MEMORANDUM FOR THE RECORD

FROM: Lenore Nakama

SUBJECT: Expiration of Pump Installation Permit for Well No. 1123-04

On July 30, 2002, a Dr. Pennyneil called for Michael Edwards to confirm that they received our certified letter and to let us know that a pump was NOT installed in the well. They instead hooked up to the City's municipal water system.
July 25, 2002

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Michael Edwards
Sustainable Kauai
P.O. Box 1208
Kilauea, HI 96754

Dear Mr. Edwards:

Notice of Expiration
Pump Installation Permit for Well No. 1123-04

This is to notify you of the expiration of the pump installation permit for the Fountain of Youth Well (Well No. 1123-04) on June 7, 2002. If a pump was installed in the well, please submit an as-built drawing of the installed pump and complete and return the attached Well Completion Report Part II, as required under Standard Permit Condition 5. Please also return a validated copy of the permit (copy enclosed).

If no work was performed under the permit, we would appreciate notification in writing at the above address, by telephone at 587-0218, or by email (www.state.hi.us/dlnr/cwrm).

If you have any questions, please contact Lenore Nakama at 587-0218 or toll-free at 274-3141, extension 70218.

Sincerely,

LINNEL T. NISHIOKA
Deputy Director

LN:ss
Enclosure
MEMORANDUM FOR THE RECORD

FROM: Lenore Nakama
SUBJECT: Cancellation of PIPA for Well No. 1123-04

Per Steve Goldberg, OK to cancel the PIPA portion of the application.

Called Michael Edwards of Sustainable Kauai on 7/19/02 and left a message that the permit expired. Since we didn’t receive executed permit or start of work notice, we’re assuming that the pump was not installed and that we would be sending a letter notifying Mr. Edwards that the permit was cancelled. If a pump has been installed, I asked Mr. Edwards to call me.
Pump Installation Permit  
Fountain of Youth Well (Well No. 1123-04)  

Enclosed are two (2) originals of your approved Pump Installation Permit for the captioned well(s) that authorize permanent pump installation work for your well(s). As part of the Chairperson's approval, the following special conditions were added and are part of your permit under Permit Condition 11:

Special Conditions

1. If the elevation benchmark needs to be altered, the permittee, well operator, and/or well owner shall ensure that the benchmark is transferred (or the well resurveyed) and documentation of the new benchmark shall be submitted to the Commission within sixty (60) days after the pump is installed.

The permittee, well operator, and/or well owner are responsible for all conditions of the permit. This includes ensuring that the pump installation contractor submits a completed Part II of the Well Completion Report form (enclosed) within sixty (60) days after the pump installation work is completed. Be advised that you may be subject to fines of up to $1000 per day for any violations of your permit conditions starting from the permit approval date.

Please sign and have the contractor sign both permit originals and return one for our files. A copy of the Well Completion Report (Part II) and a copy of your water use report form are enclosed for your use.

IMPORTANT - Pump installation shall not commence until a fully signed permit is returned to the Commission. Except for the monthly water use report form, please provide copies of all the information in this packet to your pump installation contractor.

Finally, this letter is notice that we have accepted your Well Completion Report - Part I as complete.

If you have any questions, please call the Commission staff at 587-0218 or toll-free at 274-3141, extension 70218.

Aloha,

TIMOTHY E. JOHNS  
Chairperson

Enclosure
PUMP INSTALLATION PERMIT
Fountain of Youth Well, Well No. 1123-04

In accordance with Department of Land and Natural Resources, Commission on Water Resource Management's Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", this document permits the pump installation for Fountain of Youth Well (Well No. 1123-04) at Lot 7 of Puu Pane Subdivision, Kauai, TMK 5-1-5:106, subject to the Hawaii Well Construction & Pump Installation Standards (1/23/97) which include but are not limited to the following conditions:

