ORIGINAL

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 NA WAI EHA, MAUI, SURFACE WATER MANAGEMENT AREAS

FORM SWUPA-E (NA WAI EHA, MAUI)

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

For Official Use Only:
RECEIVED
COMMISSION ON WATER RESOURCE MANAGEMENT
2009 APR 23 AM 10: 55
Event ID:

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	Applicant's Contact	2. SOURCE LANDOWNER'S NAME	Source Landowner's Contact
Avery & Mary Chumbley Makani Olu Partners LLC	Avery B. Chumbley	Wailuku Water Company	Clayton Suzuki

Applicant's Mailing Address, or Principal Place of Business	Source Landowner's Mailing Address, or Principal Place of Business
363 West Waiko Road Wailuku, HI 96793-9329	255 East Waiko Road Wailuku, Hi 96793

Applicant's Phone	Applicant's Fax	Applicant's E-mail	Source Landowner's Phone	Source Landowner's	Source Landowner's E-mail
[redacted]					

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: 3 (Zone) - 3 (Sector) - 3 (Plat) : 3 (Parcel)

4b. TMK OF DITCH DIVERSION LOCATION: 3 (Zone) - 5 (Sector) - 2 (Plat) : 3 (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: Iao/6024, installation date unknown

Describe the device and enter measured amounts in Table 1. Weir with 24 Hour gauge

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

Six inch McCrometer Water Meter,

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):

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.**

11. APPLICANT	12. SOURCE LANDOWNER
Signature: [signature]	Signature:
Print: AVERY B. CHUMBLEY	Print:
Date: 4-22-09	Date:

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	23,617	☒	☐	☐	☐	
June 2007	26,484	☒	☐	☐	☐	
July 2007	18,407	☒	☐	☐	☐	
August 2007	23,981	☒	☐	☐	☐	
September 2007	22,183	☒	☐	☐	☐	
October 2007	19,516	☒	☐	☐	☐	
November 2007	12,258	☒	☐	☐	☐	
December 2007	6,318	☒	☐	☐	☐	
January 2008	11,183	☒	☐	☐	☐	
February 2008	14,251	☒	☐	☐	☐	
March 2008	19,362	☒	☐	☐	☐	
April 2008	17,817	☒	☐	☐	☐	
SUM OF AVERAGE DAILY USE FOR THE MONTH	215,377	**GPD**				
AVERAGE DAILY USE (Average of the above)	17,948	**GPD**				

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.
Uses that require **potable** (drinking) water									
	___ Zone - ___ Sector - ___ Plat : ___ Parcel								
	___ Zone - ___ Sector - ___ Plat : ___ Parcel								
	___ Zone - ___ Sector - ___ Plat : ___ Parcel								
	___ Zone - ___ Sector - ___ Plat : ___ Parcel								
					TOTAL POTABLE USE		**GPD**		
Uses that **do not** require potable water									
AGRCP	3 Zone - 5 Sector - 04 Plat : 14 Parcel	AG	NO	AG	NO	2,900	NO	0.75	Agricultural crop irrigation
AGRON	3 Zone - 5 Sector - 04 Plat : 14 Parcel	AG	NO	AG	NO	1,000	NO	0.25	Ornamental & Nursery greenhouse irrigation
IRROTH	3 Zone - 5 Sector - 04 Plat : 14 Parcel	AG	NO	AG	NO	1,000	NO	0.20	Cemetery landscape irrigation
AGRCP	3 Zone - 5 Sector - 04 Plat : 18 Parcel	AG	NO	AG	NO	1,200	NO	0.25	Agricultural crop irrigation
					TOTAL NON-POTABLE USE		**GPD**		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =		**GPD**		

If total use requested is not equal to the total monthly average in Table 1, please explain.

TABLE #2 IS CONTINUED ON A SEPARATE PAGE, SEE THAT PAGE FOR TOTAL USE REQUESTED

In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.

There is no information that would lead me to conclude that the provision of water under this application would interfere with any existing known use.

