



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

**APPLICATION FOR SURFACE WATER USE PERMIT FOR
 PROPOSED NEW USE IN A DESIGNATED SURFACE WATER
 MANAGEMENT AREA**

For Official Use Only:
RECEIVED
**COMMISSION ON WATER
 RESOURCE MANAGEMENT**
2009 APR 23 AM 10: 58

FORM SWUPA-N

- Application for New use
 Application to Modify SWUP No. _____

For detailed instructions on filling out this application form completely, refer to the attached instructions sheet.
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 HRS §174C-51(1)(B), 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 be stated as a joint applicant for the water permit.

1. APPLICANT'S NAME AVERY & MARY CHUMBLEY MAKANI OLU PARTNERS LLC		Applicant's Contact Avery B. Chumbley	2. SOURCE LANDOWNER'S NAME WAILUKU WATER COMPANY		Source Landowner's Contact Clayton Suzuki
Applicant's Mailing Address, or Principal Place of Business 363 West Waiko Road Wailuku, Hawaii 96793-9329			Source Landowner's Mailing Address, or Principal Place of Business 255 ast WAiko Road Wailuku, Hawaii 96793		
Applicant's Phone	Applicant's Fax	Applicant's E-mail	Source Landowner's Phone	Source Landowner's Fax	Source Landowner's E-mail
			808-244-2208	808-242-7068	csuzuki@wailukuwater.com

SOURCE INFORMATION

3. SURFACE WATER HYDROLOGIC UNIT: Island: MAUI Hydrologic Unit: IAO Hydrologic Unit Code: 6024

4. INSTREAM FLOW STANDARD (IFS) FOR HYDROLOGIC UNIT IF APPLICABLE: N/A

5. CAN YOUR PROPOSED USE(S) BE ACCOMMODATED WITHIN THE ABOVE AMOUNTS: Yes No
 Explain how your proposed use(s) can be accommodated within the existing IFS for the above hydrologic unit:
 there is currently sufficient capacity within the diversion volumes of WWC to accommodate this use

6a. TMK OF PROPOSED STREAM DIVERSION LOCATION: 3 - 3 - 0 0 3 : 0 0 3
Zone Sec Plat Parcel

6b. TMK OF PROPOSED DITCH DIVERSION LOCATION: 3 - 5 - 0 0 2 : 0 0 3
Zone Sec Plat Parcel

7a. PROPOSED STREAM DIVERSION: How will water be diverted from the stream to your property? Check all that apply.
 Pipe Pump Ditch/auwai Other Describe: Reservoir

7b. WILL THE DIVERTED WATER BE RETURNED TO THE STREAM OR DITCH?
 Yes. How much water will be returned?
 No

8. PROPOSED FLOW MEASUREMENT INFORMATION:
 Will the stream diversion have a flow meter with totalizer or other device to measure diverted amounts?
 Yes. List the manufacturer and describe the device. Weir with 24 hr. guage
 No. Explain how stream diversion will be measured or estimated to justify amounts requested in the space below.
 6 inch McCrometer water meter

PROPOSED USE INFORMATION HRS §174C-51(4), (5), (6)

9. TOTAL QUANTITY OF WATER REQUESTED: 453,530 gallons per day. See Table 1, Item 14.

10. PROPOSED USE: Check all that apply. Agriculture Domestic Industrial
 See Table 1, Item 1. Irrigation Military Municipal

11. LOCATION OF PROPOSED WATER USE: Show the location of the proposed use on the same USGS and TMK maps as the proposed source location. Otherwise, attach similar maps. See Table 1, Item 2.

PROPOSED USER INFORMATION

12. APPURTENANT RIGHT: Do you claim an appurtenant right for your proposed water use? Yes No
 If yes, has the appurtenant right been established by the courts or the Commission? Yes No

13. PROPOSED END USER INFORMATION: Will you be an end user on an existing water system?
 Yes. List the name of the system operator: Wailuku Water Company No

14. REGISTRATION AND DECLARATION OF WATER USE: Do you have a Registration and Declaration of Water Use from the Commission?
 Yes. List the file reference name(s): No

15. STREAM DIVERSION WORKS PERMIT (SDWP): Do you have a SDWP from 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, additional 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.