1. The Chairperson to the Commission on Water Resource Management (Commission), P.O. Box 621, Honolulu, HI 96809, shall be notified, in writing, at least two (2) weeks before any work covered by this permit commences and staff shall be allowed to inspect installation activities in accordance with §13-168-15, Hawaii Administrative Rules.
2. The pump installation permit shall be for installation of a 25 gpm capacity, or less, pump in the well.
3. The permittee, well operator, and/or well owner shall provide and maintain an approved meter or other appropriate means for measuring and reporting withdrawals and water levels, and appropriate devices or means for measuring chlorides and temperature. These data shall be measured monthly and reported to the Commission on a monthly basis, on forms provided by the Chairperson (attached).
4. The proposed use shall not adversely affect existing or future legal uses of water in the area, including any surface water or established instream flow standards. This permit or the authorization to pump water from a well shall not constitute a determination of correlative water rights. The permittee, well operator, and/or well owner are notified and by this provision understands that the quantity of water taken from the well could be reduced by the Commission in the future. This permit is not a commitment that the pump capacity permitted here or even some lesser amount is guaranteed in the future.
5. The permittee, well operator, and/or well owner shall complete and submit as-built drawings and Part II - (Permanent) Pump Installation Report of the Well Completion Report (attached) to the Chairperson within sixty (60) days after completion of work.
6. The permittee, well operator, and/or well owner shall comply with all applicable laws, rules, and ordinances, and non-compliance may be grounds for revocation of this permit.
7. The pump installation permit application is incorporated into this permit by reference and is subject to the Hawaii Well Construction & Pump Installation Standards (1/23/97). If the HWCPIS are not followed and as a consequence water is wasted or contaminated, a lien on the property may result.
8. 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, unless otherwise specified. The work proposed in the pump installation permit application shall be completed within two (2) years from the date of permit approval, unless otherwise specified. The permit may be extended by the Chairperson upon a showing of good cause and good-faith performance. A request to extend the permit shall be submitted to the Chairperson no later than three (3) months prior to the date the permit expires. If the commencement date is not met, the Commission may revoke the permit after giving the permittee, well operator, and/or well owner notice of the proposed action and an opportunity to be heard.
9. If the well is not to be used it must be properly capped. If the well is to be abandoned then the permittee, well operator, and/or well owner must apply for a well abandonment permit in accordance with §13-168-12(f) prior to any well sealing or plugging work.
10. The permittee, its successors, and assigns shall indemnify, defend, and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, or death arising out of any act or omission of the applicant, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit.
11. Special conditions in the attached cover transmittal letter are incorporated herein by reference.

Date of Approval: June 7, 2000
Expiration Date: June 7, 2002

TIMOTHY E. JOHNS, Chairperson
Commission on Water Resource Management

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed and understand that I shall not commence work until I and the pump installer have signed, dated, and returned the permit to the Commission. I also understand that non-compliance with any permit condition may be grounds for revocation and fines of up to $1000 per day starting from the permit date of approval.

Permittee's Signature: ___________________________ Date: __________
Printed Name: ___________________________ Firm or Title: ___________________________

Installer's Signature: ___________________________ C-57, C-57a, or A License #: ___________________________ Date: __________
Printed Name: ___________________________ Firm or Title: ___________________________

Please sign both copies of this permit, return one to the Chairperson, and retain the other for your records.

Attachments

C:
USGS
Department of Health/ Safe Drinking Water & Wastewater Branch
Kauai Department of Water Supply
As Built Drawing Well # 1123-04

140' 6" Solid Casing

14" Diameter Grouted Bore Hole

120' Grouted Bore Hole

Water Level

14" Diameter Bore Hole

60' 6" Perforated Casing
# WELL COMPLETION REPORT

**Part I: Well Construction**

1. **State Well No:** 1123-04  **Well Name:** Fountain of Youth  **Island:** Oahu
2. **Location/Address:** Lot 7 of Puna Puna Subdivision  **Tax Map Key:** E-1-65-108

## 3. Drilling Company

- **Name:** OASIS WATER SYSTEMS, INC
- **Drailler:** Barry Wayne Simmons

## 5. Type of Refurbishment

- **Type:** AIR ROTARY

## 6. Date(s) Well Construction and Pump Tests (if any) completed:

- **Date:** 5-13-00
- **Well Bench Mark (description/location):** WLI de 1333-03
- **Elevation (msl):** 415 ft.

## 7. GROUND ELEVATION (referred to mean sea level, msl):

- **Elevation (msl):** 397.24 ft.

## 8. DRILLER'S LOG: Please attach geologic log (if available or if required by permit).

<table>
<thead>
<tr>
<th>Depth (ft)</th>
<th>Rock Description, Water Level, Dates, etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 24</td>
<td><strong>CLAY Top Soil</strong></td>
</tr>
<tr>
<td>24 to 71</td>
<td><strong>CLAY, Top Clay, Silt, Clay, beaches</strong></td>
</tr>
<tr>
<td>71 to 210</td>
<td><strong>CLAY, Top Bed, Clay, beaches</strong></td>
</tr>
</tbody>
</table>

## 9. Total depth of well below ground:

- **Depth:** 210 ft.