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.
Uses that require **potable** (drinking) water									
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL POTABLE USE	—0—	GPD		
Uses that **do not** require potable water									
AGR LI	3 - 5 - 04 : 018 Zone Sector Plat Parcel	AG	NO	AG	NO	8,348	NO	4.0	Livestock consumption & Feed, Forage pasture
AGRON	3 - 5 - 04 : 018 Zone Sector Plat Parcel	AG	NO	AG	NO	1,000	NO	0.25	tree field stock nursery IRRIGATION
IRR LA	3 - 5 - 04 : 018 Zone Sector Plat Parcel	AG	NO	AG	NO	2,500	NO	1.0	Home Site Landscape IRRIGATION
	___ - ___ - ___ : ___ Zone Sector Plat Parcel								
					TOTAL NON-POTABLE USE	17,948	GPD		
					TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =	17,948	GPD		
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.									

" Table 2 P2 cont "

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.)
3 - 5 - 004 : 014 (Zone - Sector - Plat : Parcel)	Fruit Trees	1.20	0.75	March 2007	April 2008	Trickle Drip & Multiple Sprinklers	Applied to a fixed depth
3 - 5 - 004 : 014 (Zone - Sector - Plat : Parcel)	Ornamental plants & Nursery greenhouse	1.20	0.25	March 2007	April 2008	Trickle Drip & Multiple Sprinklers and hose bib	Applied to a fixed depth
3 - 5 - 004 : 014 (Zone - Sector - Plat : Parcel)	Cemetery Landscape	1.20	0.20	March 2007	April 2008	Trickle Drip & Multiple Sprinklers and hose bib	Applied to a fixed depth
3 - 5 - 004 : 018 (Zone - Sector - Plat : Parcel)	Banana & Papaya	67.4	0.25	March 2007	April 2008	Trickle Spray & Multiple Sprinklers	Applied to a fixed depth
3 - 5 - 004 : 018 (Zone - Sector - Plat : Parcel)	Livestock & Pastures	67.4	4.0	March 2007	April 2008	Multiple Sprinklers, Sprinkler large guns and water trough	Applied to a fixed depth and consumption from troughs
3 - 5 - 004 : 018 (Zone - Sector - Plat : Parcel)	Tree field stock nursery	67.4	0.25	March 2007	April 2008	Trickle Drip & Multiple Sprinklers	Applied to a fixed depth
3 - 5 - 004 : 018 (Zone - Sector - Plat : Parcel)	Home landscape	67.4	1.0	March 2007	April 2008	Trickle Drip & Multpile Sprinklers	Applied to a fixed depth
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							
- - : (Zone - Sector - Plat : Parcel)							

