

UKUMEHAME WATER ASSOCIATION, INC.

August 2, 2023

M. Kaleo Manuel
Deputy Director
Commission on Water Resource Management
1151 Punchbowl Street, Suite 227
Honolulu, HI 96813

Subject: Ukumehame Water Use Applications

Dear Deputy Director Manuel:

This letter is submitted with the following water use permit applications for:

SWUPA-E	Ukumehame Stream Intake	960
SWUPA-N	Ukumehame Stream Intake	960
GWUPA-E	Sugarway 2 & Ukumehame 3	6-4835-003 & 004
GWUPA-N	Sugarway 2 & Ukumehame 3	6-4835-003 & 004
GWUPA-N	Ukumehame Well 4	6-4834-002
GWUPA-N	Ukumehame Well 5	6-4834-003

UKUMEHAME BACKGROUND

Until recently the Ukumehame Water Association (UWA) was controlled by the developer of the subdivision as all directors were employed by or associated with the developer of the Ukumehame Agricultural Subdivision. The directors connected with the developer resigned from the Board earlier this year, leaving the Board without members. I and some other owners were appointed as directors to fill the seats until the UWA members could have a meeting. Since becoming directors, we've been working diligently to address many issues on which the developer dropped the ball or did things that may not have been in the best interest of our members. One issue we're addressing is the water use application that the developer's Board submitted.

C/O KOKUA REALTY
161 WAILEA IKE PLACE, STE. B-101
WAILEA, HI 96753

After reviewing the notice letters from CWRM and the GWUPA submitted by the developer controlled board, we determined that the GWUPA previously submitted should be revised. Based on discussions with consultants, we've determined that our best course would be to withdraw the previously submitted application and submit the enclosed replacement GWUPA application and to submit additional GWUPA and SWUPA applications.

While the GWUPA and SWUPA applications should be self-explanatory, some background on surface water use by the UWA may be helpful to CWRM. In 2016, a fire destroyed part of the surface water distribution system in the subdivision. This limited the surface water distribution area to only a portion of the subdivision. The new board learned that the developer did not undertake steps to repair the damaged portion of the system, although we do not know the reasons for the developer's lack of action. In 2018, an IIFS was established for the stream which is the source of the surface water distribution system.

The new board is considering repairing the lines, working with CWRM and USGS to install measuring devices in the stream, and exploring design options to allow surface water to be diverted when there are sufficient flows above the IIFS. Our intent is to make a beneficial use of flows above the IIFS to allow our members the opportunity to pursue a broader range of agricultural opportunities.

Please let me know if you have any questions.



Peter Martin
President
Ukumehame Water Association



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

APPLICATION FOR SURFACE WATER USE PERMIT
FOR *EXISTING USE* IN THE LAHAINA AQUIFER SECTOR
AREA, WEST MAUI, SURFACE WATER MANAGEMENT AREAS

FORM SWUPA-E

For Official Use Only:

For detailed instructions on filling out this application, refer to the attached instructions. **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 §174C-51(1)(B), HRS, *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'S NAME Ukumehame Water Association Inc.		Applicant's Contact Harold Edwards		2. SOURCE LANDOWNER'S NAME Ukumehame Water Association Inc.		Source Landowner's Contact Keoni Fursse	
Applicant's Mailing Address, or Principal Place of Business ITC Water Management Inc P.O. Box 458 Haliewa, HI 96712				Source Landowner's Mailing Address, or Principal Place of Business Kokua Realty 161 Wailea Ike Place, Ste B-101 Wailea, HI 96753			
Applicant's Phone 808-637-5078		Applicant's Fax		Applicant's E-mail		Source Landowner's Phone 808-877-9000	
						Source Landowner's Fax	
						Source Landowner's E-mail	

EXISTING SOURCE INFORMATION

3. SURFACE WATER HYDROLOGIC UNIT AND CODE:

☒ Ukumehame(6004)

☐ Olowalu (6005)

☐ Launiupoko (6006)

☐ Kaua'ula (6007)

☐ Kahoma (6008)

☐ Wahikuli (6009)

☐ Honokōwai (6010)

☐ Kahana (6011)

☐ Honokahua (6012)

☐ Honolulu (6013)

☐ Honokōhau (6014)

4a. TMK OF STREAM DIVERSION LOCATION:

4

-

8

-

002

:

118

Zone

Sector

Plat

Parcel

4b. TMK OF DITCH DIVERSION LOCATION:

4

-

8

-

002

:

118

Zone

Sector

Plat

Parcel

5a. STREAM DIVERSION: How is water diverted from the stream to your property? Check all that apply.

☒ Pipe

☐ Pump

☒ Ditch/Auwai

☐ Other Describe:

5b. IS THE DIVERTED WATER RETURNED TO THE STREAM OR DITCH?

☒ Yes. How much water is returned? gallons per day

TMK of Returned Water Location: 4-8-002:118

☐ No.

6. FLOW MEASUREMENT INFORMATION:

Does the stream diversion have a flowmeter with totalizer or other device to measure diverted amounts?

☒ Yes. Enter the installation date:

Enter measured amounts in Table 1.

List the manufacturer and describe the device:

☐ No. Explain how you are measuring flow to justify amounts shown in Table 1 in the space below

EXISTING USE INFORMATION

7. TOTAL QUANTITY OF WATER REQUESTED: 21,492 gallons per day. See Table 2, Item14.

8. EXISTING USE:

☒ Agriculture

☐ Domestic

☐ Industrial

☐ Irrigation

Check all that apply

☐ Military

☐ Municipal

☐ Traditional & Customary Practice:

9. LOCATION OF EXISTING WATER USE: Show the location of the existing use on the same USGS and TMK maps as the existing source location. Otherwise, attach similar maps. See Table 2, Item 2.

EXISTING USER INFORMATION

10. APPURTENANT RIGHT: Do you claim an appurtenant right for your water use?

☐ Yes

☒ No

If yes, has the appurtenant right been established by the courts or the Commission?

☐ Yes

☐ No

11. END USER INFORMATION: Are you an end user on an existing water system?

☐ Yes

☒ No

If yes, who is the operator of the water system?

12. REGISTRATION AND DECLARATION OF WATER USE: Do you have a Registration and Declaration of Water Use with the Commission?

☒ Yes. List the file reference name(s):

☐ No

13. STREAM DIVERSION WORKS PERMIT (SDWP):

Have you ever been issued a SDWP by the Commission?

☐ Yes. List the permit number(s):

☒ 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, further 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.

14. APPLICANT	15. SOURCE LANDOWNER
<div><div>Harold Edwards (Aug 3, 2023 12:17 HST)</div><div>Signature</div><div>Harold Edwards</div><div>8/4/23</div><div>Print</div><div>Date</div></div>	<div><div>Keoni Fursse (Aug 3, 2023 13:34 HST)</div><div>Signature</div><div>Keoni Fursse</div><div>8/4/23</div><div>Print</div><div>Date</div></div>

SURFACE WATER USE PERMIT APPLICATION - EXISTING USE (LAHAINA AQUIFER SECTOR AREA, WEST MAUI)

12-MONTH AVERAGE DAILY USE						
16. TABLE 1: MEASURED OR CALCULATED USE OF WATER AT THE SOURCE OR END USE (As of the Effective Date of Designation, August 6, 2022)						
A	B	C	D	E	F	G
A. MONTH / YEAR	B. AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
August 2021	1,370,020	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
September 2021	1,764,690	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
October 2021	753,620	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
November 2021	883,100	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
December 2021	304,750	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
January 2022	231,440	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
February 2022	482,210	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
March 2022	286,670	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
April 2022	542,540	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
May 2022	549,380	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
June 2022	225,800	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
July 2022	450,460	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
H. SUM OF AVERAGE DAILY USE FOR THE MONTH	7,844,680	GPD GPD SEE EXHIBIT 2				
I. AVERAGE DAILY USE (Average of the above)	21,492					

SURFACE WATER USE PERMIT APPLICATION - EXISTING USE (LAHAINA AQUIFER SECTOR AREA, WEST MAUI)