## 10. Hole size:

- **Diameter:** 19 in.
- **Depth:** 0 ft. to 200 ft. below ground

## 11. Casing installed:

- **Size:** 4 in. I.D. x 120 ft. below ground
- **Material/Slot Size:**

## 12. Annulus:

- **Gravel packed from:**
- **Gravel packed to:**

## 13. Initial water level:

- **Level:** 110 ft. below ground
- **Date and time of measurement:** 5-21-00

## 14. Initial chloride:

- **Level:** 50 ppm
- **Date and time of sampling:**

## 15. Initial temperature:

- **Level:** 72°F
- **Date and time of measurement:**

## 16. PUMPING TESTS: Reference Point (R.P.) used:

- **Step-Drained Down Test Date:** N.A.
- **Long-term Aquifer Test Date:**

## 17. Pump Test Procedures data & graphs (124/97 SDPTD & CRPTD Forms) attached?

- **Attached:** Yes

## 18. As-built drawings attached?

- **Attached:** Yes

**Other remarks/announcements:** (On back of this form)

**Well Drilling Contractor (print):** Barry Wayne Simmons
**Lic. No.:** 21457
**Date:** 5-22-00

**Surveyor (print):** Peter N. Taylor
**Lic. No.:** 9149
**Date:** 5-23-00

**Applicant (print):** Michael H. Barros
**Date:** 5-1-00
### WCR 1 Check for Well No. 1123-04

#### 1. Pump Tests Check

<table>
<thead>
<tr>
<th>Test Type</th>
<th>Yes</th>
<th>No</th>
<th>If no, describe deficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Step-Drawdown Test</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>acceptable</td>
<td>☐</td>
<td>☑</td>
<td></td>
</tr>
<tr>
<td>followed WCPI Stds</td>
<td>☐</td>
<td>☑</td>
<td></td>
</tr>
<tr>
<td>analysis attached</td>
<td>☐</td>
<td>☑</td>
<td></td>
</tr>
<tr>
<td>proposed pump cap o.k.</td>
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<td>☑</td>
<td></td>
</tr>
<tr>
<td>Aquifer Pump Test</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>acceptable</td>
<td>☐</td>
<td>☑</td>
<td></td>
</tr>
<tr>
<td>followed WCPI Stds</td>
<td>☐</td>
<td>☑</td>
<td></td>
</tr>
<tr>
<td>T &amp; S analysis attached</td>
<td>☐</td>
<td>☑</td>
<td></td>
</tr>
<tr>
<td>Well Interference</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>estimated Steady-State drawdown at 1-mile radius is</td>
<td>☐</td>
<td>☑</td>
<td>analysis attached</td>
</tr>
<tr>
<td>Stream Surface Water Impacted</td>
<td>☐</td>
<td>☑</td>
<td>← If yes, identify most probable stream</td>
</tr>
</tbody>
</table>

#### 2. Construction Check

<table>
<thead>
<tr>
<th>Task</th>
<th>Yes</th>
<th>No</th>
<th>If no, describe deficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>data complete</td>
<td>☐</td>
<td>☑</td>
<td></td>
</tr>
<tr>
<td>followed WCPI Stds</td>
<td>☐</td>
<td>☑</td>
<td></td>
</tr>
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<td>wellphys.dbf updated</td>
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<td></td>
</tr>
<tr>
<td>welaplic.dbf updated</td>
<td>☐</td>
<td>☑</td>
<td></td>
</tr>
</tbody>
</table>

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AS BUILT SECTION OF WELL

6-5-00 called Steve, he will send in as-built plan on 5/11/00.
**WELL COMPLETION REPORT**

Part I. Well Construction & Part II. Permanent Pump Installation

**State of Hawaii**

COMMISSION ON WATER RESOURCE MANAGEMENT

Department of Land and Natural Resources

**WELL COMPLETION REPORT**

**State Well No.: 1123-04**  
**Well Name:** Fountain of Youth  
**Island:** Oahu  
**Location/Address:** Lot 7 of Pun Puna Subdivision  
**Tax Map Key:** 5-1-05:106

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### Part I: WELL CONSTRUCTION REPORT

1. **Drilling Company:** OASIS WATER SYSTEMS, INC  
2. **Name of driller who performed work:** BARRY WAYNE SIMMONS  
3. **Type of rig/construction:** Air Rotary  
4. **Date(s) Well Construction and pump tests (if any) completed:** 5-23-00  
5. **GROUND ELEVATION (referenced to mean sea level, msl):** 397.2 ft.  
   - Well Bench Mark (description/location): W.1223-03  
   - Elevation (msl): 415.5 ft.  
6. **DRILLER'S LOG:** Please attach geologic log (if available or if required by permit)
   - Depths (ft.)  
     - Rock Description, Water Level, Dates, etc.  
   - Depths (ft.)  
     - Rock Description, Water Level, Dates, etc.

   - 0 to 0 (Clay Top Soil)  
   - 0 to 34 (Bite Rock)  
   - 34 to 51 (Clay & Basalt Rock)  
   - 51 to 124 (Blue Rock, Shale, Basalt, Rock)  

   (If more space is needed, continue on back.)

