



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

APPLICATION FOR SURFACE WATER USE PERMIT  
 FOR EXISTING USE IN THE NA WAI EHA, MAUI, SURFACE WATER  
 MANAGEMENT AREAS

For Official Use Only:  
**RECEIVED**  
**COMMISSION ON WATER**  
**RESOURCE MANAGEMENT**  
**2009 MAY -1 AM 9:50**  
*POSTMARK 4.30.09*  
 Event ID:

**FORM SWUPA-E (NA WAI EHA, MAUI)**

For detailed instructions on filling out this application, refer to the attached instructions.

**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 Fong Construction Company Inc.		Applicant's Contact Roderick Fong	2. SOURCE LANDOWNER'S NAME Wailuku Water Company		Source Landowner's Contact Clayton Suzuki
Applicant's Mailing Address, or Principal Place of Business 495 Hukilike Street, Bay 4 Kahului, HI 96732			Source Landowner's Mailing Address, or Principal Place of Business 255 East Waiko Road Wailuku, HI 96793		
Applicant's Phone	Applicant's Fax	Applicant's E-mail	Source Landowner's Phone 808-244-2208	Source Landowner's 808-242-7068	Source Landowner's E-mail csuzuki@wailukuwater.com

**EXISTING SOURCE INFORMATION**

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 locations and quad map name.  
 • Property Tax Map Key (TMK), showing stream or diversion location, and location of water use referenced to established property boundaries.  
 • Photograph(s) of the surface water diversion works and end use.

3. SURFACE WATER HYDROLOGIC UNIT AND CODE:  Waihee/6022  Waiehu/6023  Iao/6024  Waikapu/6001

4. DIVERSION LOCATION: Choose the appropriate category and enter information in either 4a or 4b.

4a. TMK OF STREAM DIVERSION LOCATION: See Exhibit A

Zone	Sector	Plat	Parcel
3	5	11	49

4b. TMK OF DITCH DIVERSION LOCATION:

Zone	Sector	Plat	Parcel

5. STREAM DIVERSION: How is water diverted from the stream to your property? Check all that apply.  
 Pipe  Pump  Ditch/auwai  Other Describe: Reservoir  
 Is the diverted water returned to the stream or ditch?  Yes.  No. If yes, how much water is returned?

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: See Exhibit A  
 Describe the device and enter measured amounts in Table 1. See Stream Diversions and Gauging List  
 No. Explain how you are measuring flow to justify amounts shown in Table 1 in the space below  
Truck Load Counts

**EXISTING USER INFORMATION**

7. 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

8. 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? Wailuku Water Company

9. 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

10. STREAM DIVERSION WORKS PERMIT (SDWP): SWUP No 108  
 Have you ever been issued a SDWP by the Commission?  
 Yes. List the permit number(s):  
 No  
**FILE ID: SWUP.2354.6**  
**DOC ID: 3383**

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.

11. APPLICANT   Signature <u>Roderick Fong</u> Print Date <u>04/30/09</u>	12. SOURCE LANDOWNER  Signature Print Date
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**SURFACE WATER USE PERMIT APPLICATION  
EXISTING USE (NA WAI EHA, MAUI)**

**TABLE 1: 12-MONTH AVERAGE DAILY USE**  
**Measured or Calculated Use of Water at the Source: (Check one)  Stream  Ditch  Auwai**  
**As of the Effective Date of Designation, April 30, 2008**

MONTH / YEAR	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	
May 2007	516	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
June 2007	800	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
July 2007	1,548	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
August 2007	1,032	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
September 2007	19,067	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
October 2007	8,387	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
November 2007	7,200	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
December 2007	0	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
January 2008	645	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
February 2008	276	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
March 2008	1,806	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
April 2008	800	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>SUM OF AVERAGE DAILY USE FOR THE MONTH</b>	42,078	<b>GPD</b>				
<b>AVERAGE DAILY USE (Average of the above)</b>	3,507	<b>GPD</b>				

