



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
STREAM DIVERSION WORKS
PERMIT APPLICATION

For Official Use Only
COMMISSION ON WATER
RESOURCE MANAGEMENT
2021 OCT 28 PM 12:08

Instructions: Please print in ink or type and send one (1) completed hardcopy and one (1) digital copy of the application with attachments to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. Applications must be accompanied by a non-refundable filing fee of **\$25.00** payable to the Department of Land and Natural Resources. The Commission may not accept incomplete applications without the required signatures. For assistance, call the Stream Protection and Management Branch at **587-0234**. For further information and updates to this application form, visit <http://dlnr.hawaii.gov/cwrm>.

- ☐ Check here to allow Commission staff to communicate primarily via e-mail.
Legally required and other key correspondence will still be transmitted via postal mail.

PERMIT TYPE

1. Permit Status: ☒ New ☐ After-The-Fact
2. Type of Construction: ☐ Installation ☐ Modification ☒ Removal / Abandonment

APPLICANT INFORMATION

3. APPLICANT'S NAME / COMPANY WAILUKU WATER CO LLC	Applicant's Contact Person ANDREW B. CHUMBLEY	Applicant's Phone 808-244-7079
Applicant's Mailing Address PO BOX 2790 WAILUKU HI 96793	Applicant's E-mail Address abc@aloha.net	

- ☐ Check here if project will impact multiple landowners. If project impacts multiple landowners, skip Item 4 below, then complete and attach Form LND-APP to identify and verify landowner's approval of proposed stream diversion work.

4. LANDOWNER'S NAME / COMPANY UN-KNOWN	Landowner's Contact Person	Landowner's Phone
Landowner's Mailing Address	Landowner's E-mail Address	
5. CONSULTANT'S NAME / COMPANY N/A	Consultant's Contact Person	Consultant's Phone
Consultant's Mailing Address	Consultant's E-mail Address	
6. CONTRACTOR'S NAME / COMPANY N/A	Contractor's Contact Person	Contractor's Phone
Contractor's Mailing Address	Contractor's E-mail Address	

STREAM INFORMATION

7. Island: (Check only one) <input type="checkbox"/> Kauai <input type="checkbox"/> Oahu <input type="checkbox"/> Molokai <input type="checkbox"/> Lanai <input checked="" type="checkbox"/> Maui <input type="checkbox"/> Hawaii
8. Tax Map Key(s) List all affected tax map key parcels. WAIKAPU STREAM NO TMK NUMBER Reservoir #6 Intake
9. Stream / Gulch Name(s) List all affected streams and/or gulches. WAIKAPU STREAM

FOR OFFICIAL USE ONLY:

