



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
**COMMISSION ON WATER RESOURCE MANAGEMENT**  
**STREAM DIVERSION WORKS**  
**PERMIT APPLICATION**

**For Official Use Only:**

**Instructions:** Please print in ink or type and send one (1) completed hardcopy and one (1) digital copy of the application with attachments to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. Applications must be accompanied by a non-refundable filing fee of **\$25.00** payable to the Department of Land and Natural Resources. The Commission may not accept incomplete applications without the required signatures. For assistance, call the Stream Protection and Management Branch at **587-0234**. For further information and updates to this application form, visit <http://dlnr.hawaii.gov/cwrm>.

Check here to allow Commission staff to communicate primarily via e-mail.  
 Legally required and other key correspondence will still be transmitted via postal mail.

**PERMIT TYPE**

**1. Permit Status:**  New  After-The-Fact  
**2. Type of Construction:**  Installation  Modification  Removal / Abandonment

**APPLICANT INFORMATION**

**3. APPLICANT'S NAME / COMPANY**  
 Mark Juergensmeyer  
 Applicant's Contact Person: same  
 Applicant's Phone: [REDACTED]  
 Applicant's Mailing Address: 30 Hau'oli St #106, Wailuku HI 96793  
 Applicant's E-mail Address: [REDACTED]

Check here if project will impact multiple landowners. If project impacts multiple landowners, skip **Item 4** below, then complete and attach **Form LND-APP** to identify and verify landowner's approval of proposed stream diversion work.

**4. LANDOWNER'S NAME / COMPANY**  
 N/A  
 Landowner's Contact Person: [REDACTED]  
 Landowner's Phone: [REDACTED]  
 Landowner's Mailing Address: [REDACTED]  
 Landowner's E-mail Address: [REDACTED]

**5. CONSULTANT'S NAME / COMPANY**  
 N/A  
 Consultant's Contact Person: [REDACTED]  
 Consultant's Phone: [REDACTED]  
 Consultant's Mailing Address: [REDACTED]  
 Consultant's E-mail Address: [REDACTED]

**6. CONTRACTOR'S NAME / COMPANY**  
 N/A  
 Contractor's Contact Person: [REDACTED]  
 Contractor's Phone: [REDACTED]  
 Contractor's Mailing Address: [REDACTED]  
 Contractor's E-mail Address: [REDACTED]

**STREAM INFORMATION**

**7. Island:** (Check only one)  Kauai  Oahu  Molokai  Lanai  Maui  Hawaii

**8. Tax Map Key(s)** List all affected tax map key parcels.  
 3 3 018 008 0000

**9. Stream / Gulch Name(s)** List all affected streams and/or gulches.  
 Iao Stream (aka Wailuku River)

**FOR OFFICIAL USE ONLY:**  
 SWHU ID: \_\_\_\_\_ FILE ID: \_\_\_\_\_  
 LAT: \_\_\_\_\_ GWHU ID: \_\_\_\_\_ DOC ID: \_\_\_\_\_  
 LON: \_\_\_\_\_ REACH ID: \_\_\_\_\_

**GENERAL PROJECT INFORMATION**

**10. Diversion No:** (if already assigned) **11. Diversion Name:**

**12. Project Site Location(s):** Provide site coordinates of downstream-most point of project in degrees, minutes, seconds (NAD83).  
 Latitude: 20° 53' 05.6" N Longitude: 156° 30' 55/9" W Elevation: 249 ft. above mean sea level

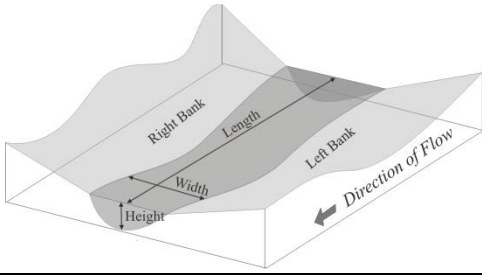
**13. Diversion Structure Type:** (Check all that apply)

Unlined channel     Hand-built rock     Concrete masonry     Dam/weir     Pipe  
 Metal     Plastic     Wood     Pump     Direct use  
 Other - Describe:

**STREAM DIVERSION WORKS SPECIFICATIONS (For Abandonments, skip to Legal Requirements section, Item #32.)**

**14. Structure Dimensions:** (feet) Width: 3' Height: Length: 34" Diameter: 3"  
 Provide generalized dimensions for the entire project / structure area. If the project includes a pipe (e.g., culvert, drain, etc.), provide the pipe diameter.