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

TABLE 4: ALTERNATIVES ANALYSIS

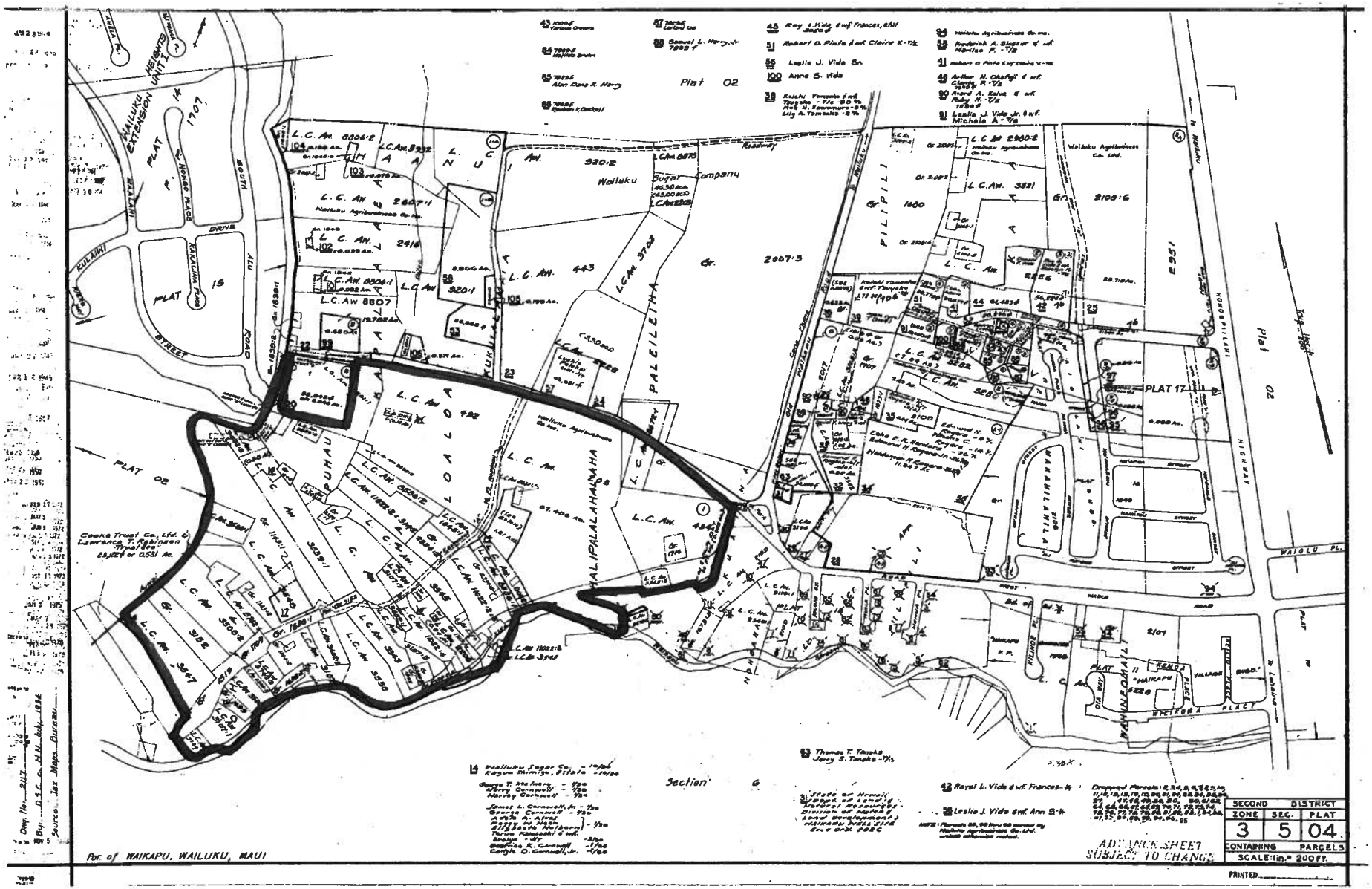
	Potable Alternatives Attach additional sheets if necessary.	**Non-Potable Alternatives** Attach additional sheets if necessary.
Municipal sources	DWS does not have the capasity to provide the needed volumes of water	Water for non-potable use is not avaiable from the DWS
Wastewater reuse	The Kahului (closest treatment plant) has no feeder lines in the area, the cost to install a distribution line from the plant to this property is prohibitivee	The Kahului (closest treatment plant) has no feeder lines in the area, the cost to install a distribution line from the plant to this property is prohibitive
Ditch system	There are no other ditch systems avaiable	There are no other ditch systems avaiable
Desalinization	There are no desalinization plants on MAui and cost to develop one is prohibitive	There are no desalinization plants on MAui and cost to develop one is prohibitive
Ground water	Pumping of Ground water in the Iao Aquifier is under a CWRM designation and capaticy is limited	Pumping of Ground water in the Iao Aquifier is under a CWRM designation and capaticy is limited
Other (specify)	Storm water reclamation has no facilities or infastructure in place at this time and is cost prohibitive	Storm water reclamation has no facilities or infastructure in place at this time and is cost prohibitive