EXISTING USE INFORMATION

17. TABLE 2: 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 LOCATION OF USE ATTACH THE FOLLOWING: <ul style="list-style-type: none">Property tax map, showing existing location of use referenced to established property boundaries.Photograph of the area of existing use.			STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB- METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.				
Uses that require potable (drinking) water																
	<div><div></div><div>Zone</div></div>	-	<div><div></div><div>Sec</div></div>	-	<div><div></div><div>Plat</div></div>	:	<div><div></div><div>Parcel</div></div>		<div><div><div><input type="checkbox"/> Yes, date approved: / /</div><div><input type="checkbox"/> Yes, not acquired</div><div><input type="checkbox"/> No</div></div></div>		<div><div><div><input type="checkbox"/> Yes, date approved: / /</div><div><input type="checkbox"/> Yes, not acquired</div><div><input type="checkbox"/> No</div></div></div>				<div><div><div><input type="checkbox"/> Yes</div><div><input type="checkbox"/> No</div></div></div>	
	<div><div></div><div>Zone</div></div>	-	<div><div></div><div>Sec</div></div>	-	<div><div></div><div>Plat</div></div>	:	<div><div></div><div>Parcel</div></div>		<div><div><div><input type="checkbox"/> Yes, date approved: / /</div><div><input type="checkbox"/> Yes, not acquired</div><div><input type="checkbox"/> No</div></div></div>		<div><div><div><input type="checkbox"/> Yes, date approved: / /</div><div><input type="checkbox"/> Yes, not acquired</div><div><input type="checkbox"/> No</div></div></div>				<div><div><div><input type="checkbox"/> Yes</div><div><input type="checkbox"/> No</div></div></div>	
	<div><div></div><div>Zone</div></div>	-	<div><div></div><div>Sec</div></div>	-	<div><div></div><div>Plat</div></div>	:	<div><div></div><div>Parcel</div></div>		<div><div><div><input type="checkbox"/> Yes, date approved: / /</div><div><input type="checkbox"/> Yes, not acquired</div><div><input type="checkbox"/> No</div></div></div>		<div><div><div><input type="checkbox"/> Yes, date approved: / /</div><div><input type="checkbox"/> Yes, not acquired</div><div><input type="checkbox"/> No</div></div></div>				<div><div><div><input type="checkbox"/> Yes</div><div><input type="checkbox"/> No</div></div></div>	
	<div><div></div><div>Zone</div></div>	-	<div><div></div><div>Sec</div></div>	-	<div><div></div><div>Plat</div></div>	:	<div><div></div><div>Parcel</div></div>		<div><div><div><input type="checkbox"/> Yes, date approved: / /</div><div><input type="checkbox"/> Yes, not acquired</div><div><input type="checkbox"/> No</div></div></div>		<div><div><div><input type="checkbox"/> Yes, date approved: / /</div><div><input type="checkbox"/> Yes, not acquired</div><div><input type="checkbox"/> No</div></div></div>				<div><div><div><input type="checkbox"/> Yes</div><div><input type="checkbox"/> No</div></div></div>	
TOTAL POTABLE USE (L)											GPD					
Uses that do not require potable water																
	<div><div>4</div><div>Zone</div></div>	-	<div><div>8</div><div>Sec</div></div>	-	<div><div>002</div><div>Plat</div></div>	:	<div><div>091</div><div>Parcel</div></div>	AG	<div><div><div><input type="checkbox"/> Yes, date approved: / /</div><div><input type="checkbox"/> Yes, not acquired</div><div><input checked="" type="checkbox"/> No</div></div></div>	AG	<div><div><div><input type="checkbox"/> Yes, date approved: / /</div><div><input type="checkbox"/> Yes, not acquired</div><div><input checked="" type="checkbox"/> No</div></div></div>	7.990 ac	2,387	19,075	<div><div><div><input checked="" type="checkbox"/> Yes</div><div><input type="checkbox"/> No</div></div></div>	EXISTING USE LOT 19 SEE EXHIBIT 2
	<div><div>4</div><div>Zone</div></div>	-	<div><div>8</div><div>Sec</div></div>	-	<div><div>002</div><div>Plat</div></div>	:	<div><div>092</div><div>Parcel</div></div>		<div><div><div><input type="checkbox"/> Yes, date approved: / /</div><div><input type="checkbox"/> Yes, not acquired</div><div><input type="checkbox"/> No</div></div></div>		<div><div><div><input type="checkbox"/> Yes, date approved: / /</div><div><input type="checkbox"/> Yes, not acquired</div><div><input type="checkbox"/> No</div></div></div>	12.270 ac	197	2,418	<div><div><div><input checked="" type="checkbox"/> Yes</div><div><input type="checkbox"/> No</div></div></div>	EXISTING USE LOT 20 SEE EXHIBIT 2
	<div><div></div><div>Zone</div></div>	-	<div><div></div><div>Sec</div></div>	-	<div><div></div><div>Plat</div></div>	:	<div><div></div><div>Parcel</div></div>		<div><div><div><input type="checkbox"/> Yes, date approved: / /</div><div><input type="checkbox"/> Yes, not acquired</div><div><input type="checkbox"/> No</div></div></div>		<div><div><div><input type="checkbox"/> Yes, date approved: / /</div><div><input type="checkbox"/> Yes, not acquired</div><div><input type="checkbox"/> No</div></div></div>				<div><div><div><input type="checkbox"/> Yes</div><div><input type="checkbox"/> No</div></div></div>	
	<div><div></div><div>Zone</div></div>	-	<div><div></div><div>Sec</div></div>	-	<div><div></div><div>Plat</div></div>	:	<div><div></div><div>Parcel</div></div>		<div><div><div><input type="checkbox"/> Yes, date approved: / /</div><div><input type="checkbox"/> Yes, not acquired</div><div><input type="checkbox"/> No</div></div></div>		<div><div><div><input type="checkbox"/> Yes, date approved: / /</div><div><input type="checkbox"/> Yes, not acquired</div><div><input type="checkbox"/> No</div></div></div>				<div><div><div><input type="checkbox"/> Yes</div><div><input type="checkbox"/> No</div></div></div>	
TOTAL NON POTABLE USE (M)										21,492	GPD					
TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) (N) =										21,492	GPD or maximum allowed after IFS is met					

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

SURFACE WATER USE PERMIT APPLICATION - EXISTING USE (LAHAINA AQUIFER SECTOR AREA, WEST MAUI)

EXISTING USE INFORMATION (continued)

18. TABLE 3: IRRIGATION INFORMATION (List all crops as separate line items, including landscape and golf course irrigation uses, grown in the 12 months prior to August 6, 2022. Attach additional copies of Table 3 if necessary.

A	B	C	D	E	F	G	H
TMK OF EXISTING LOCATION OF USE (Attach TMK map outlining area and photos for each existing 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>4</div><div>Zone</div></div> - <div><div>8</div><div>Sec</div></div> - <div><div>0</div><div>0</div><div>2</div><div>Plat</div></div> : <div><div>0</div><div>9</div><div>1</div><div>Parcel</div></div>	TURF SOD	7.986	7.986	JANUARY	DECEMBER	MULTIPLE SPRINKLER	APPLY A FIXED DEPTH PER IRRIGATION
<div><div>4</div><div>Zone</div></div> - <div><div>8</div><div>Sec</div></div> - <div><div>0</div><div>0</div><div>2</div><div>Plat</div></div> : <div><div>0</div><div>9</div><div>2</div><div>Parcel</div></div>	TREE NURSERY	12.274	10.0	JANUARY	DECEMBER	TRICKLE, DRIP	DEFICIT IRRIGATION
<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>							
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<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>							
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<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:

Existing use is based on metered consumption of non-potable water billed during the 12 months prior to designation for 2 of the existing 11 metered lots.