**15. Diversion Location:**  Left bank (downstream view)  Right bank (downstream view)  Across entire stream channel  
 Provide the general location of the diversion intake structure in relation to the streambank.



**16. Intake Dimensions:** (feet) Width: 3" Height: Length: Diameter: 3"

**17. Average diversion amount:** (cubic feet per second) 0.1 CFS

**18. Diversion is part of a system of diversions:**  Yes  No

**19. Diverted flow can be controlled:**  Yes  No

**Control Dimensions:** (feet) Width: 1 1/4" hose Height: Length: 100' Diameter: 1 1/4"

**20. Water will be pumped from the stream:**  Yes  No  
 If yes, identify pump capacity: (gallons per minute) Daily average pumping time: (hours) Max 1 hr/ day

**21. Water will be impounded in the stream channel:**  Yes  No

**22. Water diversion capacity will be measured daily:**  Yes  No

**23. Water will be returned to the stream:**  Yes  No  
 If yes, average amount of return flow: (cubic feet per second)

**24. Water will be stored off-stream:**  Yes  No Storage capacity: (gallons) 15,000 gal storage tank  
 Describe storage facility:

**25. State Land Use Classification:** (Check all that apply)  Agriculture  Conservation  Rural  Urban

**WATER USE INFORMATION**

Check all water use categories below that are intended for the proposed diversion, then describe the proposed use in more detail.

**26. Agriculture**

**27. Domestic**

**28. Industrial**

**29. Irrigation**

**30. Military**

**31. Municipal**

**LEGAL REQUIREMENTS**

If required, the permits or approvals below must be obtained before the Commission on Water Resource Management can legally issue a permit. Visit the Commission's Applications & Forms webpage (<http://dlnr.hawaii.gov/cwrm/info/forms/>) for links to agency websites/contact information.

**32. Conservation District Use Permit (CDUP):** To find out if your stream diversion works is located in a Conservation District (CD), you may visit to the Land Use Commission (LUC) website at <http://luc.hawaii.gov/maps> to view Land Use District Boundary maps. If the stream diversion works will be located in a CD, contact the Department of Land and Natural Resources' Office of Conservation and Coastal Lands (OCCL) at (808) 587-0377 to determine if a CDUP is required.

Stream diversion works is in a Conservation District.  
 Required. CDUP #: \_\_\_\_\_ Date CDUP approved: \_\_\_\_\_  
 Not Required. Attach documentation from Office of Conservation and Coastal Lands (OCCL), Department of Land and Natural Resources.  
 I have not checked with the OCCL about whether or not a CDUP is required.

Stream diversion works is not in a Conservation District.

**33. Special Management Area Permit (SMAP):** To determine if an SMAP is necessary, contact your County Planning Department.

- Required. SMAP #: \_\_\_\_\_ Date SMAP approved: \_\_\_\_\_
- Not Required. Attach documentation from applicable County agency.
- I have not checked with the County about whether or not an SMA Permit is required.

**34. State Historic Preservation Division (SHPD), Department of Land and Natural Resources:** If the parcel(s) affected by the stream alteration has been reviewed by the State Department of Land and Natural Resources Historic Preservation Division (SHPD or through an OEQC Environmental Review, Special Management Area Permit, etc.), check "yes" and attach any relevant documentation from SHDP. If the affected parcel(s) has not undergone SHDP review, attach a photograph of the affected area, a schematic diagram (showing the location, access road and infrastructure for the alteration), and a short description of the prior use(s) of the land on which the alteration resides.

*\*Please note: You are **strongly advised** to contact the SHPD to obtain a pre-review of your project. In the event that you do not get an HP pre-review and if during the course of either review or the permit itself it is determined that you need SHPD's concurrence, your application or permit may be held in abeyance or denied until issues with HP are resolved. To contact SHPD, please call (808) 692-8015.*

- I have consulted the SHPD regarding potential impacts of stream channel alteration activities on historic sites. I have attached applicable documentation from the SHPD.
- I have not consulted with the SHPD regarding potential impacts of stream channel alteration activities on historic sites.

