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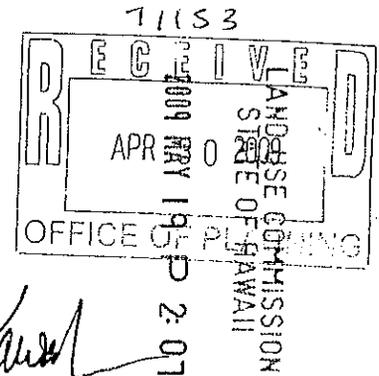


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DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
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April 29, 2009



TO: Abbey Seth Mayer, Director
Office of Planning

FROM: Ken C. Kawahara, P.E., Deputy Director
Commission on Water Resource Management

SUBJECT: Petition for Declaratory Order to Designate Important Agricultural Lands (DR09-38)

Our responses follow your specific information requests concerning the Petition (DR09-38):

1. The amount of water delivered by the irrigation system serving the proposed lands and the water sources and quantities used by the system;

We have information provided during the Iao Ground Water Management Area High Level Source Water Use Permit Applications and Petition to Amend Interim Instream Flow Standards of Waihee, Waiehu, Iao, & Waikapu Streams Contested Case Hearing (CCH-MA06-01). Wailuku Water Company and Alexander & Baldwin, Inc. provided water use information to the Hearings Officer. However, the contested case process is not completed and the Commission on Water Resource Management (Commission) is not expected to issue its final decision and order until later this year.

Also, the Commission designated the surface water hydrologic units of Waihee, Waiehu, Iao, and Waikapu Streams (Na Wai Eha) in the Wailuku District of Maui, as Surface Water Management Areas (SWMAs) in March 2008. In any water management area, no person shall make any withdrawal, diversion, impoundment, or consumptive use of water without first obtaining a water use permit from the Commission. The Commission is presently receiving applications for water use permits for existing uses in the Na Wai Eha SWMAs. Existing users have until April 30, 2009 to file for water use permits for existing uses. A proposed new user of surface water must apply for a water use permit and will be subject to the availability of surface water as determined by existing surface water use permits and the interim instream flow standards for Na Wai Eha.

2. Any constraints or concerns related to continued or future use of water that feeds the system;

The uses of surface water from the Na Wai Eha Surface Water Management Areas are in the process of being regulated by the Commission through the issuance of water use permits and the Commission is setting new interim instream flow standards for Na Wai Eha through the contested case hearing process. The combination of Commission actions

for Na Wai Eha may put constraints on both continued and future use of Na Wai Eha surface waters.

The Commission at its meeting in Haiku, Maui, on September 25, 2008, amended the interim instream flow standards (IIFS) for 8 of 27 East Maui streams, as the first step in an integrated approach to amend the IIFS for all 27 streams that are subjects of petitions to amend the IIFS for the 27 streams. Amending the IIFS for the 8, and eventually all 27 of the East Maui streams may put constraints on both continued and future use of water from the East Maui Irrigation System.

3. Any plans or initiatives that your agency might be undertaking that might affect the water sources and water availability to the system in the future.

In 2004, the Department of Agriculture (DOA) updated its Agricultural Water Use and Development Plan (AWUDP), a component of the Hawaii Water Plan. The AWUDP found that the East Maui Irrigation System remains intact and continues to supply irrigation water for Hawaiian Commercial & Sugar Co. (HC&S) agricultural operations in central Maui. The East Maui Irrigation Co, Ltd operates the system and maintains and repairs 74 miles of 355 stream diversions, 50 miles of tunnels, 16 steel siphons, and 7 storage reservoirs and 62 miles of unpaved access roads. There are four main transmission ditches: Wailoa Ditch, 195 mgd capacity; New Hamakua Ditch, 100 mgd capacity; Lowrie Ditch, 70 mgd capacity; and Haiku Ditch, 70 mgd capacity. The average amount of water delivered by the system is 165 million gallons per day (mgd). The total capacity of the system is 435 mgd.

The 2008 Legislature amended Chapter 174C to require that the AWUDP: 1) identify the sources of water used by agricultural operations and particularly those on lands identified and designated as important agricultural lands under part III of chapter 205, and 2) identify current and future water needs for agricultural operations and particularly those on lands identified and designated as important agricultural lands under part III of chapter 205. Therefore, should these lands be designated as important agricultural lands, the AWUDP should ultimately include additional information on water sources and needs to support these agricultural lands. We understand that DOA is seeking funds to continue the development of the AWUDP; however the availability of funds will determine the scope and timing for completion of the next AWUDP revision.

The County of Maui is in the process of updating its Water Use and Development Plan (WUDP), another component of the Hawaii Water Plan. While the WUDP update is currently focused on the Department of Water Supply's municipal system needs, the WUDP should set forth the allocation of water to land uses, including agricultural land uses, within the county.

If you have any questions please call me at 587-0214, or Ed Sakoda at 587-0234.