SURFACE WATER USE PERMIT APPLICATION - EXISTING USE (LAHAINA AQUIFER SECTOR AREA, WEST MAUI)

OTHER PERTINENT INFORMATION

19. TABLE 4: 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		There are no municipal non potable systems in the vicinity of Ukumehame. Thus, this is not an option.
Wastewater reuse		There is no municipal wastewater system in the vicinity. Each of the existing as well as future homes have Individual Wastewater Systems (consistent with Department of Health requirements). Incorporating a wastewater reuse at this limited scale is cost prohibitive.
Ditch system		There is a perennial stream through the Ukumehame Agricultural Subdivision with diversions from that stream above the project serving Kuleana users.
Desalinization		Desalinization is cost prohibitive based on the scale of the Ukumehame Water Association water system, that serves only 45-agricultural lots and their associated farms.
Ground water		Ground water is pumped in the area for domestic and irrigation use. There is a perennial stream through the Ukumehame Agricultural Subdivision and diversions from that stream supply water for loi in two different areas and for the 2 subject lots with non-potable meters.
Conservation measures		
Other (specify)		

SURFACE WATER USE PERMIT APPLICATION - EXISTING USE

OTHER PERTINENT INFORMATION

20. 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 existing use(s) in your application are consistent with items [a] and [b] above.

Ukumehame Water Association’s surface water use is for Irrigation and Agriculture purposes. These uses are consistent with the state and county land use plans. See Maui Island General Plan 2030 at 8-54 (the plan does not indicate any significant change in use, other than continued use in agriculture and preservation of wetland areas); Additionally, the uses are consistent with the Declaration of Policy, which provides: “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.” HRS 174C-2. Irrigation and other agricultural uses are reasonable and beneficial uses as defined in HRS 174C-2. Additionally, based on the WMA Submittal, UWA’s uses and other existing withdrawals can be accommodated within the Aquifer’s sustainable yield.

20a. 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.
See Exhibit 15 Ka Pa’akai Analysis

20b. Identify the extent to which those resources, including traditional and customary Native Hawaiian rights, will be affected or impaired by the proposed action.

See Exhibit 15 Ka Pa’akai Analysis

20c. 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 Exhibit 15 Ka Pa’akai Analysis

SURFACE WATER USE PERMIT APPLICATION - EXISTING USE

OTHER PERTINENT INFORMATION

21. INTERFERENCE WITH THE RIGHTS OF THE DEPARTMENT OF HAWAIIAN HOME LANDS
Explain how the continued 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.

DHHL does not have a reservation in the Ukumehame aquifer. There are no DHHL lands within UWA's service area that would draw from the Ukumehame aquifer. Hence, UWA's existing use would not affect DHHL lands which draw from other aquifers. Because DHHL has priority over other municipal users, the uses under this application would not interfere with DHHL's water rights.

22. INTERFERENCE WITH ANY EXISTING LEGAL USES
Explain how the continued use(s) of water will not interfere with any other existing legal use(s) of water.

See Exhibit 17: Interference With Any Existing Legal Uses

23. 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 County Department Water

**INSTRUCTIONS FOR FILLING OUT APPLICATION FOR SURFACE WATER USE PERMIT
FOR AN EXISTING USE, LAHAINA AQUIFER SECTOR AREA, WEST MAUI**

INSTRUCTIONS FOR FILLING OUT FORM SWUPA-E

This application form is to be used for actual **existing uses** as of the effective date of designation, August 6, 2022, for the Lahaina Aquifer Sector Area as both a Surface Water and Ground Water Management Area. Based on the State Water Code, Section 174C, Part IV Regulation of Water Use, a completed application must be filed with the Commission on Water Resource Management (CWRM) no later than **August 6, 2023**, to qualify as an existing use. Failure to meet the filing deadline may cause your application to be considered a new use and require you to file an Application for Surface Water Use Permit for New Use.

If you are applying for a new surface water use, which are proposed uses after the date of designation, please use the Application for Surface Water Use Permit for New Use, **Form SWUPA-N**.

Information about surface water management areas and the current application forms are available at our website: <https://dlnr.hawaii.gov/cwrn/>; by contacting the Stream Protection and Management Branch at (808) 587-0234; or by email at: dlnr.cwrn@hawaii.gov. The current application forms are also available at: <https://dlnr.hawaii.gov/cwrn/info/forms/>.

REQUIREMENTS FOR A COMPLETE APPLICATION Information must be legible. Therefore, please type or clearly print all information in ink.

- a. Fill in the most recent application form.
- b. Fill in every line on the application.
- c. Enclose a check for the non-refundable filing fee of \$25 payable to: Department of Land and Natural Resources.
- d. Pay for the cost of publishing any required public notices related to your application.
- e. Mark the source and end use locations on the appropriate USGS quad map and TMK map and attach to your application.
- f. Attach photos showing your existing diversion, measuring device (if applicable) and end use areas.
- g. Sign the application form. Both the applicant and the landowner of the source must sign the application form.
- h. Submit one (1) original and one (1) digital copy of the application form including all of the attachments (instructions, maps, photos and any additional attachments) and filing fee to: Commission on Water Resource Management, P.O. Box 621, Honolulu, HI 96809.

The applicant **must** establish that the existing use of water is a reasonable and beneficial use. According to §174C-3 of the State Water Code: *“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.*

Furthermore, public interest is described in §174C-2(c) of the State Water Code which states that: *(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.*

LINE BY LINE INSTRUCTIONS FOR COMPLETING THE APPLICATION FORM

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.

EXISTING SOURCE INFORMATION

3. **SURFACE WATER HYDROLOGIC UNIT AND CODE:** Enter the appropriate island name, hydrologic unit name, and hydrologic code where the existing 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/cwrn/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.
- 4a. **TMK OF EXISTING STREAM DIVERSION LOCATION:** Fill in the Tax Map Key (TMK) number of the tax parcel where the stream diversion is 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/
- 4b. **TMK OF EXISTING DITCH DIVERSION LOCATION:** Fill in the Tax Map Key (TMK) number of the parcel where the existing ditch diversion is located, if applicable.
- 5a. **STREAM DIVERSION:** How is water diverted from the stream to your property? Check all the appropriate boxes.
- 5b. **IS THE DIVERTED WATER RETURNED TO THE STREAM OR DITCH?** Check “Yes” or “No.” If yes, enter the amount of water returned and the TMK location of where water is returned to the stream or ditch.
6. **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 is measured or estimated to justify amounts requested.

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

7. **TOTAL QUANTITY OF WATER REQUESTED:** Enter the amount of water requested as gallons per day (GPD). Fill out Table 2 and enter the amount from Box 17-N, “Total Quantity of Water Requested.”
8. **EXISTING USE:** Check all the boxes that apply for the existing use. Refer to the instructions for Table 2: Land Use Consistency/Efficiency of Use, Item 1: Purpose/Water Use Category below to determine which water use category to use.
9. **LOCATION OF EXISTING WATER USE:** Show the location of the existing use on the same USGS and TMK maps as the existing source location. Otherwise, attach similar maps and show the location of the existing use.

INSTRUCTIONS FOR FILLING OUT APPLICATION FOR SURFACE WATER USE PERMIT
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EXISTING USER INFORMATION

10. **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 existing water use? Check “Yes” or “No.”
If yes, has your appurtenant right been established by the courts or the Commission? Check “Yes” or “No.”
11. **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.
12. **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).
13. **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.”
14. **APPLICANT:** Sign and print your name, and date your application.
15. **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)

12-MONTH AVERAGE DAILY USE

16. **12-MONTH AVERAGE DAILY USE:**
Measured or calculated use of water at the source or end use as of the effective date of designation, August 6, 2022. Please fill out Table 1 to calculate your existing use as of the effective date of the designation, **August 6, 2022**, of the Lahaina Aquifer Sector Area, West Maui, Surface Water Management Areas. The effective date of designation is the date of the publication of the public notice of the Commission designation action. The qualifying dates have been filled in for this application. Fill in as completely as possible.
- A. **MONTH / YEAR:** The month and year prior to the effective date of designation.
- B. **AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD):** This is the average daily use for one month in gallons per day (GPD). To calculate this average, take the total use (in gallons) for the month, and divide this amount by the number of days in the month.
- C. **METERED:** Water use data is based on an operational meter with a totalizer.
- D. **ESTIMATED:** Water use data is based on some indirect measurement technique (e.g. measured flow rate multiplied by time of operation).
- E. **ACTIVE BUT UNKNOWN:** Water source is active, but there is no means to measure or estimate flow coming from source.
- F. **INACTIVE:** Water source was not pumped or diverted for the month.
- G. **OTHER:** Describe other methods of how water use was measured or calculated in this box.
- H. **SUM OF AVERAGE DAILY USE FOR THE MONTH:** Add the quantities listed in Column B for a sum of the average daily use for the month, for the entire year prior to the effective date of designation.
- I. **AVERAGE DAILY USE:** Divide the sum of average daily use for the month (Line H) by 12.