**35. Chapter 343, Hawaii Revised Statutes, Hawaii Environmental Policy Act:**

- 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: \_\_\_\_\_

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 checked="" type="checkbox"/> None of the above 11 items |

**OTHER REGULATORY REQUIREMENTS**

If the proposed stream channel alteration is subject to the following permits or approvals, indicate by checking the appropriate box below and submit either the approval letter from the appropriate agency or attach a copy of the application form. If the proposed stream channel alteration is not subject to the following permits or approvals, indicate by checking the "N/A" (Not Applicable) field.

	<u>Attached</u>	<u>N/A</u>
<b>36. U.S. Army Corps of Engineers</b> (Harbors and Rivers Act, Section 404, Clean Water Act)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>37. State Department of Health, Clean Water Branch</b> (Section 401, Clean Water Act, Water Quality Certification, Best Management Practices Plan)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>38. Right-of-Entry or Right-of-Way Permit</b> if the proposed stream channel alteration includes State lands. (Chapter 171, Hawaii Revised Statutes)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>39. Hawaii Environmental Policy Act</b> (Chapter 343, Hawaii Revised Statutes; Title 11, Chapter 200, Hawaii Administrative Rules)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>40. Soil and Water Conservation District</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>41. County Certification of "No-Rise"</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>42. County Grading Permit</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>43. County Discretionary Permit(s)</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**CULTURAL IMPACTS**

Articles IX and XII of the State Constitution, other state laws, and the courts of the State, require government agencies to promote and preserve cultural beliefs, practices, and resources of Native Hawaiians and other ethnic groups. If there is not enough space available, please make a note in the field (e.g., "See attached") and attach all information with this application as requested.

**44. Please provide the identity and scope of cultural, historical, and natural resources in which traditional and customary native Hawaiian rights are exercised in the area.**

See attached addendum

**45. Identify the extent to which those resources, including traditional and customary Native Hawaiian rights, will be affected or impaired by the proposed action.**

[See attached addendum](#)

**46. 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?**

[See attached addendum](#)

**PROJECT DESCRIPTION**

*Please complete the following sections by providing detailed information on the project components identified below. If there is not enough space available, please make a note in the field (e.g., "See attached") and attach all information with this application as requested.*

**47. Describe the overall project scope and objectives.**

See attached addendum

**48. Describe existing stream channel dimensions and median streamflow conditions at the site of the proposed stream diversion works.**

See attached addendum

**49. Identify and describe the project components outlined below**

**A. Materials**

[See attached addendum](#)

**B. Quantities**

**C. Excavation**

**D. Fill**

**E. Disposal**

**F. Construction methods**

**G. Temporary facilities**

**H. Expected period of time required for construction**

**I. Liability during construction**

50. Describe the project's consistency with county zoning and development plans.

See attached addendum

51. Identify potential alternatives (sources of water) to the project and describe the relative costs and benefits of each alternative.

See attached addendum

**SUBMITTALS**

Please submit the following plans, maps, or drawings in legible form, preferably on 8.5" by 11" sheets.

52. **Location Map:** Provide a location map of the proposed project relative to major roadways.

53. **Plans / Elevations / Sections:** Provide a plan view of the proposed stream diversion works structure in relation to the stream channel and property boundaries. Elevation and section views of the diversion structure in relation to the stream channel should also be provided if available.

**SIGNATURES**

Signing below indicates that the signatories understand and swear that the information provided is accurate and true to the best of their knowledge. Further, the signatories understand that if the permit requested is granted by the Commission on Water Resource Management (Commission), the permit shall be subject to the following conditions:

- 1) The proposed work is to be completed within two (2) years from the date of permit approval.
- 2) The permittee shall notify the Commission, by letter, of the actual dates of project initiation and completion.
- 3) The permittee shall submit a set of as-built plans and photographs to the Commission upon completion of the project.
- 4) The permit may be revoked if work is not started within six (6) months after the date of approval or if work is suspended or abandoned for six (6) months.
- 5) If the commencement or completion date is not met, the Commission may revoke the permit after giving the permittee notice of the proposed action and an opportunity to be heard.