PUBLIC INTEREST

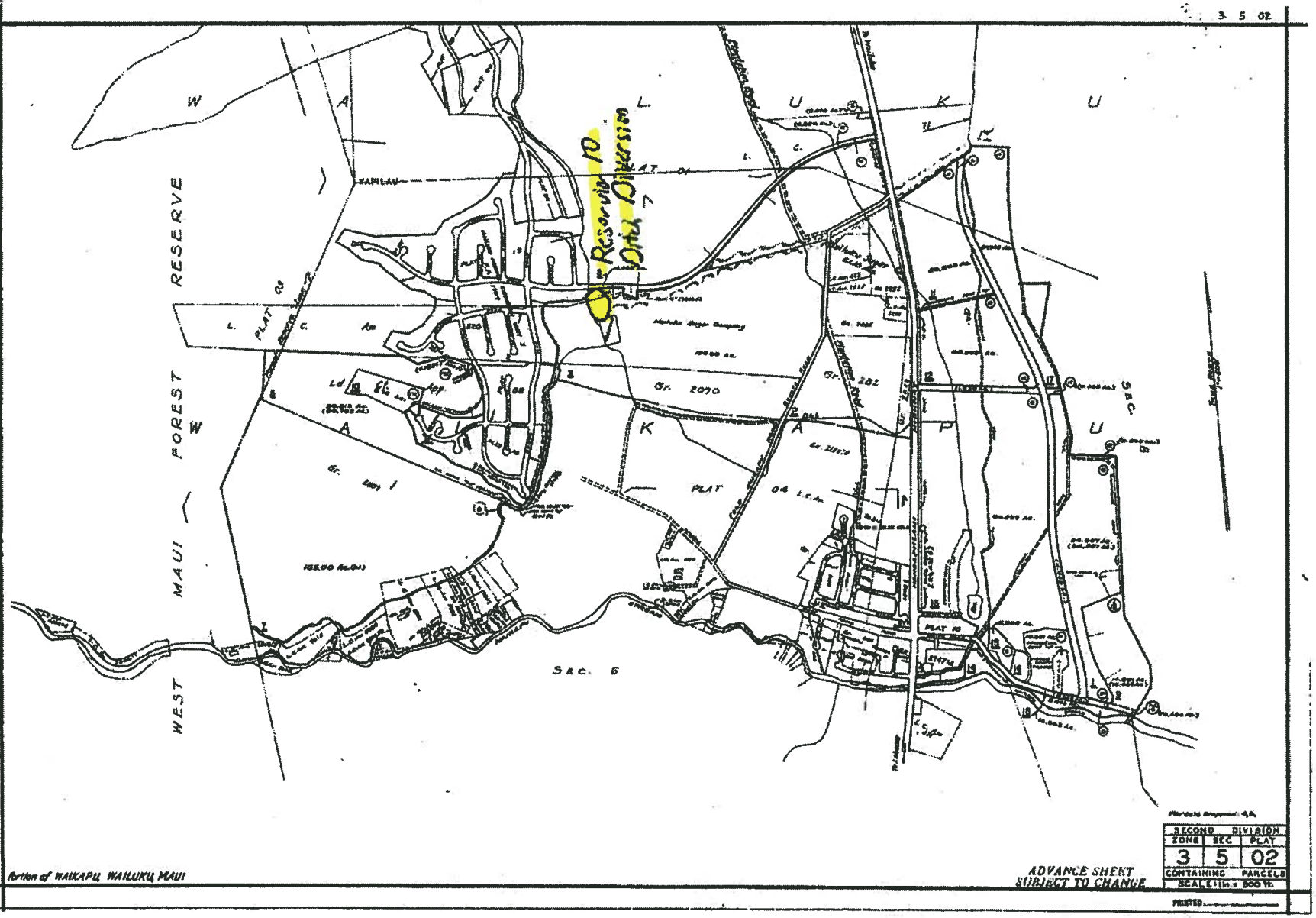
§174C-2(c) states that: *The state water code shall be liberally interpreted to obtain maximum beneficial use of the waters of the State for purposes such as domestic uses, aquaculture uses, irrigation and other agricultural uses, power development, and commercial and industrial uses. However, adequate 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.

HRS, Section 174C-2(c) indicates that the Water Code shall be interpreted to obtain the maximum beneficial use of waters for purposes of including agricultural and irrigation uses. The uses applied for fall within such categories, the same being various types of agricultural uses, i.e. fruit trees, ornamental plants, nursery and greenhouse, tree field stock nursery, as well as livestock and pastures.
Consequently such uses are consistent with the public interest provisions of the State Water Code.