EXISTING USE INFORMATION

17. **TABLE 2: LAND USE CONSISTENCY / EFFICIENCY OF USE:**
Provide information on all of the existing 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 existing water use(s), as required by §174C-51(5), HRS.
- A. **PURPOSE / WATER USE CATEGORY:** For each existing use, choose one of the categories listed below and enter the appropriate code in the space provided (e.g. AGRAQ, IRRIG, etc.)

AGRICULTURE AGRAQ Aquatic Plants & Animals AGRCP Crops & Processing AGRLI Livestock & Processing, and Pasture AGRON Ornamental & Nursery Plants AGRTA Taro AGROTH Other	DOMESTIC 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
IRRIGATION IRRGC Golf Course IRRHM Habitat Maintenance IRRHOT Hotel IRRLA Landscape/Water Features IRROTH Other IRRPA Parks IRRSC Schools	INDUSTRIAL INDEL Geothermal, Thermoelectric Cooling, Power Development INDFP Fire Protection INDMI Mining, Dust Control INDOTH Industrial – Other
MILITARY MIL Military	MUNICIPAL MUNCO County MUNPR Privately-owned but defined as public water system by MUNST DOH State
TRADITIONAL & CUSTOMARY PRACTICE	

- 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

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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 existing 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 quantity was calculated. For all irrigation uses, you are required to also complete Item18 (Table 3) of the application.
- L. TOTAL POTABLE USE:** Add the quantities listed in Column I for potable water use(s) requested. 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 requested uses that do not require potable water. Enter the total quantity of 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 8 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.

18. TABLE 3: IRRIGATION INFORMATION:

On Table 3, provide the information requested for all the crops you are growing, 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 existing irrigation uses you are applying for must be listed. Attach additional copies of Table 3, if necessary.

- A. TMK OF EXISTING LOCATION OF USE:** Enter the parcel number where the crop will be grown. Also attach a property tax map with an outline around the area(s) of existing use(s) and a photograph of each area of the existing 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.

19. TABLE 4: ALTERNATIVES ANALYSIS AND ADDITIONAL REQUIREMENTS:

Please address every alternative and explain why each alternative is or is not available for your existing 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.

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OTHER PERTINENT INFORMATION

20. PUBLIC INTEREST

Explain in the space provided or on a separate sheet, how the existing 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.*

21. INTERFERENCE WITH THE RIGHTS OF THE DEPARTMENT OF HAWAIIAN HOME LANDS

Explain in the space provided or on a separate sheet, how the existing 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, 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.*