**54. APPLICANT**

<b>Print Name:</b> Mark Juergensmeyer	<b>Signature:</b>	<b>Date:</b> August 19, 2022
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**55. CONSULTANT**

<b>Print Name:</b> N/A	<b>Signature:</b>	<b>Date:</b>
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**56. CONTRACTOR**

<b>Print Name:</b> N/A	<b>Signature:</b>	<b>Date:</b>
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**57. LANDOWNER** (If multiple landowners, skip **Section 53**, then complete and attach **Form SCAP-LND** with appropriate landowner signatures.)

<b>Print Name:</b> Mark Juergensmeyer	<b>Signature:</b>	<b>Date:</b> August 19, 2022
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## **CHECKLIST FOR A COMPLETE APPLICATION and ITEM DESCRIPTIONS (ITEMS 1 - 31)**

- Fill in the most recent application form (check <http://dlnr.hawaii.gov/cwrm> or call 587-0234 for updates).
- Fill in every line which includes Items 1-57, as indicated (total 7 pages).
- Enclose a check for \$25 payable to the Department of Land and Natural Resources.
- Mark the proposed diversion location on: the appropriate USGS quad map, TMK map, photo and schematic, and attach to the application.
- Attach Form LND-APP to identify and obtain authorizations for the project if multiple landowners will be impacted.
- Attach a grading plan and cross section profiles showing existing and finish grades, if available.
- Attach documentation from CDUP, SMAP, SHPD when applicable regarding Items 32-34.
- Attach letters from U.S. Army Corps of Engineers, Hawaii Department of Health, Office of Conservation and Coastal Lands, and appropriate county agencies regarding Items 35-43.
- Provide digital copies on CD-ROM or via e-mail, if available.
- Obtain the necessary signatures for the application form.

Send the application and maps, copies, and the filing fee to:

*Commission on Water Resource Management*

*P.O. Box 621*

*Honolulu, HI 96809*

### **PERMIT TYPE**

1. **Permit Status:** Indicate whether this application is for a new stream diversion works project (including medication or abandonment) or if the project has already been completed and an after-the-fact permit is being applied for.
2. **Type of Construction:** Is the permit application for the installation of a new diversion works or modification / abandonment of an existing diversion works.

### **APPLICANT INFORMATION**

3. **Applicant's Information:** Fill in the information for the applicant. This should be the entity that will be responsible for operation and maintenance of the stream diversion works and for reporting water use when the project is completed.
4. **Landowner's Information:** Fill in the information for the landowner of the property where the diversion intake will be located.
5. **Consultant's Information:** Fill in the information for the consultant who will assist with plan and design preparation for the subject project.
6. **Contractor's Information:** Fill in the information for the contractor who will perform the work on the subject stream diversion works.

### **STREAM INFORMATION**

7. **Island:** The island name where the stream diversion will be located.
8. **TMK:** Tax Map Key number (generally there is no lot number, but where a parcel is divided into two lots, fill in the lot number)
9. **Stream / Gulch Name:** Name of the stream or gulch where the stream diversion will be located.

### **GENERAL PROJECT INFORMATION**

10. **Diversion Number:** If you already have a state diversion number assigned, please fill it out here. Otherwise, leave it blank and a diversion number will be assigned by CWRM.
11. **Diversion Name:** Give the diversion a short concise name that will differentiate it from other diversions.
12. **Project Site Location(s):** Fill in diversion location coordinates taken from a GPS unit at the project site. Units are Degrees, Minutes and Seconds (seconds should be filled out to at least one decimal place; e.g. 19°59'32.8"N, 155°14'51.5"W). If more than one site, attach separate sheet. Elevations should be provided in feet above mean sea level.
13. **Diversion Structure Type:** What materials will the diversion works structure consist of and how will it divert water from the stream.