LAT: _____	SWHU ID: _____	FILE ID: _____
LON: _____	GWHU ID: _____	DOC ID: _____
	REACH ID: _____	

GENERAL PROJECT INFORMATION				
10. Diversion No: (if already assigned)		11. Diversion Name: Reservoir Intake on Waikapu Stream		
12. Project Site Location(s): Provide site coordinates of downstream-most point of project in degrees, minutes, seconds (NAD83).				
Latitude: 20° 51' 202"		Longitude: 156° 30' 245" Elevation: 408 ft. above mean sea level		
13. Diversion Structure Type: (Check all that apply)				
<input type="checkbox"/> Unlined channel <input type="checkbox"/> Hand-built rock <input checked="" type="checkbox"/> Concrete masonry <input type="checkbox"/> Dam/weir <input type="checkbox"/> Pipe <input checked="" type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Wood <input type="checkbox"/> Pump <input type="checkbox"/> Direct use <input type="checkbox"/> Other - Describe:				
STREAM DIVERSION WORKS SPECIFICATIONS (For Abandonments, skip to Legal Requirements section, Item #32.)				
14. Structure Dimensions: (feet)				
Provide generalized dimensions for the entire project / structure area. If the project includes a pipe (e.g., culvert, drain, etc.), provide the pipe diameter.		Width: _____ Height: _____ Length: _____ Diameter: _____		
15. Diversion Location:		<input type="checkbox"/> Left bank (downstream view) <input type="checkbox"/> Right bank (downstream view) <input type="checkbox"/> Across entire stream channel		
Provide the general location of the diversion intake structure in relation to the streambank.				
16. Intake Dimensions: (feet)		Width: _____ Height: _____ Length: _____ Diameter: _____		
17. Average diversion amount: (cubic feet per second)				
18. Diversion is part of a system of diversions: <input type="checkbox"/> Yes <input type="checkbox"/> No				
19. Diverted flow can be controlled: <input type="checkbox"/> Yes <input type="checkbox"/> No				
Control Dimensions: (feet) Width: _____ Height: _____ Length: _____ Diameter: _____				
20. Water will be pumped from the stream: <input type="checkbox"/> Yes <input type="checkbox"/> No				
If yes, identify pump capacity: (gallons per minute)		Daily average pumping time: (hours)		
21. Water will be impounded in the stream channel: <input type="checkbox"/> Yes <input type="checkbox"/> No				
22. Water diversion capacity will be measured daily: <input type="checkbox"/> Yes <input type="checkbox"/> No				
23. Water will be returned to the stream: <input type="checkbox"/> Yes <input type="checkbox"/> No				
If yes, average amount of return flow: (cubic feet per second)				
24. Water will be stored off-stream: <input type="checkbox"/> Yes <input type="checkbox"/> No				
Describe storage facility:		Storage capacity: (gallons)		
25. State Land Use Classification: (Check all that apply) <input type="checkbox"/> Agriculture <input type="checkbox"/> Conservation <input type="checkbox"/> Rural <input type="checkbox"/> Urban				
WATER USE INFORMATION				
Check all water use categories below that are intended for the proposed diversion, then describe the proposed use in more detail.				
<input type="checkbox"/> 26. Agriculture				
<input type="checkbox"/> 27. Domestic				
<input type="checkbox"/> 28. Industrial				
<input type="checkbox"/> 29. Irrigation				
<input type="checkbox"/> 30. Military				
<input type="checkbox"/> 31. Municipal				
LEGAL REQUIREMENTS				
If required, the permits or approvals below must be obtained before the Commission on Water Resource Management can legally issue a permit. Visit the Commission's Applications & Forms webpage (http://dlnr.hawaii.gov/cwrm/info/forms/) for links to agency websites/contact information.				
32. Conservation District Use Permit (CDUP): To find out if your stream diversion works is located in a Conservation District (CD), you may visit to the Land Use Commission (LUC) website at http://luc.hawaii.gov/maps to view Land Use District Boundary maps. If the stream diversion works will be located in a CD, contact the Department of Land and Natural Resources' Office of Conservation and Coastal Lands (OCCL) at (808) 587-0377 to determine if a CDUP is required.				
<input type="checkbox"/> Stream diversion works is in a Conservation District. <input type="checkbox"/> Required. CDUP #: _____ Date CDUP approved: _____ <input type="checkbox"/> Not Required. Attach documentation from Office of Conservation and Coastal Lands (OCCL), Department of Land and Natural Resources. <input type="checkbox"/> I have not checked with the OCCL about whether or not a CDUP is required.				
<input checked="" type="checkbox"/> Stream diversion works is <u>not</u> in a Conservation District.				

33. **Special Management Area Permit (SMAP):** To determine if an SMAP is necessary, contact your County Planning Department.

- ☐ Required. SMAP #: _____ Date SMAP approved: _____
☐ Not Required. Attach documentation from applicable County agency.

☒ I have not checked with the County about whether or not an SMA Permit is required.

34. **State Historic Preservation Division (SHPD), Department of Land and Natural Resources:** If the parcel(s) affected by the stream alteration has been reviewed by the State Department of Land and Natural Resources Historic Preservation Division (SHPD or through an OEQC Environmental Review, Special Management Area Permit, etc.), check "yes" and attach any relevant documentation from SHDP. If the affected parcel(s) has not undergone SHDP review, attach a photograph of the affected area, a schematic diagram (showing the location, access road and infrastructure for the alteration), and a short description of the prior use(s) of the land on which the alteration resides.

*Please note: You are **strongly advised** to contact the SHPD to obtain a pre-review of your project. In the event that you do not get an HP pre-review and if during the course of either review or the permit itself it is determined that you need SHPD's concurrence, your application or permit may be held in abeyance or denied until issues with HP are resolved. To contact SHPD, please call (808) 692-8015.