22. INTERFERENCE WITH ANY EXISTING LEGAL USES

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

23. PUBLIC WATER SYSTEM INFORMATION

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

U.S. 24 19
REV. 4 33
REV. 3 55
REV. 21 53

U.S. 19 1973
REV. 7 1979
JUN 8 1984
JUN 2 9 1989

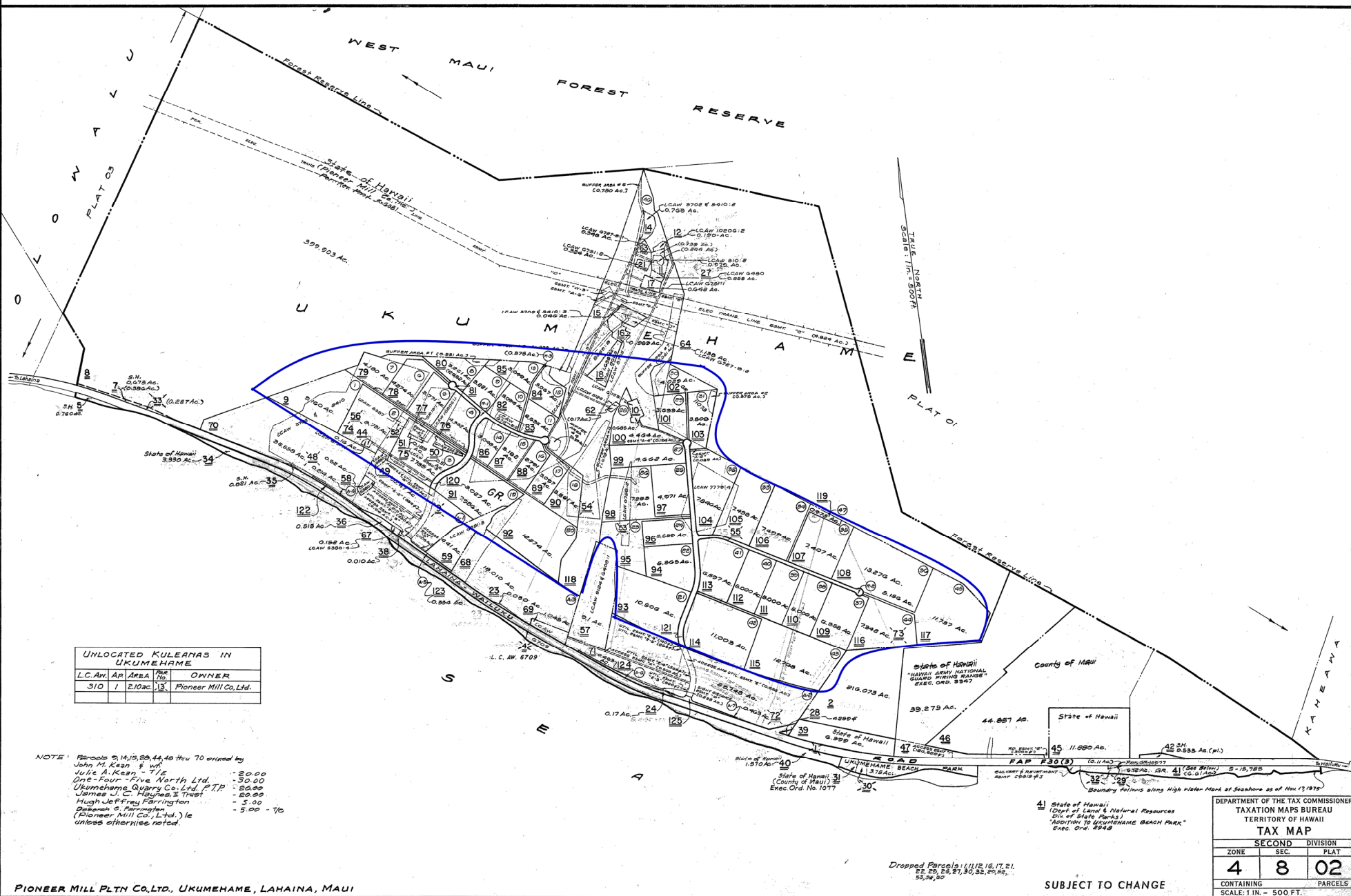


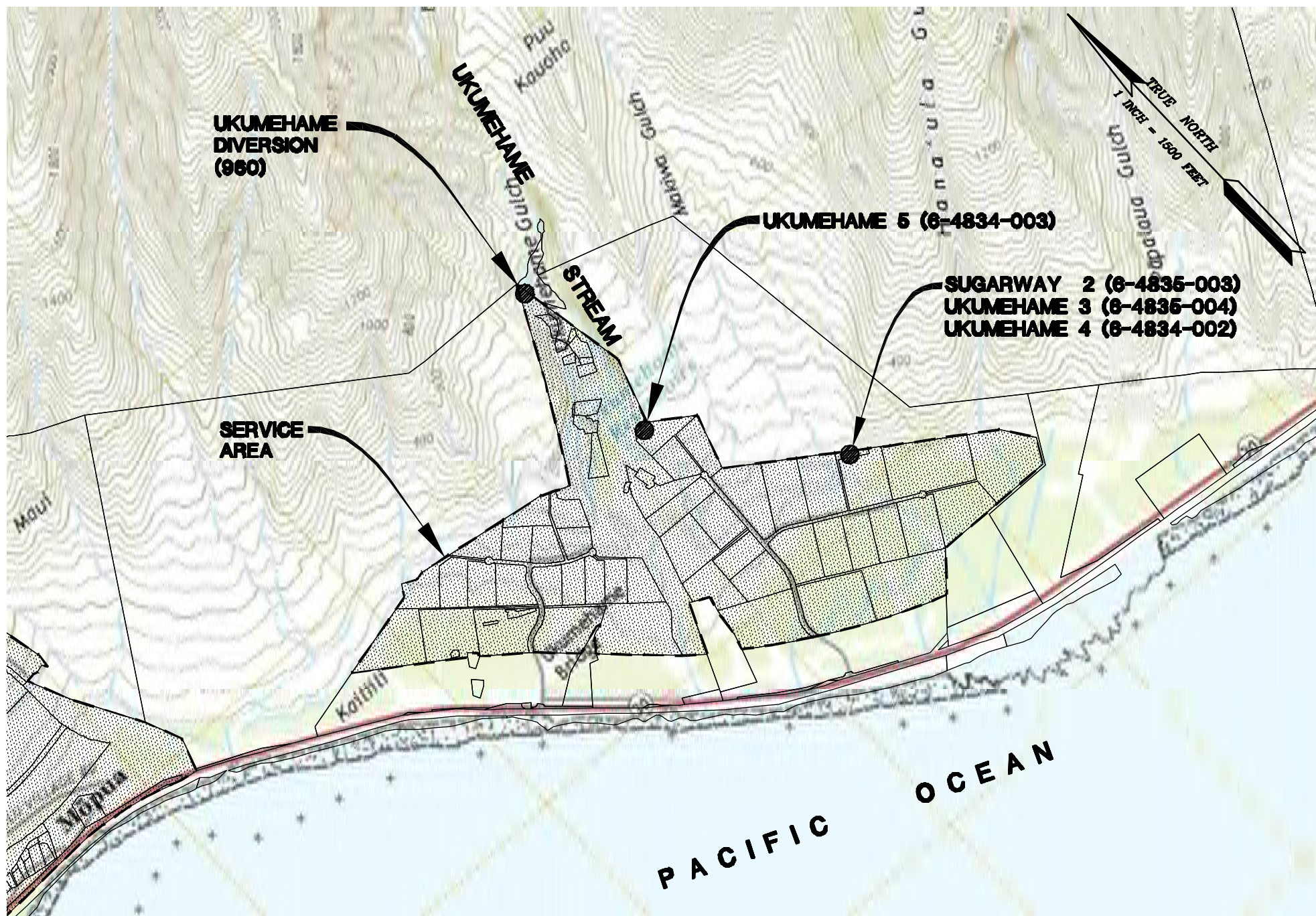
EXHIBIT 2

UKUMEHAME WATER ASSOCIATION INC.
POTABLE AND NON POTABLE CONSUMPTION

EXHIBIT 2_Potable GWUPA												
Table 1	Potable	Existing metered Consumption - Potable										
Month/Year	Lot Number	3	6	7	12	19	20	25	33	36	45	Grave
	Total	4-8-002:075	4-8-002:078	4-8-002:079	4-8-002:084	4-8-002:091	4-8-002:092	4-8-002:097	4-8-002:105	4-8-002:108	4-8-002:117	
Aug-21	3,151,197	1,228,597	181,700	77,500	229,100	541,800	0	83,600	609,800	105,600	0	93,500
Sep-21	2,896,115	1,133,715	181,700	72,800	427,500	404,700	0	29,600	240,300	115,600	0	290,200
Oct-21	3,234,815	872,215	267,500	41,900	451,200	854,700	0	48,100	291,600	68,300	0	339,300
Nov-21	2,815,232	860,132	182,200	45,500	164,400	1,127,700	0	46,600	268,300	99,700	0	20,700
Dec-21	1,584,749	591,949	87,800	24,100	116,500	568,800	0	36,200	84,600	60,200	0	14,600
Jan-22	1,770,077	604,077	122,600	25,500	124,400	581,500	0	41,100	190,800	65,000	0	15,100
Feb-22	2,524,265	722,965	143,800	24,600	127,900	1,140,600	0	43,800	206,000	98,500	0	16,100
Mar-22	2,398,391	949,991	159,900	27,500	143,700	732,900	0	64,800	203,900	98,400	0	17,300
Apr-22	2,234,822	665,822	147,400	51,600	124,800	689,800	0	34,900	396,000	105,300	0	19,200
May-22	3,537,999	933,299	267,300	62,400	161,700	1,334,100	0	204,300	367,700	182,000	0	25,200
Jun-22	1,237,780	263,280	69,000	57,400	55,200	554,000	0	86,600	101,000	42,400	0	8,900
Jul-22	2,352,103	587,303	179,100	120,300	121,700	756,600	0	94,900	368,700	103,100	0	20,400
Total	29,737,545	9,413,345	1,990,000	631,100	2,248,100	9,287,200	-	814,500	3,328,700	1,144,100	-	880,500
Average Daily Use	81,473	25,790	5,452	1,729	6,159	25,444	-	2,232	9,120	3,135	-	2,412

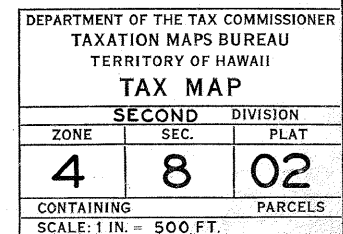
EXHIBIT 2_Non Potable SWUPA -E												
Table 1	Non Potable	Existing metered Consumption - Non Potable [1]										
Month/Year	TOTAL	3	6	7	12	19	20	25	33	36	45	Grave
Aug-21	1,370,020					1,282,150	87,870					
Sep-21	1,764,690					1,675,060	89,630					
Oct-21	753,620					680,690	72,930					
Nov-21	883,100					806,210	76,890					
Dec-21	304,750					243,320	61,430					
Jan-22	231,440					164,000	67,440					
Feb-22	482,210					404,470	77,740					
Mar-22	286,670					200,180	86,490					
Apr-22	542,540					476,110	66,430					
May-22	549,380					454,190	95,190					
Jun-22	225,800					195,780	30,020					
Jul-22	450,460	0	0	0	0	380,050	70,410	0	0	0	0	0
Total	7,844,680	-	-	-	-	6,962,210	882,470	-	-	-	-	-
Average Daily Use	21,492					19,075	2,418					

[1] Lots 3 & 19 are farmed for turf sod and Lot 20 is a tree nursery



0 1500 3000 4500 6000
SCALE: 1 INCH = 1500 FEET

ATTACHMENT SWUPA-E 9, SWUPA-N 11, GWUPA 8
USGS - OLOWALU QUAD/TMK MAP
UKUMEHAME STREAM



SUBJECT TO CHANGE



Ukumehame Diversion and Control Gate







**UKUMEHAME WATER ASSOCIATION
WATER CONSERVATION POLICY**

The following water conservation measures should be utilized:

Irrigation for agricultural and maintenance of defensible spaces for fire suppression are priority uses.

- (1) Planting for any new homes and any replacement planting should favor drought resistant grasses, plants, shrubs and trees. Native plants are encouraged.
- (2) Use drip irrigation whenever possible.
- (3) Set irrigation timers to minimize sprinkler use and adjust timers for rain.
- (4) Maintain irrigation systems, check for and repair leaks, and replace broken heads.
- (5) Monitor water use with a leak detection device.
- (6) Add mulch around shrubs, trees and plants to help reduce evaporation.
- (7) Do not use irrigation water for swimming pools.
- (8) Wash your car at an automated car wash that recycles water, or use a bucket instead of a hose.
- (9) Use a broom or blower instead of a hose to clean sidewalks, patios and driveways.

To report a water waste concern, please contact the property manager.

15. Ka Pa‘akai Analysis

- a. 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.

Archaeological Sites

During an archaeological review of the project site, 17 historic sites were identified including a cattle wall and two cane irrigation ditches; the remaining 14 sites include Ukumehame heiau, Hiki‘i heiau, the Lindsey family cemetery, precontact agricultural terraces, and several examples of habitation sites, 2 with burial features and 1 with petroglyphs.