16. APPLICANT Signature <u>AVERY B. CHUMBLEY</u> Print Date <u>4-22-09</u>	17. SOURCE LANDOWNER Signature _____ Print Date
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APPLICATION FOR SURFACE WATER USE PERMIT - PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY					EFFICIENCY OF USE								
1	2			3	4	5	6	7	8	9	10	11	
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed 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 FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.	
Uses that require potable (drinking) water													
	Zone	Sec	Plat	Parcel	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No		
	Zone	Sec	Plat	Parcel	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No		
	Zone	Sec	Plat	Parcel	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No		
	Zone	Sec	Plat	Parcel	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No		
TOTAL POTABLE USE										0		GPD	
Uses that do not require potable water													
AGRLI	3	5	0 0 4	0 1 8	AG	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	AG	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input checked="" type="checkbox"/> No	58.9	7,700	453,530	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Feed & Forage pastures for livestock
	Zone	Sec	Plat	Parcel	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No		
	Zone	Sec	Plat	Parcel	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No		
	Zone	Sec	Plat	Parcel	<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No		
TOTAL NON POTABLE USE										453,530		GPD	
TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =										453,530		GPD	
15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS applicant claims appurtenant rights from Kuleana water rights located in LCA's and Royal Patents and deeds													

APPLICATION FOR SURFACE WATER USE PERMIT - PROPOSED NEW USE

TABLE 3: ALTERNATIVES ANALYSIS AND ADDITIONAL REQUIREMENTS

	A. Analysis of Potable Alternatives (Attach additional sheets if necessary.)	B. Analysis of Non-Potable Alternatives (Attach additional sheets if necessary.)
Municipal sources	DWS does not have the capacity to provide the needed volumes of water	Water for non-potable use is not available 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 prohibitive	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 available	There are no other ditch systems available
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 Aquifer is under a CWRM designation and capacity is limited	Pumping of Ground water in the Iao Aquifer is under a CWRM designation and capacity is limited
Other (specify)	Storm water reclamation has no facilities or infrastructure in place at this time and is cost prohibitive	Storm water reclamation has no facilities or infrastructure in place at this time and is cost prohibitive

C. ADDITIONAL REQUIREMENTS:

PUBLIC INTEREST 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.*

1. Explain below how your proposed new 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 above.

Maximum Beneficial Use/Public Interest. The Hawaii State Water Code (HRS, Section 174C-2(c)) mandates that the code be interpreted and implemented to obtain maximum beneficial uses for waters of the State for agricultural and irrigation uses. The proposed new use is for irrigation to grow feed and forage for existing livestock maintained at the property. The net area to be irrigated is 58.9 acres. The use is consistent with and implements the water codes dictates and fosters the maximum beneficial use for agricultural and irrigation purposes.

2. Explain below how your proposed new use(s) will not interfere with any existing legal use(s).

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.

