



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

For Official Use Only:

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: Bob Flint & Sunny Jordan
Applicant's Contact Person: Sunny Jordan
Applicant's Phone: 808-280-3120

Applicant's Mailing Address: POB 1893, WAILUKU, HI 96793
Applicant's E-mail Address: malikoparadise@gmail.com

- ☐ 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: Bob Flint & Sunny Jordan
Landowner's Contact Person: Bob Flint and Sunny Jordan
Landowner's Phone: 808-280-3120

Landowner's Mailing Address: POB 1893, WAILUKU, HI 96793
Landowner's E-mail Address: malikoparadise@gmail.com

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) ☐ Kauai ☐ Oahu ☐ Molokai ☐ Lanai ☒ Maui ☐ Hawaii

8. Tax Map Key(s) List all affected tax map key parcels.

3-3-018-005

9. Stream / Gulch Name(s) List all affected streams and/or gulches.

WAILUKU RIVER

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

Form SDWP-APP 04/01/2021

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° 53' 10"

Longitude: -156° 30' 49"

Elevation: 476 ft. above mean sea level

13. Diversion Structure Type: (Check all that apply)

☐ Unlined channel☐ Hand-built rock☐ Concrete masonry☐ Dam/weir☐ Pipe☐ Metal☐ Plastic☐ Wood☒ Pump☐ Direct use☐ Other - Describe:**STREAM DIVERSION WORKS SPECIFICATIONS** (For Abandonments, skip to Legal Requirements section, Item #32.)

14. Structure Dimensions: (feet)

Width:

N/A using a

Height:

submersible pump

Length:

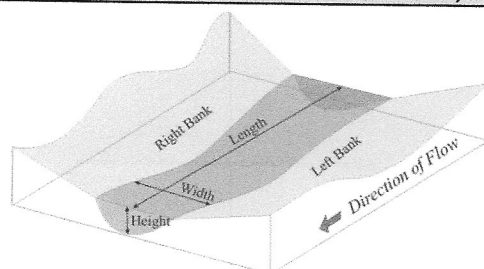
Diameter:

Provide generalized dimensions for the entire project / structure area. If the project includes a pipe (e.g., culvert, drain, etc.), provide the pipe diameter.

15. Diversion Location:

☒ Left bank (downstream view)☐ Right bank (downstream view)☐ 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: 2" p/u

17. Average diversion amount: (cubic feet per second) approximately 0.162644 cfs average twice weekly

18. Diversion is part of a system of diversions:

☐ Yes☒ No

19. Diverted flow can be controlled:

☒ Yes☐ No

Control Dimensions: (feet)

Width:

Height:

Length:

Diameter: 2" p/u

20. Water will be pumped from the stream:

☒ Yes☐ No

If yes, identify pump capacity: (gallons per minute) 73 gpm

Daily average pumping time: (hours) 1 hr. 2x week

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

If yes, average amount of return flow: (cubic feet per second)

24. Water will be stored off-stream:

☒ Yes☐ No

Storage capacity: (gallons) 25,000 gallons

Describe storage facility: 1 x 10,000g metal tank; 1 x 15,000g metal tank

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 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.☐ 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 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.

Our land was researched by Hawaiian Land Scholar Hokuao Pellegrino. Hokuao provided us with copies of Land Grants from our property, signed by Kings Kamehameha and Lunalilo at the time of the Mehele (1847). On our property were 2 Po alima that provided food to the area chiefs. These Land Grants also included testimonies of the farmers who were living and working these "Friday" farm lots. Copies of these documents are included in our SWUP application.

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

Since the Mehele of the late 1870s these lands were rich in agriculture, but have long been abandoned. We have walked our property and have found no signs of the agricultural life from 140 years ago. There are beautiful Monkey Pod trees that look to be ancient, but we have found no medicinal plants, house sites or agriculture.

There is nothing on this land that would be negatively affected or impaired by our request to bring water back to this land. To the contrary, with additional water we can return it to the beautiful and thriving land it once was.

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 are no Native Hawaiian activities or practices on our property. If there were, the minimal requested amount of water would only enhance these practices and activities.

Not only will the additional water allow us to plant and nurture native trees and plants, but our property will become an oasis for growing food and plants that will nurture our bodies, and our souls - and will encourage the return of forest birds, butterflies and beneficial insects.

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.

With additional water our 2.56 acre property can thrive. Currently the citrus and tropicals we planted 3-4 years ago are struggling. We have every plant, in every zone on our property, set up on drip irrigation (with a few drip/spray exceptions). It pains me to see them struggle.

In January 2018 your commission approved and permitted our well, No. 5331-002. Over these past 5 years, because of the drought, we have seen our well steadily drop from approximately 50" to a level near 37 inches in the summer months. We just do not have enough water for our needs.

Additionally, balancing the water level with our use has become an all consuming job. If the well drops past 37" our pump will cycle on and off, burning up the motor. In order to manually turn the well pump off it requires that we be on property every day. We and have had to cancel vacation plans and cannot even leave for a local get away.

We are requesting the minimal water allotments; 600gpd x 2 for our domestic use (Ohana and Main dwelling) and 4375gpd for our 1.75 acres of agriculture.

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

Our property ends at the river, along the top of the waterfall. It varies in width from approximately 20' wide to about 30 feet wide during the rainy season. There is always water in the pool below the falls.

It is our understanding that the Wailuku Water Company is required to maintain a stream flow of approximately 10million gallons per day.

49. Identify and describe the project components outlined below

A. Materials

2" submersible pump; 115v
2" Driscoll Line

B. Quantities

1" pump
approximately 200' of 2"driscoll line

C. Excavation

N/A

D. Fill

N/A

E. Disposal

N/A

F. Construction methods

N/A

G. Temporary facilities

Pump and pick up inlet

H. Expected period of time required for construction

N/A

I. Liability during construction

N/A

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

Our 2.56 acres is zoned AG-2 and has met and passed all county development codes: 1 farm dwelling, 1 main dwelling, 1 large capacity septic system, 2 metal water catchment storage tanks.

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

Other than the infrequent rain for catchment there is currently no alternative sources of water to our property. The County of Maui has no future plans to connect our property to County water.

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:	Signature:	Date:
Bob Flint & Sunny Jordan	 	3/16/2023

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:
Bob Flint & Sunny Jordan	 	3/16/23