Lo‘i Kalo

E. S. Craighill Handy in *The Hawaiian Planter* stated that in the Lahaina region there are taro terraces from “Honokohau to Ukumehame”. Specific to Ukumehame, he stated,

Ukumehame. Above the Pioneer Plantation reservoirs, terraces cover the flatland just below the entrance to Ukumehame Canyon. Only a few of these are now under cultivation. The upper terraces have been long abandoned, and those just above the reservoirs are only half used—that half unsuccessfully, because of insufficient water for flooding. The terraces used to extend well down over the land below the valley, but, with the exception of one tiny taro plantation standing like an island in the midst of the cane, all vestiges of the ancient cultivation have been plowed under. This is excellent wet taro soil. (page 103)

In *Native Planters of Old Hawaii*, Handy, Handy and Pukui stated, with respect to Lahaina,

Southeastward along the coast from the ali‘i settlement were a number of areas where dispersed populations grew taro, sweet potato, breadfruit and coconut on slopes below and in the sides of valleys which had streams with constant flow. All this area, like that around and above Lahaina, is now sugar-cane land. (page 492)

The CWRM Instream Flow Standard Assessment Report for Hydrologic Unit 6004, Ukumehame, states, “In the mid to low reaches along the stream there are cultivated taro loi.” (page 2)

That report further notes, “The maintenance of instream flows is important to the protection of traditional and customary Hawaiian rights, as they relate to the maintenance of stream resources (e.g., hihiwai, opae, oopu) for gathering, recreation, and the cultivation of taro.” (page 66) It further states,

Taro cultivation can also be considered a noninstream use since it removes water from a stream (even if water from taro loi is later returned to the stream). It could be argued that for scientific analysis, taro cultivation is an instream use since taro loi provide habitat for stream biota, but because the water is physically taken out of the stream, it is also a noninstream use. Another way to look at the approach of indentifying taro cultivation as both instream and noninstream uses is that when the Commission addresses taro cultivation as an instream use, it is generally in the context of traditional and customary Hawaiian rights; whereas when the Commission addresses taro cultivation as a noninstream use, it is approaching the issue from the aspects of agriculture and water use. (page 66)

The preferred method of wetland taro cultivation, where terrain and access to water permitted, was the construction of loi (flooded terraces) and loi complexes. These terraces traditionally received stream water via carefully engineered open channels called auwai. The auwai carried water, sometimes great distances, from the stream to the loi via gravity flow. In a system of multiple loi, water may either be fed to individual loi through separate little ditches if possible, or in the case of steeper slopes, water would overflow and drain from one loi to the next. Outflow from the loi may eventually be returned to the stream. (pages 71 & 72)

“Ukumehame had extensive terraces below its canyon, some of which were still planted with taro in 1934 these terrace systems used to extend well down below the canyon.” (page 74, quoted from Native Planters, Handy, Handy and Pukui, page 492)

In the Ukumehame hydrologic unit, taro is currently grown in two areas: one fed by the Kaakau Auwai consisting of three complexes with 16 loi in total; and one area fed by the main Ukumehame Ditch of two complexes with two loi each (four loi total). (page 74)

“Currently, there are two ditches/auwais that remove water from the Ukumehame Stream with some water from each returned to the streams: the Rodriguez auwai and the primary Ukumehame plantation ditch. The Kaakau auwai diverts approximately 0.16 mgd at an elevation of 300 ft to feed an extensive loi complex”. (page 79)

The Maui Cultural Lands website notes that,

“Maui Cultural Lands, Inc. (MCL) is a grassroots land trust organization. Our mission is to stabilize, protect and restore Hawaiian cultural resources—and the success of our efforts depends upon volunteers like you!”

Edwin “Ed” Robert Naleilehua Lindsey Jr. and his wife Puanani established Maui Cultural Lands as a nonprofit organization in February 2002. A Native Hawaiian and lifelong school teacher, Uncle Ed had the goal of bringing in the people of Maui—both residents and visitors—to help with the restoration of Honokowai Valley. [They also have a program in Ukumehame.]

Since Ed’s passing in 2009, Puanani and Ed’s eldest son, Edwin “Eko” Lindsey III, carry on the work of Ed’s legacy.

Maui Cultural Lands has a program to restore the lo’i kalo at Ukumehame. As noted on their website, “Progress & Objectives: The ancient lo’i have been partially restored; however much work remains to be done. Lo’i kalo require constant, diligent attention in weeding, planting and harvesting. With more hands, the lo’i can be returned to their original state and thriving production.” (<https://mauiculturallands.org>)

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

Archaeological Sites

When the Ukumehame Agricultural Subdivision was being proposed, the archaeological report for the project noted, “Fourteen sites are to be preserved in the project area. Five of these fourteen sites to be

preserved are addressed in the Burial Treatment Plan (accepted by SHPD/DLNR). Ten of the fourteen sites to be preserved [were] addressed in [the] preservation plan. One of the fourteen sites to be preserved is addressed in both plans due to a non-burial component, within the project area, that is to be preserved and the site is therefore addressed in this document as well as the Burial Treatment Plan.”

As part of the Preservation Plan, the sites are preserved in place and buffer zones are established around each. Likewise, for the four identified probable human burial sites, all were preserved in place and “permanent buffer zone wherein no further construction or land alterations of any kind can occur” were established. The associated Burial Treatment Plan was accepted by SHPD/DLNR and unanimously approved by Maui / Lānaʻi Islands Burial Council.

Given that historical and burial sites are preserved, buffers have been established and the Preservation Plan calls for ongoing preservation in place, there are adequate protection measures in place to protect these resources. In addition, roads have been built in the Ukumehame Agricultural Subdivision that have improved access for families or practitioners to get to the sites.

Loʻi Kalo

Per a USGS website, a USGS Stream gauge is located 0.5 mi upstream from the Ukumehame Gulch diversion intake, 0.68 mi northeast of the Ukumehame Reservoirs, 1.4 mi southeast of Olowalu Stream diversion intake, and 2 mi northwest of Ukumehame Beach State Park. The elevation of the gauge is 400 feet above mean sea level.

“The Ukumehame Gulch diversion intake is located at an altitude of 240 ft, about 0.5 mi downstream from the measurement site. The diversion captures some of the flow in the stream and the remainder flows over the diversion dam downstream. A smaller diversion intake (for taro use) is located about 0.3 mi downstream from the measurement site.”

(<https://streamstatsags.cr.usgs.gov/gagePages/html/16647000.htm>)

Per the CWRM Instream Flow Standard Assessment Report for Hydrologic Unit 6004, Ukumehame,

Instream Flow Standards

Under the State Water Code (Code), Chapter 174C, Hawaii Revised Statutes (HRS), the Commission on Water Resource Management (Commission) has the responsibility of establishing IFS on a stream-by-stream basis whenever necessary to protect the public interest in the waters of the State. Early in its history, the Commission recognized the complexity of establishing IFS for the State’s estimated 376 perennial streams and instead set interim IFS at “status quo” levels. These interim IFS were defined as the amount of water flowing in each stream (with consideration for the natural variability in stream flow and conditions) at the time the administrative rules governing them were adopted in 1988 and 1989. (page 2)

The Code provides for a process to amend an interim IFS in order to protect the public interest pending the establishment of a permanent IFS. The Code, at §174C-71(2), describes this process including the role of the Commission to “weigh the importance of the present or potential instream values with the importance of the present or potential uses of water for noninstream purposes, including the economic impact of restricting such uses.” (page 3)

Under the State Water Code, the conveyance of irrigation and domestic water supplies to downstream points of diversion is included as one of nine listed instream uses. The thought of a stream as a conveyance mechanism for noninstream purposes almost seems contrary to the concept of instream flow standards. However, the inclusion of this instream use is intended to ensure the availability of water to all those who may have a legally protected right to the water flowing in a stream. Of particular importance in this section is the diversion of surface water for domestic purposes. In its August 2000 decision on the Waiahole Ditch Combined Contested Case Hearing, the Hawaii Supreme Court identified domestic water use of the general public, particularly drinking water, as one of, ultimately, four trust purposes. (page 65)

The maintenance of instream flows is important to the protection of traditional and customary Hawaiian rights, as they relate to the maintenance of stream resources (e.g., hihiwai, opae, oopu) for gathering, recreation, and the cultivation of taro. Article XII, Section 7 of the State Constitution addresses traditional and customary rights: "The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights." Case notes listed in this section indicate, "Native Hawaiian rights protected by this section may extend beyond the ahupua'a in which a native Hawaiian resides where such rights have been customarily and traditionally exercised in this manner. 73 H.578, 837 P.2d 1247." (page 66)