### **DIVERSION SPECIFICATIONS** *(For Abandonment applications, skip this section and proceed to the Legal Requirements section, Item #32.)*

14. **Structure Dimensions:** What are the physical dimensions of the stream diversion works structure that will be located in the stream channel?
15. **Diversion Location:** Will the diversion intake be located on the right or left bank (facing downstream) or across the entire stream channel?
16. **Intake Dimensions:** What are the physical dimensions for the stream diversion intake (gate, pipe, etc.)?
17. **Average Diversion Amount:** The average amount of water that the diversion is calculated / estimated to divert from the stream.
18. **Diversion is part of a system of diversions:** Is the diversion part of a larger system including multiple stream diversions?
19. **Diverted flow can be controlled:** Will a control structure be located on the intake that can be used to regulate the diversion (gate, valve, etc.)?
20. **Water will be pumped from the stream:** Will a pump be used to remove water from the stream, and if so, what is the pumpage rate?
21. **Water diversion will be impounded in the stream channel:** Will the diversion structure on the stream channel require impoundment?
22. **Water diversion capacity will be measured daily:** Will a meter or other measurement device be installed and recorded on a daily basis?
23. **Water will be returned to the stream:** Will a portion of the diverted water be returned to the stream, and if so, how much?
24. **Water will be stored off-stream:** Will the diverted water be stored in an off-stream facility ( reservoir, basin, tank, etc.)? Describe.
25. **State Land Use Classification:** Identify the current State Land Use Classification.

### **WATER USE INFORMATION**

26. **Agriculture:** Water used for aquaculture, crop irrigation and processing, livestock, ornamental and nursery plants, and taro.
27. **Domestic:** Water used for single- and multi-family households, non-municipal commercial businesses, hospitals, churches, hotels, and schools.
28. **Industrial:** Water used for fire protection, mining, dust control, geothermal, power development, and hydroelectric power.
29. **Irrigation:** Water used for golf courses, hotels, landscape and water features, parks, schools, and habitat maintenance.
30. **Military:** Water is used by the military for military-operated water supply systems.
31. **Municipal:** Water is State, county, or private agency-operated to service multiple uses.

**Please see header descriptions for remaining Sections in completing Items 32 to 57.**

**NOTE:** Please be aware that some information on this form asks for information in cubic feet per second (CFS). Conversion factors for other commonly used water flow rates are as follows:

1.0 million gallons per day (MGD) equals 1.547 cubic feet per second (CFS)

1.0 gallon per minute (GPM) equals 0.002228 cubic feet per second (CFS)



# **ATTACHMENT TO**

## ***STREAM DIVERSION FORM***

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

### **CULTURAL IMPACTS**

#### **44. 45. 46. – Impact on Native Hawai’ian Rights and Culture**

The property is not on, or adjacent to, Native Hawai’ian homelands. Nor does it contain any sites or artifacts that are revered in Native Hawai’ian culture,

The property is, however, a 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.

## **PROJECT DESCRIPTION**

### **47. Overall project scope and objectives**

This request is to allow a portable pump to be placed in Iao Stream adjacent to my property for an hour or less per day to complement water from a catchment storage tank for agricultural drip line watering and domestic use. The maximum amount would be to provide for 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%.

### **48. Existing stream dimensions and conditions**

The width of 'Iao Stream at the point where it is adjacent to my property varies depending on rainfall. It ordinarily fluctuates from 20-30 feet across. But due to the consistent rain in West Maui mountains that supplies the stream, there is a constant flow all year long, including during the dry periods—such as the abnormally dry summer that Maui is experiencing this year.

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).

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.

#### **49. Project components**

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 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.

#### **50. Consistency with county zoning and development plans**

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 county's zoning and planned development. Since Maui County does not service the area in which my property is located with county water supply, the authorized and permitted dwellings require adequate water resources which is clearly consistent with the zoning approval for housing in this agricultural land area.

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), these official notices provide for the protection of traditional and customary Hawaiian rights, agriculture and the maintenance of proper ecological balance and scenic beauty as part of the county plan. 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.

## **51. Alternative sources of water**

The main alternative source of water for the property is a catchment system for rainwater, which has already been installed. An extensive gutter system channels rainwater into the catchment tank which provides sufficient water during a rainy season. Alas the rainy season is not year round, though the water level of 'Iao Stream remains constant throughout the year, even during dry periods such as Maui is experiencing this summer.

Other sources of water are not available or not practical. Municipal water sources do not run anywhere near the property. Wastewater reuse, ditch system, desalinization, and ground water sources are all unavailable. The only practical sources of water for the property are from the catchment system we have installed, and occasional pumping from 'Iao Stream, which this application proposes.