Plat 02
Section 6
Wailuku Sugar Company
PALEILEIHA
HALIPALALAHALAHA
PUHAU
LOALOA
PILIPILI
MAKAHILAHILA
WAHINEOMAILI
PLAT 17
PLAT 15
PLAT 14
PLAT 11
WAILUKU HEIGHTS EXTENSION UNIT I
Cooke Trust Co., Ltd. & Lawrence T. Robinson Trustees
Wailuku Agribusiness Co. Ltd.
Leslie J. Vida Sr.
Anne S. Vida
Leslie J. Vida Jr. & wf. Michele A.
Thomas T. Tanaka
Jerry S. Tanaka
Royal L. Vida & wf. Frances
Leslie J. Vida & wf. Ann S.
Dropped Parcels
Por. of WAIKAPU, WAILUKU, MAUI
ADVANCE SHEET SUBJECT TO CHANGE
SECOND DISTRICT
ZONE 3
SEC. 5
PLAT 04
CONTAINING PARCELS
SCALE: 1 in. = 200 Ft.
PRINTED


3 5 02
WEST MAUI FOREST RESERVE
W A I K A P U
W A I L U K U
Reservoir 10
Ditch Diversion
Gr. 2070
Gr. 282
PLAT 04
PLAT 10
SEC. 6
SEC. 8
Portion of WAIKAPU WAILUKU MAUI
ADVANCE SHEET
SUBJECT TO CHANGE
SECOND DIVISION
ZONE 3
SEC 5
PLAT 02
CONTAINING PARCELS
SCALE 1 in. = 500 ft.
PRINTED

363 WEST WAIKO ROAD
WAILUKU, MAUI, HAWAII 96793
PHONE # 808-244-0363
CELL # 276-3595

AVERY B. & MARY L. CHUMBLEY

Memo

To: Commission on Water Resource Management, DLNR

From: Avery B. Chumbley

CC: Paul R. Mancini, Esq.

