**STATE OF HAWAI'I**
**DEPARTMENT OF LAND AND NATURAL RESOURCES**
**COMMISSION ON WATER RESOURCE MANAGEMENT**

**STREAM DIVERSION WORKS PERMIT APPLICATION**

**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://dnr.hawaii.gov/cwm.

- 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: **X** New  
2. Type of Construction: **X** Removal / Abandonment

### APPLICANT INFORMATION
3. **WAIKAPU WATER CO LLC**  
   - Applicant's Mailing Address: PO BOX 2950, WAIKAPU HI 96793
   - Applicant's Contact Person: AVERY B. CHUMBLEY
   - Applicant's Phone: 808-241-7079
   - 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.

### LANDOWNER'S NAME / COMPANY
4. **UN-KNOWN**  
   - Landowner's Mailing Address
   - Landowner's Contact Person
   - Landowner's Phone

### CONSULTANT'S NAME / COMPANY
5. **NA**  
   - Consultant's Mailing Address
   - Consultant's Contact Person
   - Consultant's Phone

### CONTRACTOR'S NAME / COMPANY
6. **NA**  
   - Contractor's Mailing Address
   - Contractor's Contact Person
   - Contractor's Phone

### STREAM INFORMATION
7. Island: □ Kauai  □ Oahu  □ Molokai  □ Lanai  **X** Maui  □ Hawaii
8. Tax Map Key(s) List all affected tax map key parcels.
   - WAIKAPU STREAM NO TMK NUMBER
   - Reservoir #6 INAKE
9. Stream / Gulch Name(s) List all affected streams and/or gulches.
   - WAIKAPU STREAM

**FOR OFFICIAL USE ONLY:**
- SWHU ID:
- FILE ID:
- LAT:
- GWHU ID:
- DOC ID:
- LON:
- REACH ID:
GENERAL PROJECT INFORMATION

10. Diversion No.: (If already assigned) 
11. Diversion Name: 
12. Project Site Location(s): Provide site coordinates of downstream-most point of project in degrees, minutes, seconds (NAD83); 
   Latitude: 20° 51'.02" Longtitude: 156° 30'.245" Elevation: 408 ft. above mean sea level 

13. Diversion Structure Type: (Check all that apply) 
   - Unlined channel 
   - Plastic 
   - Concrete masonry 
   - Dam/weir 
   - Pipe 
   - Hand-built rock 
   - Wood 
   - Pump 
   - Direct use 
   - Other - Describe: 

STREAM DIVERSION WORKS SPECIFICATIONS (For Abandonment, skip to Legal Requirements section, Item #32.)

14. Structure Dimensions: (feet) Width: 
   - Height: 
   - Length: 
   - Diameter: 

15. Diversion Location:
   - Left bank (downstream view) 
   - Right bank (downstream view) 
   - Across entire stream channel 

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: 
   - Yes 
   - No 

19. Diverted flow can be controlled: 
   - Yes 
   - No 

20. Water will be pumped from the stream: 
   - Yes 
   - No 

21. Water will be impounded in the stream channel: 
   - Yes 
   - No 

22. Water diversion capacity will be measured daily: 
   - Yes 
   - No 

23. Water will be returned to the stream: 
   - Yes 
   - No 

24. Water will be stored off-stream: 
   - Yes 
   - No 
   - Storage capacity: (gallons) 

25. State Land Use Classification: (Check all that apply) 
   - Agriculture 
   - Conservation 
   - Rural 
   - 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.

- 26. Agriculture 
- 27. Domestic 
- 28. Industrial 
- 29. Irrigation 
- 30. Military 
- 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 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.

- Stream diversion works is in a Conservation District.
  - Required. 
  - CDUP #: 
  - Date CDUP approved: 
  - Not Required. 
  - Attach documentation from Office of Conservation and Coastal Lands (OCCL), Department of Land and Natural Resources.
  - I have not checked with the OCCL about whether or not a CDUP is required.

Stream diversion works is not 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 SHPD. If the affected parcel(s) has not undergone SHPD 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 with 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:

☐ Use of state or county lands, or use of state or county funds

☐ Use within a state conservation district

☐ Use within a shoreline setback area

☐ Use within a national or Hawaii registered historic site

☐ Use within the Waikiki Special District

☐ The construction, expansion or modification of a waste-to-energy facility

☐ A wastewater treatment unit

☐ A waste-to-energy facility

☐ Landfill

☐ Oil refinery

☐ Power-generating facility

☒ 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 or 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.

36. U.S. Army Corps of Engineers (Harbors and Rivers Act, Section 404, Clean Water Act)

☐ Attached

37. State Department of Health, Clean Water Branch (Section 401, Clean Water Act, Water Quality Certification, Best Management Practices Plan)

☐ Attached

38. Right-of-Entry or Right-of-Way Permit if the proposed stream channel alteration includes State lands.

(Chapter 171, Hawaii Revised Statutes)

☐ Attached

39. Hawaii Environmental Policy Act (Chapter 343, Hawaii Revised Statutes; Title 11, Chapter 200, Hawaii Administrative Rules)

☐ Attached

40. Soil and Water Conservation District

☐ Attached

41. County Certification of "No-Rise"

☐ Attached

42. County Grading Permit

☐ Attached

43. County Discretionary Permit(s)

☐ Attached

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, WWF 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 or change to those rights by this abandonment.
This diversion was last active and used up to about 2006. Due to urban development and reduction of sugar fields in the region, Revulue 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.

Typical Waikapu Stream flows at this point are generally low except during periods of storm event flows. The grating 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, South tunnel is 100% blocked. Additionally, the control gate structure is closed and locked.

WUC 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.

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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.

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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.

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<th>54. APPLICANT</th>
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Print Name: 

Signature: 

Date: 10-21-21

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<th>55. CONSULTANT</th>
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Print Name: 

Signature: 

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<th>56. CONTRACTOR</th>
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Print Name: 

Signature: 

Date:

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<th>57. LANDOWNER (If multiple landowners, skip Section 53, then complete and attach Form SCAP-LND with appropriate landowner signatures.)</th>
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Print Name: 

Signature: 

Date:
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

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: __________ 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)

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Typical times of usage: ________

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

- □ Municipal (including resorts, hotels, businesses)
- □ Domestic (systems serving 25 people or less)
- □ Irrigation

Additional Information
- Number of service connections: ________
- Acres Irrigated: ________
- Crop(s): □ Sugar □ Pineapple
- Non-Crop: □ Landscape □ Golf Course
- Other (specify): ________
- Method: □ Drip □ Furrow □ Sprinkler
- □ Industrial
- □ Manufacturing □ Mill
- Other (specify): Fire protection for Wailuku Agribusiness baseyard.
- □ Military
- □ Other
- 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):

Wailuku

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: [Signature] APR 2 A 1989

Printed Name: Clayton S. Suzuki

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