☐ I have consulted the SHPD regarding potential impacts of stream channel alteration activities on historic sites. I have attached applicable documentation from the SHPD.

☒ I have not consulted with the SHPD regarding potential impacts of stream channel alteration activities on historic sites.

35. **Chapter 343, Hawaii Revised Statutes, Hawaii Environmental Policy Act:**

- ☐ An Environmental Assessment was completed, and
☐ An Environmental Impact Statement was required and has been accepted (attach letter of acceptance).

Publication date in The Environmental Notice: _____

- ☐ A Finding of No Significant Impact has been determined (attach letter).

Publication date in The Environmental Notice: _____

This project proposes:

- | | |
|---|--|
| <input type="checkbox"/> Use of state or county lands, or use of state or county funds | <input type="checkbox"/> A wastewater treatment unit |
| <input type="checkbox"/> Use within a state conservation district | <input type="checkbox"/> Waste-to-energy facility |
| <input type="checkbox"/> Use within a shoreline setback area | <input type="checkbox"/> Landfill |
| <input type="checkbox"/> Use within a national or Hawaii registered historic site | <input type="checkbox"/> Oil refinery |
| <input type="checkbox"/> Use within the Waikiki Special District | <input type="checkbox"/> Power-generating facility |
| <input type="checkbox"/> The construction, expansion or modification of helicopter facility | <input checked="" type="checkbox"/> None of the above 11 items |

OTHER REGULATORY REQUIREMENTS

If the proposed stream channel alteration is subject to the following permits or approvals, indicate by checking the appropriate box below and submit either the approval letter from the appropriate agency or attach a copy of the application form. If the proposed stream channel alteration is not subject to the following permits or approvals, indicate by checking the "N/A" (Not Applicable) field.

	Attached	N/A
36. U.S. Army Corps of Engineers (Harbors and Rivers Act, Section 404, Clean Water Act)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
37. State Department of Health, Clean Water Branch (Section 401, Clean Water Act, Water Quality Certification, Best Management Practices Plan)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
38. Right-of-Entry or Right-of-Way Permit if the proposed stream channel alteration includes State lands. (Chapter 171, Hawaii Revised Statutes)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
39. Hawaii Environmental Policy Act (Chapter 343, Hawaii Revised Statutes; Title 11, Chapter 200, Hawaii Administrative Rules)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
40. Soil and Water Conservation District	<input type="checkbox"/>	<input checked="" type="checkbox"/>
41. County Certification of "No-Rise"	<input type="checkbox"/>	<input checked="" type="checkbox"/>
42. County Grading Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>
43. County Discretionary Permit(s)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

CULTURAL IMPACTS

Articles IX and XII of the State Constitution, other state laws, and the courts of the State, require government agencies to promote and preserve cultural beliefs, practices, and resources of Native Hawaiians and other ethnic groups. If there is not enough space available, please make a note in the field (e.g., "See attached") and attach all information with this application as requested.

44. Please provide the identity and scope of cultural, historical, and natural resources in which traditional and customary native Hawaiian rights are exercised in the area.

To the best of our knowledge, WWC is not
AWARE OF ANY NATIVE HAWAIIAN RIGHTS ACTIVITY
AT THIS LOCATION.

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

There will be NO IMPAIRED NATIVE HAWAIIAN rights by the Abandonment of this Intake off of Waikapu Stream.

46. 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?

There is NO ACTION NECESSARY by the CWRM to protect NATIVE HAWAIIAN rights AS there will be no reduction / changes to those rights by this Abandonment.

PROJECT DESCRIPTION

Please complete the following sections by providing detailed information on the project components identified below. If there is not enough space available, please make a note in the field (e.g., "See attached") and attach all information with this application as requested.

47. Describe the overall project scope and objectives.

THIS DIVERSION WAS LAST ACTIVE AND USED UP TO ABOUT 2006. DUE TO URBAN DEVELOPMENT AND REDUCTION OF SUGAR FIELDS IN THE REGION REV#6 WAS NO LONGER NECESSARY AND WAS ABANDONED. THIS DIVERSION WAS THE LAST OF FOUR DIVERSIONS OFF OF WAIKAPU STREAM, FLOWS BEYOND THIS POINT MAKE THEIR WAY TO KEALEA POND IN SOUTH MAUI.