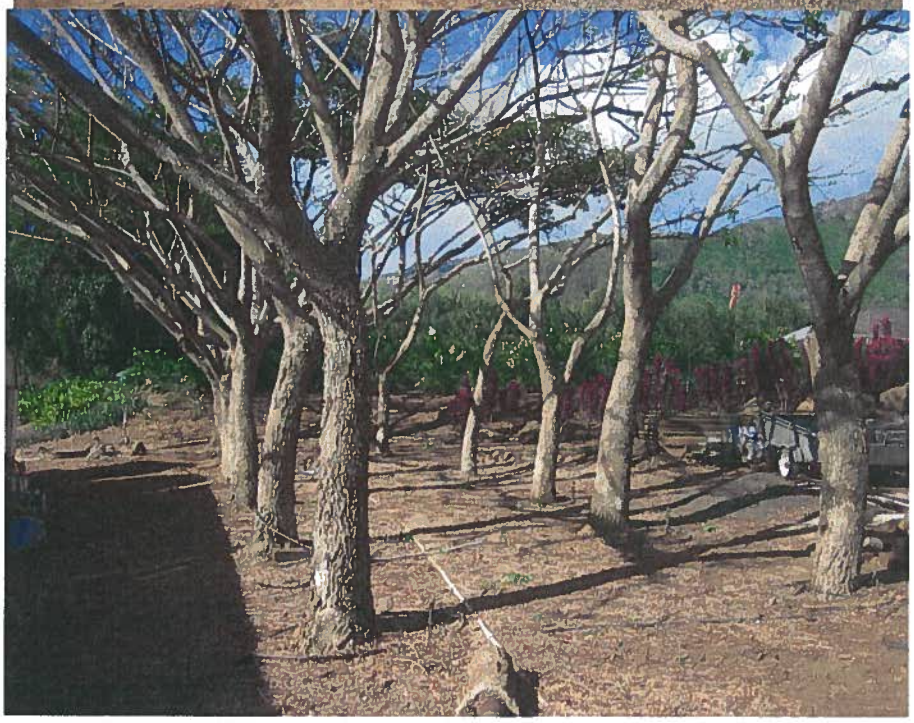
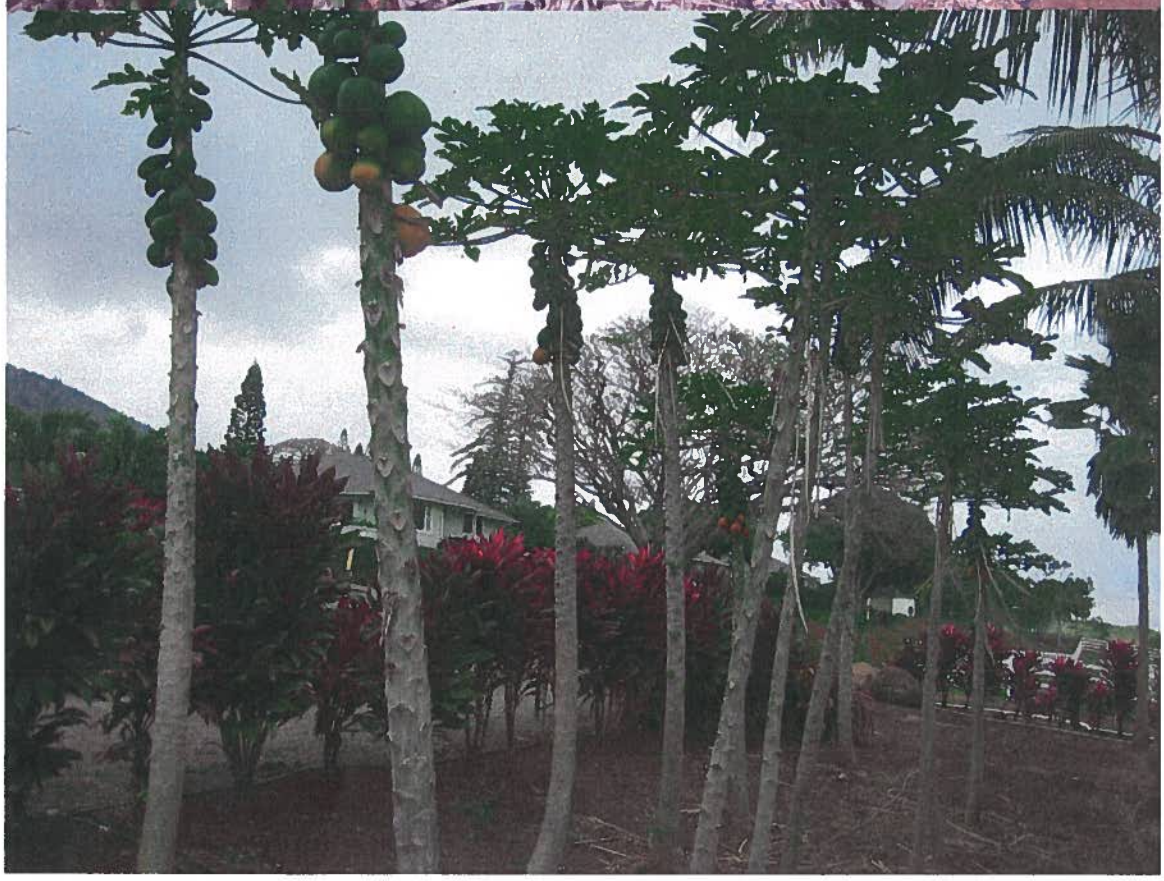
Date: 4/21/2009

Re: SWUPA Attachments

It is my understanding that between Wailuku Water Company LLC (WWC) and the Staff of the Commission on Water Resource Management (CWRM) WWC has submitted and the CWRM has agreed and accepted the following master documents to be considered as on file with the CWRM;

1) Portion of 7.5-Minute Series USGS topographic map (scale 1:24,000) labeled with stream and diversion location and the quad map name (Waihee to Waikapu map dated 3-6-09).

2) Property tax map showing the stream or diversion location and location of water use referenced to established property boundaries.

3) Photograph(s) of the surface water source, diversion works and end use if applicable.

Therefore the attached SWUPA does not contain these documents but it will not be considered as incomplete.