. CROP:** Enter the crop type.
- C. TOTAL ACREAGE:** Enter the total acreage of the parcel listed.
- D. NET IRRIGATED ACREAGE:** Enter the acreage that the specific crop will be grown.
- E. BEGIN GROWTH PERIOD (MONTH):** This is the month of the start of the growth cycle.
- F. END GROWTH PERIOD (MONTH):** This is the month of the end of the growth cycle.
- G. IRRIGATION SYSTEM:** Enter one of the following:  
TRICKLE, DRIP  
TRICKLE, SPRAY  
MULTIPLE SPRINKLERS  
SPRINKLER, CONTAINER NURSERY  
SPRINKLER, LARGE GUNS  
SEEPAGE, SUBIRRIGATION  
CROWN FLOOD  
FLOOD (TARO)  
OTHER – Please describe in the space provided for Comments.
- H. IRRIGATION PRACTICE:** Enter one of the following:  
IRRIGATE TO FIELD CAPACITY  
APPLY A FIXED DEPTH PER IRRIGATION  
DEFICIT IRRIGATION  
OTHER - Please describe in the space provided for COMMENTS below.

**20. TABLE 3: ALTERNATIVES ANALYSIS AND ADDITIONAL REQUIREMENTS:**

Please address every alternative and explain why each alternative is or is not available for your proposed potable and non-potable needs. Other alternatives (last row of Table 3) may include stormwater reclamation, rainwater catchment, or other alternatives not already listed above.

**Surface water** is defined in §174C-3, HRS as: *...both contained surface water—that is, water upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other watercourses, lakes, reservoirs, and coastal waters subject to state jurisdiction—and diffused surface water—that is, water occurring upon the surface of the ground other than in contained waterbodies. Water from natural springs is surface water when it exits from the spring onto the earth’s surface.*

For **Conservation Measures**, please describe any conservation measures that will be used to ensure that your water use is or will be efficient. Conservation measures may include, but are not limited to, water reuse or recycling systems, monitoring the water distribution system for pressure drops that are indicative of leaks or line breaks, or use of drought-tolerant and xeriscape landscape plants.

**INSTRUCTIONS FOR FILLING OUT APPLICATION FOR SURFACE WATER USE PERMIT  
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**OTHER PERTINENT INFORMATION**

- 21. PUBLIC INTEREST:** Explain in the space provided or on a separate sheet, how the proposed new use(s) will maximize beneficial use(s) and how they will be deemed to be in the public interest as defined by the State Water Code below.

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

- 22. INTERFERENCE WITH THE RIGHTS OF THE DEPARTMENT OF HAWAIIAN HOME LANDS**

Explain in the space provided or on a separate sheet, how the proposed new use(s) will not interfere with the rights of the Department of Hawaiian Home Lands, as provided in Section 221 of the Hawaiian Homes Commission Act. To inquire about potential interference, you may contact the Department of Hawaiian Home Lands (DHHL) main line at (808) 620-9500, or the DHHL Planning Office at (808) 620-9480. You may also visit their website at [dhhl.hawaii.gov](http://dhhl.hawaii.gov), where you can review DHHL's Island Plans, Regional Plans, and their Water Policy Plan.

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

- 23. INTERFERENCE WITH ANY EXISTING LEGAL USES**

Explain in the space provided or on a separate sheet how the proposed new use(s) of water will not interfere with any other existing legal use(s).

- 24. PUBLIC WATER SYSTEM INFORMATION**

Check the appropriate box or boxes relating to your existing or proposed new water system.

- 25. CHAPTER 343**

If an Environmental Assessment was completed, fill in the dates of publication and acceptance. For additional information about the proposed uses checkboxes, refer to the State Office of Planning and Sustainable Development's Environmental Review Program and the HEPA Citizen's Guide at <https://planning.hawaii.gov/erp/>.

# **ATTACHMENT A - SUPPLEMENT TO SWUPA-N**

**APPLICANT: Mark Juergensmeyer and Sucheng Chan, 2565 Mokuahau Rd, Wailuku**

## **Source Information:**

### **Item 5. *Explain how your proposal uses(s) can be accommodated within the existing IFS for the above hydrologic unit:***

Since this request is for the minimal daily use requirements estimated for domestic use (600 gpd for one dwelling) and state required agricultural plantings and necessary irrigation needs (2500 gpd per div ag acre), the conveyance of this minimal amount from 'Iao Stream for irrigation and domestic water supplies should have no discernible effect to downstream points of diversion or the IFS. Further, our water storage tank is a rain catchment facility. While rain amounts during the rainy season, November through April, vary widely, it is likely water diversion amounts would be minimal perhaps as little as zero gpd during these months and water from the stream will be taken only when storage tank depletion is 25%.