48. Describe existing stream channel dimensions and median streamflow conditions at the site of the proposed stream diversion works.

TYPICAL WAIKAPU STREAM FLOWS AT THIS POINT ARE GENERALLY LOW EXCEPT DURING PERIODS OF STORM EVENT FLOWS. THE GRATINGS OF THIS DIVERSION ARE GENERALLY PLUGGED UP, WHAT LITTLE WATER THAT DOES DROP INTO THE DIVERSION IS 100% RETURNED BACK IN THE STREAM BED NORTH SIDE TUNNEL WINDOW, SPID TUNNEL IS 100% BLOCKED. ADDITIONALLY THE CONTROL GATE STRUCTURE IS CLOSED AND LOCKED.

WWC BELIEVES THERE IS NO ADDITIONAL WORK NECESSARY FOR THE APPROVED ABANDONMENT OF THIS REGISTERED DIVERSION.

49. Identify and describe the project components outlined below

A. Materials

NONE NECESSARY

B. Quantities

N/A

C. Excavation

N/A

D. Fill

N/A

E. Disposal

N/A

F. Construction methods

N/A

G. Temporary facilities

N/A

H. Expected period of time required for construction

NO CONSTRUCTION NECESSARY

I. Liability during construction

N/A

50. Describe the project's consistency with county zoning and development plans.

N/A

51. Identify potential alternatives (sources of water) to the project and describe the relative costs and benefits of each alternative.

There is NO surface water being diverted by WWC from Waikap Stream at or below this point.

SUBMITTALS

Please submit the following plans, maps, or drawings in legible form, preferably on 8.5" by 11" sheets.

52. **Location Map:** Provide a location map of the proposed project relative to major roadways.

53. **Plans / Elevations / Sections:** Provide a plan view of the proposed stream diversion works structure in relation to the stream channel and property boundaries. Elevation and section views of the diversion structure in relation to the stream channel should also be provided if available.

SIGNATURES

Signing below indicates that the signatories understand and swear that the information provided is accurate and true to the best of their knowledge. Further, the signatories understand that if the permit requested is granted by the Commission on Water Resource Management (Commission), the permit shall be subject to the following conditions:

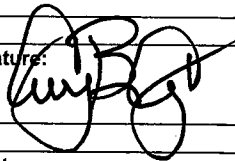
- 1) The proposed work is to be completed within two (2) years from the date of permit approval.
- 2) The permittee shall notify the Commission, by letter, of the actual dates of project initiation and completion.
- 3) The permittee shall submit a set of as-built plans and photographs to the Commission upon completion of the project.
- 4) The permit may be revoked if work is not started within six (6) months after the date of approval or if work is suspended or abandoned for six (6) months.
- 5) If the commencement or completion date is not met, the Commission may revoke the permit after giving the permittee notice of the proposed action and an opportunity to be heard.

54. APPLICANT

Print Name:

Avery B. Chumbley

Signature:



Date:

10-21-21

55. CONSULTANT

Print Name:

Signature:

Date:

56. CONTRACTOR

Print Name:

Signature:

Date:

57. **LANDOWNER** (If multiple landowners, skip Section 53, then complete and attach Form SCAP-LND with appropriate landowner signatures.)

Print Name:

Signature:

Date:

WWC diversion abandonment

Legend



Reservoir #6 intake on Waikapu Stream

N20 51.202 W156 30.245













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

REGISTRATION OF STREAM DIVERSION WORKS
 AND
 DECLARATION OF WATER USE

INSTRUCTIONS: Please type or print. If information is not available or not applicable, indicate as N/A. Fill out as completely as possible, sign, and mail form to the Division of Water Resource Management, P.O. Box 373, Honolulu, Hawaii 96809. Phone 548-3948 or 548-7543 for assistance.

MULTI-SOURCE SYSTEMS: For a system of two or more diversion structures, submit a single package to describe the complete system. Include a single location map (or a set of maps if required) showing all diversion structures and measurement points, and a separate copy of this form for each structure and measurement point. On forms describing diversion structures, complete parts A, B, D, and E. On forms describing measurement points, complete parts A, B, and F.