3. Explain below how your proposed new 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.

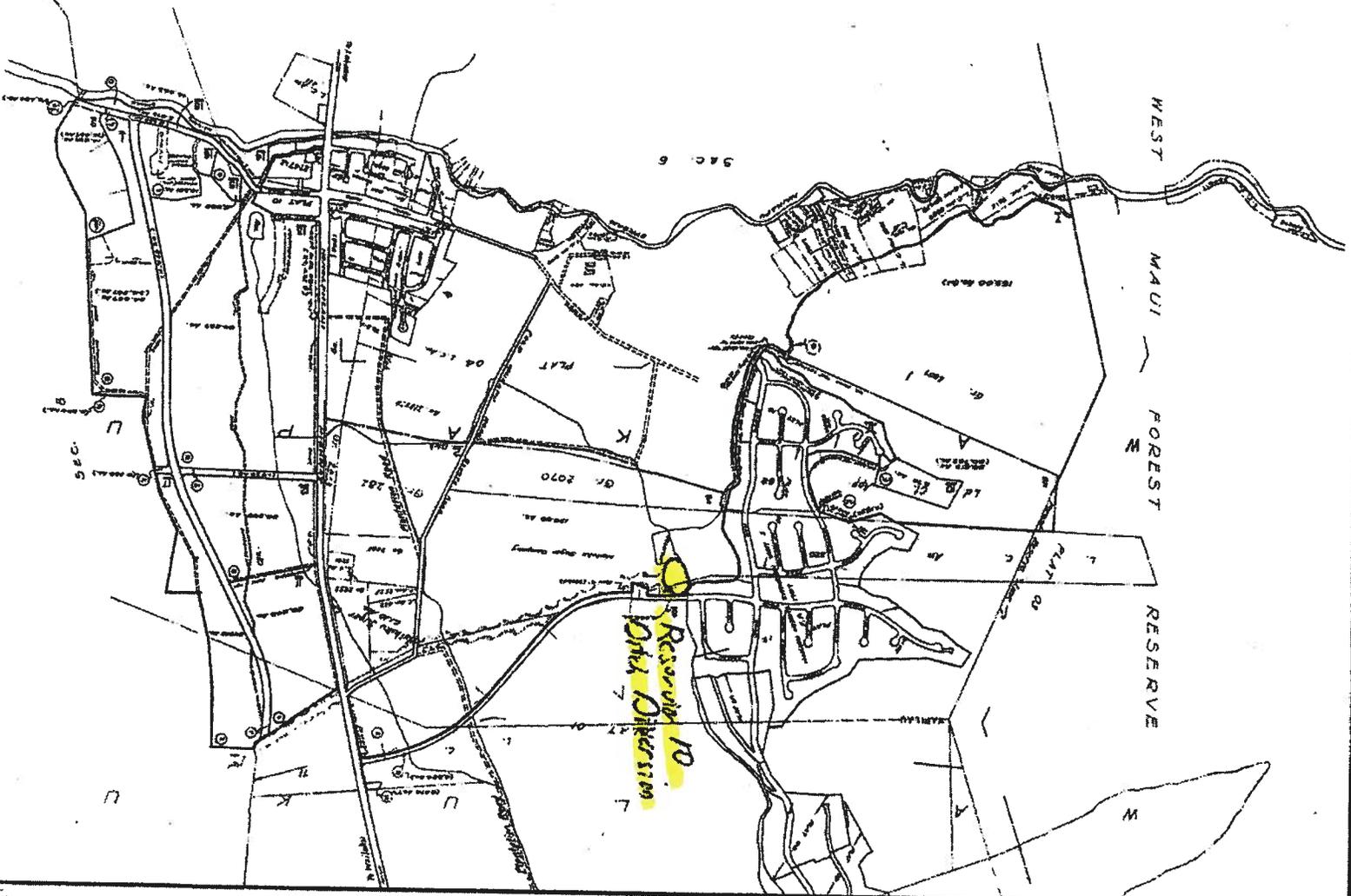
Rights of the Department of Hawaiian Homelands. The State Water Code, Section 174C-101(a) relates that the provisions of the Water Code shall not be construed to amend or modify the rights or entitlements to water as provided for by the Hawaiian Homes Commission Act, 1920. The referenced water source has no current or foreseeable development in use of Hawaiian homelands as set forth in Section 221 of the Hawaiian Homes Commission Act. There has been no indication that from the Office of Hawaiian Homes that it would request or reserve water from this service for current or foreseeable development. Consequently, the proposed use will not interfere with the rights of the Department of Hawaiian Homelands as provided in Section 221 of the Hawaiian Homes Commission Act.

Date: 10/18/18
 Drawn by: [illegible]
 Checked by: [illegible]
 Scale: 1" = 100'

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Bottom of MOKAPU, MAUI, HAWAII

WEST MAUI FOREST RESERVE



3	5	02
SECOND DIVISION		
ZONE SEC PLAT		
CONTAINING PARCELS		
SCALE 1" = 100'		
ADVANCE SHEET		
SUBJECT TO CHANGE		

3 5 02



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.