### **Item 7a. Proposed Stream Diversion: *Pipe/Pump/Ditch-auwai:***

Due to elevation change from the river bed and the property irrigation needs of the property, only a portable submersible pump will be used in order to supplementally fill existing rain catchment tanks, as needed. No permanent pump or piping is anticipated as replenishment would occur only as needed during long periods without adequate rain.

The property currently has one 15,000 gallon catchment tank. Rainfall totals vary widely with seasonal and drought conditions requiring additional hydro input from Iao Stream in order to properly irrigate current and future plantings during periods of inadequate rainfall.

During the permitting process for the construction of the main dwelling, state agricultural inspections required adequate agricultural planting in order to gain approval. Inspections were conducted with our plan passed by the State Land Use Planning Department on Maui. Rain catchment totals cannot meet the necessary requirements to adequately irrigate the agricultural requirements of the State of Hawai'i. Final building inspection for the main dwelling was completed November 5, 2021.

**NOTE: *Historically*,** the kama 'auwai (south side of 'Iao Stream) and the kalani 'auwai (north side of 'Iao Stream) were the main sources of water for kalo and other agricultural uses in the area. The kama 'auwai became the Mission Ditch and then the Kama Ditch, whose stream access point was moved further makai from the original access point. This second intake point which resides adjacent to the subject property was damaged around 1995 and Wailuku Ag decided not to repair it. A tunnel portion of the kalani 'auwai caved in around 1960, where Wailuku Ag (C. Brewer) decided not to repair it.

**Item 7b. Will the diverted water be returned to the stream?**

Since all water pumped into storage tanks would be used for domestic use and diversified agricultural irrigation, it is doubtful very little water would percolate through the soil. Because of the low volume needed for diversity agricultural irrigation and domestic use, it is estimated very little would be returned to the stream.

**Item 8. Proposed flow measurement information; *Explain how stream diversion will be measured or estimated to justify amounts requested...***

Since water replenishment to the storage tank would be accomplished only when the water level is determined to be low (approximately 25% of the total), it is very easy to estimate, with a high degree of accuracy, amounts of water replenishment since the total number of gallons the tank can hold are a known fixed amount. A log book would be kept noting the dates and amount pumped from the stream which would be calculated by fairly accurately estimating the levels in the tank prior to, and after completing the replenishment of the tanks.

The pump to be used would be a Multiquip 1 HP portable submersible pump, model ST-2037, with a 1 1/4" discharge hose reduced to standard 3/4' garden hose for input to tank. The pump is capable of pumping up to 73 gallons per minute at maximum ideal installation conditions. It is calculated that the average daily diversion would be much less than the requested 600 gallons daily. Actual estimated average diversion would be equal to approximately 300 gallons per day.

If required by the commission, a flow meter could be installed at the entry point of tanks and connected during replenishment periods.

**Item 12. Attached** to this application are copies of the deeds dating back to Wailuku Agriculture Company transfer to Horcajo, and in 2019, Horcajo to Juergensmeyer/Chan.

**Table 1, item 11; Applicants justification for requested quantity of use for item 9**

**Domestic Use;** While it is highly doubtful the dwelling would consume its 600 gallons daily for domestic use, we are requesting the standard used by the Commission on Water Resource Management estimates for domestic dwellings per day to avoid having to request future revisions of this application. Also, since determining daily rainfall amounts is impossible, it makes logical sense to request the domestic daily estimate. The actual estimated total average diversion would be approximately 300 gallons per day for domestic use, or 109,500 gallons per year.

**NOTE:** Estimated irrigated acreages have taken into account driveways, easements, and dwelling footprints.

**AGRCP/ACRON Use;**

Determining exact irrigation amounts is dependant upon rainfall amounts and frequency. Obviously, the more rainfall the more absorption of water in the soil. Again, it is highly unlikely that 2500 gallons per acre, per day would be necessary but it is prudent to request the Water Resource Management standard.

**Other Pertinent Information**

**21. Explain below how your proposed new use(s) will maximize beneficial use(s) and how they will be deemed to be in the public interest as defined by the State Water Code above.**

Since state and/or county agricultural properties require a certain amount of ag use to obtain building permits, water use for diversified agriculture on land zoned for agriculture is consistent with “the public interest.” Also, since Maui County does not service the area with county water supply, the authorized and permitted dwellings require adequate water resources which is clearly in the public interest.