STREAM NAME: Waikapu Stream ISLAND: Maui
 DIVERSION STRUCTURE NAME: Reservoir 6 Intake
 DIVERSION SYSTEM NAME: Reservoir 6 Intake Ditch

A. DIVERSION WORKS OPERATOR

Firm name: Wailuku Agribusiness Co., Inc.
 Contact person: Clayton S. Suzuki
 Address: P. O. Box 520
Wailuku, Maui, Hawaii
 Zip: 96793 Phone: 244-9567

B. OWNER OF DIVERSION WORKS SITE

Firm name: Wailuku Agribusiness Co., Inc.
 Contact person: Clayton S. Suzuki
 Address: P. O. Box 520
Wailuku, Maui, Hawaii
 Zip: 96793 Phone: 244-9567

C. STREAM DIVERSION LOCATION

Tax Map Key: 3-5-04-1 Town, Place, District: Waikapu, Maui
 Attach USGS "Quad" map (scale 1:24,000), tax map, or other map showing the diversion location.

D. STREAM DATA

Streamflow at diversion site is: ☒ Perennial (Water is always flowing) ☐ Intermittent (Channel is sometimes dry)
 Is streamflow gaged? ☐ Yes ☒ No
 If yes, provide gage name, and show location on map. Name: _____
 Average flow before diversion: _____ ☐ mgd ☐ gpm ☐ cfs

E. DIVERSION STRUCTURE DATA

Year constructed: Unknown Elevation (Above mean sea level): _____
 Diversion structure is: ☒ Concrete ☐ Wood ☐ Pipe ☐ Other (Describe): _____
 Diverted flow is: ☒ Controlled ☐ Uncontrolled
 Divertable capacity is: 12 ☒ mgd ☐ gpm ☐ cfs

Submit an "as-built" drawing and dated photograph of the diversion works, if available.

... (continued over)

For Official Use Only:

Date received: _____ Date accepted: _____
 Field checked by: _____ Date: _____ Latitude: _____ Hydrologic Unit: _____
 Comments: _____ Longitude: _____ State Diversion No.: _____

References: Hawaii Revised Statutes, Chapter 174C.

Hawaii Administrative Rules, Chapters 13-167 to 13-171.

F. DECLARATION OF WATER USE

NOTE: The purpose of the Declaration of Water Use is to obtain information necessary for the management of the State's water resources. The Declaration does not confer a legal right to water or its use.

Location and name of measurement point (Show on location map): None

Water use data are recorded: ☐ Continuously ☐ Daily ☐ Other: _____

Method of measurement (Check box and describe below): ☐ Weir ☐ Rating flume ☐ Other

Description: System used on intermittent basis to supplement water to reservoir when Kama Ditch has insufficient water.

Quantity of Use (Report gaged or estimated monthly water use from the diversion described on the reverse side of this form, for the calendar years 1983 through 1987):

WATER USE, IN _____ (unit of measurement)

	1983	1984	1985	1986	1987
January					
February					
March					
April					
May					
June					
July					
August					
September					
October					
November					
December					
ANNUAL					

Typical times of usage: _____

Type of Use (Check all category boxes that apply and provide additional information as indicated.):

Category

☐ Municipal (including resorts, hotels, businesses)

☐ Domestic (systems serving 25 people or less)

☐ Irrigation

☐ Industrial

☐ Military

☐ Other

Additional Information

Number of service connections: _____

Acres Irrigated: _____

Crop(s): ☐ Sugar ☐ Pineapple

☐ Other (specify): _____

Non-Crop: ☒ Landscape ☐ Golf Course

☐ Other (specify): _____

Method: ☐ Drip ☐ Furrow ☐ Sprinkler

☐ Cooling ☐ Manufacturing ☐ Mill

☒ Other (specify): Fire protection for Wailuku Agribusiness baseyard.

Specify (livestock, hydroelectric, aquaculture, etc.): _____

Location of Use (Describe the location of water use, relative to the diversion, and indicate on location map. If water is used by others, submit a list of their names and addresses.):

Waikapu

I declare that the contents of the above Declaration of Water Use are, to the best of my knowledge and belief, true, correct, and complete.

Water User's Signature: Clayton S. Suzuki Date: APR 24 1989

Printed Name: Clayton S. Suzuki

Firm or Title (Diversion Operator, etc.): Wailuku Agribusiness Co., Inc.