Taro cultivation is addressed in this section of the report as well as the next section, 13.0 Noninstream Uses. This is because instream flow standards take into account both social and scientific information. For sociological and cultural purposes, taro cultivation can be considered an instream use as part of the "protection of traditional and customary Hawaiian rights," that is specifically listed as an instream use in the Water Code. Taro cultivation can also be considered a noninstream use since it removes water from a stream (even if water from taro loi is later returned to the stream). (page 66)

Under the State Water Code, noninstream uses are defined as "water that is diverted or removed from its stream channel...and includes the use of stream water outside of the channel for domestic, agricultural, and industrial purposes." Article XI, Section 3 of the State Constitution states: "The State shall conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally sustainable lands." Water is crucial to agriculture and agricultural sustainability. Article XI, Section 3 also states, "Lands identified by the State as important agricultural lands needed to fulfill the purposes above shall not be reclassified by the State or rezoned by its political subdivisions without meeting the standards and criteria established by the legislature and approved by a two-thirds vote of the body responsible for the reclassification or rezoning action. [Add Const Con 1978 and election Nov 7, 1978]." (page 79)

Another component in the assessment of traditional and customary Hawaiian rights is the presence of Department of Hawaiian Home Lands (DHHL) parcels within the surface water hydrologic unit. The mission of DHHL is to effectively manage the Hawaiian Home Lands trust and to develop and deliver land to native Hawaiians (PBR Hawaii, 2004). In June 2004, DHHL published the Muai [sic] Island Plan which served to examine infrastructure needs, provide development cost estimates, and identify priority areas for homestead development. Of the more than 31,000

acres of DHHL land on the island of Maui, no parcels occur within or nearby the Ukumehame hydrologic unit. (page 75)

The definitions in the report include,

Instream Flow Standard. A quantity of flow of water or depth of water which is required to be present at a specific location in a stream system at certain specified times of the year to protect fishery, wildlife, recreational, aesthetic, scenic, and other beneficial instream uses.

Instream use. Beneficial uses of stream water for significant purposes which are located in the stream and which are achieved by leaving the water in the stream. Instream uses include, but are not limited to:

- (1) Maintenance of fish and wildlife habitats;
- (2) Outdoor recreational activities;
- (3) Maintenance of ecosystems such as estuaries, wetlands, and stream vegetation;
- (4) Aesthetic values such as waterfalls and scenic waterways;
- (5) Navigation;
- (6) Instream hydropower generation;
- (7) Maintenance of water quality;
- (8) The conveyance of irrigation and domestic water supplies to downstream points of diversion; and
- (9) The protection of traditional and customary Hawaiian rights. (page 6)

The report identified lo'i kalo in Ukumehame:

In the Ukumehame hydrologic unit, taro is currently grown in two areas: one fed by the Kaakau Auwai consisting of three complexes with 16 loi in total; and one area fed by the main Ukumehame Ditch of two complexes with two loi each (four loi total). (page 74)

"Currently, there are two ditches/auwais that remove water from the Ukumehame Stream with some water from each returned to the streams: the Rodriguez auwai and the primary Ukumehame plantation ditch. The Kaakau auwai diverts approximately 0.16 mgd at an elevation of 300 ft to feed an extensive loi complex". (page 79)

The CWRM website notes the following for the Instream Flow Standard: Hydrologic Unit of Ukumehame (6004):

Instream Flow Standard

CFS	MGD	Location / Notes
4.5	2.9	Ukumehame Stream, below the main Ukumehame Stream diversion near an altitude of 220 feet. At least 0.20 cfs (0.13 mgd) must be supplied for taro lo'i from diversion 960.6. (https://dlnr.hawaii.gov/cwrmsurfacewater/ifs/maui/6004-ukumehame/)

DLNR's website with CWRM News Releases, May 21, 2018, reported that "Instream values for four West Maui streams are now protected following a decision yesterday by the Hawai'i Commission on Water Resource Management (CWRM)." With respect to Ukumehame, that reporting stated,

The streams are Ukumehame, Olowalu, Launiupoko and Kaua‘ula. In addition to recognizing traditional and customary rights such as mauka-to-makai flows, the gathering of native species and taro cultivation, the Commission decision will serve to protect fish habitat, ecosystem services, aesthetic and recreational values, and water quality.

The decision is the first staff-initiated interim instream flow standard since 1988 and was the result of two years of stream measurements, data analysis, mapping and public engagement by the CWRM staff. “Farmers cultivating small taro patches downstream literally had to beg for water that was being diverted upstream for other agricultural and landscaping irrigation,” explained Commission Chair Suzanne Case. “With sugar cane plantations and mills no longer a consideration this is certainly the time to re-balance, to ensure all rightful users of West Maui’s water supply share this precious resource.”

The interim instream flow standards recommended by CWRM staff and adopted by the Commission are:

Ukumehame Stream - at least 2.9 million gallons per day below the plantation diversion, ensuring at least 600,000 gallons per day for taro farmers, At least 45,000 per day is available for agriculture and 4,000 gallons per day for landscaping at least 50% of the time with surface water. (<https://dlnr.hawaii.gov/blog/2018/03/21/nr18-040/>)

Existing Groundwater Wells

Ukumehame Water Association presently has two operating wells (6-3835-003, Sugar Way 2; 6-4835-004, Ukumehame 3). (6-2835-002, Sugar Way 1 is not presently functional, but may be used in the future.) The average monthly total pumpage from each well over the last 12-months (June 2021 through May 2022) has been 0.038 MGD and 0.048 MGD – total is 0.086 MGD).

Initial Need

As noted in the Draft Findings of Fact Report for Ground and Surface Water Management Area Designation (April 21, 2022), the elevations for the two existing operating wells under the operation and control of the Ukumehame Water Association for the Ukumehame Agricultural Subdivision are:

State Well No.	Well Name	Ground Elevation
6-4835-003	Sugar Way 2	63-feet (and draws from the basal aquifer below)
6-4835-004	Ukumehame 3	61-feet (and draws from the basal aquifer below)

Potential Future Groundwater Wells

Given the very modest current and foreseeable potable and irrigation use, as an initial step, the plan is to add a 3rd 40 gpm well on parcel :102, lot 30 in the Ukumehame Agricultural Subdivision.

When needed, based on increasing water use and/or salinity response in the three potable wells, add a large capacity well and 2nd storage tank (the 2nd storage tank should be located adjacent to the existing tank). There are two possible sites for the large capacity (about 500 gpm well, or 720,000 gpd (0.72 MGD).

1. TMK 4-8-02:118 (part of the ‘River Corridor Parcel’)
2. TMK 4-8-02:102 (Lot 30) (probable site)

Each of the proposed well sites are under 200-feet in elevation, and they would be drawing from the basal aquifer below.

Stream Diversions for Lo'i Kalo Are at a Higher Elevation Than the Existing and Planned Wells

The stream diversions are at elevations ranging from approximately 220-foot to approximately 300-foot elevation; the existing groundwater wells are in the vicinity of 60-feet to 65-feet and the proposed large capacity well will be just under 200-feet. The wells tap into the basal groundwater aquifer just above sea level.

Because the groundwater withdrawals are at elevations significantly lower than the diversions that serve the lo'i, the groundwater withdrawals do not impact the availability of water going into the lo'i or the quality of water in the stream.

In addition, the recent (2018) Instream Flow Standards for Ukumehame Stream serve "to protect the public interest in the waters of the State", consistent with the responsibilities noted in the State Water Code (Code), Chapter 174C, Hawaii Revised Statutes (HRS).

As noted in The Surface and Ground Water Management Area Designation Findings of Fact Report, "Interim IFS on nine streams [including Ukumehame] were established to protect the various instream uses of water, including habitat for native aquatic biota, recreational value, and traditional and customary practices of Native Hawaiians."

That Report also stated, "The Hawai'i Supreme Court also held that the Commission 'has an affirmative duty under the public trust to protect and promote instream trust uses.'" The maintenance of instream flows is important to the protection of traditional and customary Hawaiian rights. So, there are additional safeguards that serve to protect the traditional and customary practices and Native Hawaiian rights.