In re: Waiahole Ditch Combined Contested Case, 94 Hawai‘i 97, 162, 9 P.3d409, 474 (2000) (“Waiahole I”), as well as HRS 174C-2(c), provides that the protection of traditional and customary Hawaiian rights, agriculture and the maintenance of proper ecological balance and scenic beauty is “in the public interest.” As the supporting documents show, this parcel of land was part of a land grant of King Kamehameha III intended for agricultural use. The use of this land for agricultural purposes, including the growing of kalo that we plan to do when water rights are approved, will reflect the original intentions of the Hawaiian rulers in making this land grant.

Moreover, all the dwellings and outbuildings on the property have been constructed in traditional Polynesian design. The main house is entirely bamboo, with no walls or windows (only screens and shutters), and the roof is fireproof thatch, all according to Maui County building codes (see attached picture). Forty percent of the land has been left in its undeveloped native state, including all of the area along Iao river. Hence the respect for the 'aina is preserved by minimal development on the site and by diversified agricultural crops. This also provides alternative food sources and helps maintain a proper ecological balance, scenic beauty, and lower carbon footprint, while continuing to maintain and enhance a green environment for this portion of Iao Valley, Maui county, and Hawai'i as a whole, which is "consistent with the public interest."

**Our proposed uses is a Protected Public Trust Purpose.**

Most of the water to be used supports other existing public trust purposes such as: (1) the maintenance of waters in their natural state; (2) resource protection; (3) water for domestic and agricultural purposes. (3) scenic beauty (4) a positive carbon footprint, (5) a continued habitat for avian and other animal life. (6) the protection of traditional and customary Hawaiian rights.

**Our proposed use supports beneficial Instream uses.**

By using the water resource to irrigate plant life, and vegetation for food sources while maintaining existing plant life, the following items will be promoted. (1) the maintenance of fish and wildlife habitats as they currently exist; (2) outdoor recreational activities; (3) our maintenance of existing ecosystems of wetlands, and stream vegetation that border the property.

**Our proposed use is Reasonable and Beneficial.**

*"Reasonable-beneficial use" is defined as "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 public interest." HRS 174C-3.*

Regarding economic and efficient utilization, we intend to use only the amount necessary to cultivate agricultural crops consistent with the public interest.

**21 a-b-c. Protection of Native Hawai'ian Rights and Culture.**

Although the property does not contain any sites or artifacts that are revered in Native Hawai'ian culture, the property is part of a land grant given to Native Hawai'ians by King Kamehameha III for agricultural use. For this reason, and for my general respect for the traditional Hawai'ian trusteeship of the 'aina throughout the Hawai'ian islands, care has been given to respect the land and provide a native Hawai'ian character to it.

Since I was the founding dean of the School of Hawai'ian, Asian and Pacific Studies at the University of Hawai'i at Manoa, I have some understanding of the importance of the 'aina for Native Hawaiian culture. For this reason I have tried to preserve as much of the land in an undeveloped state as possible, and to respect native plants throughout the property. At the outset of my stewardship of this property I held a blessing ceremony led by a native Hawai'ian kahuna. Another Hawai'ian blessing ceremony with a native Hawai'ian kahuna was held at the commencement of the construction of the dwelling and outbuildings on the property.

The main dwelling and outbuildings have been designed in traditional Polynesian style. The main building is entirely bamboo. There are no walls or glass windows; only screens and bamboo shutters. It was designed by a local architect who has studied Bali and Polynesian style architecture in the creation of 100% bamboo structures. At its completion it was featured in the *Maui Times* as an example of the use of native construction materials to create sustainable ecological architecture.

**22. Explain below how your proposed new use(s) will not interfere with any existing legal use(s).**

The primary use of the water in 'Iao Stream is by the county water district which maintains a pumping station and storage tank downstream of the property. As the amount of runoff downstream of the county water system indicates, there is abundant water throughout the year and the small amount from my property will not affect the water level of the stream. As the historical documents for the site indicates, the property has riparian rights (see Historical Records - Appurtenant Rights folder) which are constitutionally protected, see Haw. Const. Art. XI, 7 (preserving appurtenant rights and existing riparian rights).

**23. Explain below how your proposed new use(s) will not interfere with the rights of the Department of Hawai'ian Home Lands as provided in Section 221 of the Hawai'ian Homes Commission Act.**

There are no Hawai'ian Home Lands in the vicinity of the property.