**SURFACE WATER USE PERMIT APPLICATION  
EXISTING USE (NA WAI EHA, MAUI)**

**TABLE 2: LAND USE CONSISTENCY/EFFICIENCY**  
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE			
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
<b>Uses that require potable (drinking) water</b>									
	____ - ____ - ____ : ____ Zone      Sector      Plat      Parcel								
	____ - ____ - ____ : ____ Zone      Sector      Plat      Parcel								
	____ - ____ - ____ : ____ Zone      Sector      Plat      Parcel								
	____ - ____ - ____ : ____ Zone      Sector      Plat      Parcel								
<b>TOTAL POTABLE USE</b>									
<b>Uses that do not require potable water</b>									
INDMI	____ - ____ - ____ : ____ Zone      Sector      Plat      Parcel	Various areas				4,000	No	2.0	
	____ - ____ - ____ : ____ Zone      Sector      Plat      Parcel								
	____ - ____ - ____ : ____ Zone      Sector      Plat      Parcel								
	____ - ____ - ____ : ____ Zone      Sector      Plat      Parcel								
<b>TOTAL NON-POTABLE USE</b>						4,000			
<b>TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =</b>						4,000			
If total use requested is not equal to the total monthly average in Table 1, please explain.									
In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.									

**SURFACE WATER USE PERMIT APPLICATION  
EXISTING USE (NA WAI EHA, MAUI)**

**TABLE 3: IRRIGATION INFORMATION**

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
<u>  X  </u> - <u>  X  </u> - <u>  X  </u> : <u>  X  </u> Zone      Sector      Plat      Parcel	None	2.0	2.0	None	None	Other: Water Truck	Other: Dust Control
<u>      </u> - <u>      </u> - <u>      </u> : <u>      </u> Zone      Sector      Plat      Parcel							
<u>      </u> - <u>      </u> - <u>      </u> : <u>      </u> Zone      Sector      Plat      Parcel							
<u>      </u> - <u>      </u> - <u>      </u> : <u>      </u> Zone      Sector      Plat      Parcel							
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<u>      </u> - <u>      </u> - <u>      </u> : <u>      </u> Zone      Sector      Plat      Parcel							

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EXISTING USE (NA WAI EHA, MAUI)**

**TABLE 4: ALTERNATIVES ANALYSIS**

	<b>Potable Alternatives</b> Attach additional sheets if necessary.	<b>Non-Potable Alternatives</b> Attach additional sheets if necessary.
<b>Municipal sources</b>	Wailuku Water Company use of municipal water for customers is cost prohibitive	Water for non potable use is not available from the municipal source
<b>Wastewater reuse</b>	The Kahului Wastewater Treatment plant has no feeder lines in the area, the cost to install a distribution line from the treatment plant to Wailuku's Ditch System is cost prohibitive	The Kahului Wastewater Treatment plant has no feeder lines in the area, the cost to install a distribution line from the treatment plant to Wailuku's Ditch System is cost prohibitive
<b>Ditch system</b>	There are no other ditch system available	There are no other ditch system available
<b>Desalinization</b>	There are no Desalinization plants on Maui	There are no Desalinization plants on Maui
<b>Ground water</b>	Pumping of ground water is cost prohibitive	Pumping of ground water is cost prohibitive
<b>Other (specify)</b>	Storm Water reclamation has no facilities as of this date	Storm Water reclamation has no facilities as of this date

**PUBLIC INTEREST**

§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.*

Explain below how the uses in your application are consistent with the public interest as described above. Attach additional sheets if necessary.

# Wailuku Water Company

## Stream Diversions and Gauging

### Exhibit A

Stream:	TMK:	Diversion:	Gauging:	Date Installed
Waihee Stream	TMK: 3-2-014-0001	Waihee Ditch (6022)	Weir with 24 Hour gauge	1907
Waihee Stream	TMK: 3-2-014-0001	Spreckels Ditch (6022)	Weir with 24 Hour gauge	Unknown
North Waiehu Stream	TMK: 3-2-014-0001	North Waiehu Ditch (6023)	Concrete Weir	Unknown
Iao Stream	TMK: 3-3-003-0003	Iao-Maniania Ditch (6024)	Weir with 24 Hour gauge	Unknown
Iao Stream	TMK: 3-3-003-0003	Iao-Waikapu Ditch (6024)	Weir with 24 Hour gauge	Unknown
Waikapu Stream	TMK: 3-6-003-0001	South Waikapu Ditch (6001)	Concrete Weir	Unknown
Waikapu Stream	TMK: 3-5-011-0049	Waihee Ditch (6001)	Visual Estimate	Unknown
Waikapu Stream	TMK: 3-5-011-0049	Reservoir 6 (6001)	Visual Estimate	Unknown

01/28/09





**Reservoir 6  
Waikapu Stream**