All of these actions serve to protect the traditional and customary practices and Native Hawaiian rights.

c. What feasible action, if any, could be taken to reasonably protect Native Hawaiian rights?

The Surface and Ground Water Management Area Designation Findings of Fact Report states,

Exercise of Traditional and Customary Native Hawaiian Rights and Practices

Traditional and customary Native Hawaiian rights (T&C rights) are protected at every level of the law, including the constitution, statutes, and common law. The Hawai'i Supreme Court "has stressed that the rights of native Hawaiians are a matter of great public concern in Hawaii." Article XII, section 7 confers upon the Commission "the power to protect [Native Hawaiian] rights and to prevent any interference with the exercise of these rights." Article XII, § 7 correlatively "places an affirmative duty on the State and its agencies to preserve and protect traditional and customary native Hawaiian rights."

The Hawai'i Supreme Court held that the "exercise of Native Hawaiian and traditional and customary rights" is a protected public trust purpose under the constitutional public trust, which the Commission has an affirmative duty to protect to the extent feasible. The Court reviewed the early law of the Hawaiian Kingdom and recognized the "specific objective of preserving the rights

of native tenants during the transition to a western system of private property.” The Court made clear its intention to uphold this “original intent” of the public trust.

The Code provides that protected T&C rights include, but are not limited to, “the cultivation or propagation of taro on one’s own kuleana and the gathering of hihīwai, opae, o’opu, limu, thatch, ti leaf, aho cord, and medicinal plants for subsistence, cultural, and religious purposes.” HRS § 174C-101(c). Additionally, HRS § 7-1 establishes the rights of tenants to gather certain enumerated items and also the “right of drinking water, and running water, and the right of way.” HRS § 1-1 more broadly codifies the doctrine of custom as it applies in Hawai‘i, protecting traditional and customary practices that were established by 1892. ...

As a summary: The maintenance of instream flows is important for the protection of T&C rights, as they relate to the maintenance of stream (e.g., hihīwai, ‘ōpae, ‘o’opu) and riparian (vegetation) resources for gathering, recreation within streams, the cultivation of kalo, and other subsistence, cultural, and religious purposes.

There is tremendous variability of instream and non-instream uses across and within the surface water hydrologic units in the Lahaina ASA. For example, one stream may support extensive taro cultivation while another may primarily support domestic and recreational uses. ...

Community members voiced grave concern over the lack of available stream water and streamflow to cultivate lo‘i kalo and to exercise traditional and customary Native Hawaiian practices that rely on water in its natural state, mauka to makai flow, and healthy native stream fauna. The concerns raised are that established IIFS are not being met, water continues to be diverted and prioritized for off stream uses while protected instream uses and Kuleana families do not have sufficient amounts of water for T&C rights and practices.

Continuation of protections in the Preservation Plan for the historic and burial sites, including maintenance of buffers will serve to further protect these resources into the future.

Likewise, the continuation and maintenance of instream flows is important to the protection of traditional and customary Native Hawaiian rights. So, there are additional safeguards that serve to protect the traditional and customary practices Native Hawaiian rights.

Attachment SWUPA 17. Interference With Any Existing Legal Uses

In the June 8, 2022 Surface and Ground Water Management Area Designation Findings of Fact Report (Table 13, page 47), the Sustainable Yield of the Ukumehame Aquifer System is 2 million gallons per day (MGD).

Hawai'i Army National Guard Ukumehame Firing Range

The Hawai'i Army National Guard Ukumehame Firing Range is another groundwater well reportedly operating within the Ukumehame Aquifer System Area. The Final Environmental Assessment for the Ukumehame Firing Range states,

3.1.2 Well and Irrigation Development [page 3-4]

Seasonal rainfall variations at Ukumehame require that irrigation be provided for landscaped areas. A well with a maximum capacity of 100,000 gallons per day (gpd) will be developed on the southeast portion of the facility adjacent to the target berm at the 600-Meter Firing Range. The well water will be used to irrigate landscaped plants throughout the facility with a drip irrigation system and a temporary bladder storage units.

The objective of the irrigation system plan is to maintain ground cover and landscaping through the dry season. Wetland species planted within the 600-Meter Range will be supplied water on a year-round basis, as needed. The average amount of water pumped for irrigation will be approximately 12,500 gallons per day, or 375,000 gallons per month. Water supplied in this system will not be for human consumption. Potable water is brought to the facility during training exercises.

State-Owned Land in Ukumehame Aquifer System Area

The State of Hawai'i owns two large vacant parcels in the lower portion of Ukumehame that are on either side of the Ukumehame Agricultural Subdivision. They are,

TMK: (2) 4-8-002:002 216.073-acres

TMK: (2) 4-8-002:008 399.903-acres

"The primary purpose of the SWPP [State Water Projects Plan] is to provide a framework for planning and implementation of water development programs to meet projected water demands for State projects. The objective of the SWPP is to review current and future state water projects to ensure orderly authorization and development of the State's water resources."

The State Water Projects Plan (Update 2020) indicates that the potable demand to the year 2034 is "0 MGD" for potable water (page 8-25) from the Ukumehame Aquifer "0 MGD" for non-potable water (page 8-26). So, these parcels are not intended for development at least prior to 2034.

The State also owns land in the upper portion of the Ukumehame Aquifer. This land is part of the West Maui Forest Reserve and is in the Conservation Land Use District. It is not expected that any significant amount of water is needed or planned for this area.

Maui Island Plan (General Plan 2030)

The Maui Island Plan states, “The West Maui community plan region is somewhat isolated from the rest of the island due to topography and limited highway access. The region has the fourth largest population with over 22,000 people in 2010, and the largest visitor population. The region has four distinct sub-regions: Ukumehame, Olowalu, Lahaina, and the band of urban settlements along the shoreline from Kā`anapali to Kapalua. A brief discussion of each sub-region is provided below:

Ukumehame. Ukumehame is the southernmost settlement in the West Maui community plan region. It is a low-density agricultural subdivision that still contains vacant undeveloped lots. Today, the community consists of small agricultural lots with residential and small scale agricultural uses. The community is surrounded by fallow sugarcane fields and significant cultural resources. (page 8-54)

The plan does not indicate any significant change in use, other than continued use in agriculture and preservation of wetland areas.

West Maui Community Plan (2022)

The West Maui Community Plan notes, “The southern region includes the area extending from south of Puamana to the Pali, including the areas of Launiupoko, Olowalu, and Ukumehame. The area is primarily agriculture with an agricultural subdivision in Launiupoko and rural residential in Olowalu. Businesses are mostly limited to the rural village in Olowalu. State Conservation lands lie in the upper reaches of the watershed, along a portion of Olowalu Stream, over the western half of the Pali, and along the shoreline. Parks and open space are expanded throughout this area.” (page 112)

“Subarea 4 has a population of 982 and covers 19,217 acres. This subarea has three distinct communities: Launiupoko, Olowalu, and Ukumehame. ... Ukumehame is the southernmost settlement in the region. Ukumehame is known for its gusty winds that blow from the uplands out to the sea. The waters of Ukumehame Gulch flow from Mauna Kahālāwai down through deep valleys. Here, ancient Hawaiians once maintained fertile green acres of lo’i kalo. The community consists of small agricultural lots with residential and small-scale agricultural uses surrounded by fallow sugarcane fields.” (page 92)

A policy of the plan is to “Preserve and protect the region’s cultural resources and traditional lifestyles, including agricultural pursuits, such as subsistence agriculture on lands owned by the State Department of Hawaiian Home Lands in Honokōwai and lo’i cultivation of Native Hawaiians in Honokōhau Valley, Kahoma Valley, Kaua’ula Valley, Olowalu, and Ukumehame.” (page 43)

There are a few private lots in the vicinity of the Ukumehame Agricultural Park. Due to County planning designations, the Ukumehame Agricultural Subdivision water use is not expected to interfere with these. Likewise, the County’s Ukumehame Beach Park and other public use is on the makai side of Honoapiilani Highway that will not be impacted by the proposed groundwater use.

Because of the lack of any immediate planned development in the area, there is no interference with existing or planned uses or properties that have existing legal use of water.