7. **Total depth of well below ground:** 200 ft.  
8. **Hole size:** 14 inch dia. from 0 ft. to 200 ft. below ground  
   - 0 ft. to 34 inch dia. from 0 ft. to 200 ft. below ground  
   - 34 ft. to 51 inch dia. from 0 ft. to 200 ft. below ground  

9. **Casing installed:**  
   - 0 in. I.D. x 12 in. wall solid section to 120 ft. below ground  
   - 120 ft. below ground to 6 in. wall perforated section to 200 ft. below ground

10. **Annulus:**  
    - Grouted from 120 ft. below ground to 6 in. below ground  
    - Gravel packed from 6 in. below ground to 200 ft. below ground  

11. **Initial water level:** 100 ft. below ground  
12. **Initial chloride:** ppm  
13. **Initial temperature:** °F  
14. **PUMPING TESTS:** Reference Point (R.P.) used: ___, which elevation is __ ft.  
   - Step-Drawdown Test Date NA  
   - Start water level __ ft. below R.P.  
   - End water level __ ft. below R.P.  

15. **Pump Test Procedures data & graphs (12/17/97 SDPTD & CRPTD Forms) attached?** Yes X No  
16. **As-built drawings attached?** Yes X No  
17. **Remarks/comments:** (On back of this form)

---

**Well Drilling Contractor (print):** BARRY WAYNE SIMMONS  
**Lic. No.:** 21457  
**Date:** 5-23-00

**Surveyor (print):** PATRICK N. TAYLOR  
**Lic. No.:** 9149  
**Date:** 5-21-00

**Applicant (print):** MICHAEL FLOWERS  
**Signature:**  
**Date:** 6-1-00
WELL ELEVATION
WELL # 1123-04

OWNER: MICHAEL EDWARDS
T.M.K. (4) 5-1-05:106

BENCH MARK USED: WELL SITE #1223-03 ELEVATION OF 415.50'
May 31, 2000

Michael Edwards
Sustainable Kauai Mission
P.O. Box 1208
Kilauea, HI 96754

Dear Mr. Edwards:

This letter is to document for you the relationship between Barry Simmons and Oasis Water Systems, Inc.

Mr. Simmons is our RME, Responsible Managing Employee, he is not a subcontractor, and is employed by us as our Well Drilling Specialist and operates under our contractors' license.

Please let me know if you need any additional information.

Sincerely,

Benjamin Garfinkle
President

---

Steve Goldberg, Vice President & General Manager
Barry Wayne Simmons, Drilling Specialist, License # C-21458
P.O. Box 535, Kilauea, HI 96754  808-828-6876  FAX 808-828-0778
### PART II. (PERMANENT) PUMP INSTALLATION REPORT

20. Pump Installation Company: ____________________________

21. Name of person performing work: _______________________

22. Date Pump Installation Completed: _______________________

23. PUMP INSTALLATION:

<table>
<thead>
<tr>
<th>Pump Type, Make, Serial No.</th>
<th>Capacity gpm</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Motor type, H.P., Voltage, rpm</th>
<th>Depth of Pump Intake Setting ft. below ground □</th>
<th>Depth to bottom of airline ft. below ground □</th>
</tr>
</thead>
</table>

Pumping Head is ______ ft. Type of flow meter: ________________________ which measures in ______

24. As-built drawings attached? Yes □ No □

25. Other remarks/comments: (See below) ____________________________

---

### Pump Installation Contractor (print) C-67 Lic. No.

Signature ____________________________ Date __________________

Applicant (print) ____________________________

Signature ____________________________ Date __________________

---

### DRILLER'S LOG (cont'd):

<table>
<thead>
<tr>
<th>Depths (ft.)</th>
<th>Rock Description, Water Level, Dates, etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>124 to 147</td>
<td>Cinder + Clay Stones</td>
</tr>
<tr>
<td>147 to 159</td>
<td>Blue Rock</td>
</tr>
<tr>
<td>157 to 193</td>
<td>Cinder - Flint</td>
</tr>
<tr>
<td>193 to 200</td>
<td>Rock - Sand + Clay</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Depths (ft.)</th>
<th>Rock Description, Water Level, Dates, etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Lenore, attached please find the signed well construction permit for the above reference well. Please call me if you have any questions or need any additional information.

Sincerely,

Samantha Geimer, Office Manager 808-635-7671
WELL CONSTRUCTION PERMIT

Fountain of Youth Well, Well No. 1123-04

In accordance with Department of Land and Natural Resources, Commission on Water Resource Management's Administrative Rules, Section 14-10.4, entitled "Well Use, Wells, and Storage Dynamic Water," this document permits the construction and testing of Fountain of Youth Well (Well No. 1123-04) at Lot 2 of Puu Puna Subdivision, Kauai, Kauai, subject to the Hawaii Uniform Plumbing Code Installation Standards (V/04-07) which include but are not limited to the following conditions:

1. The Chairperson of the Commission on Water Resource Management (Chairperson), P.O. Box 299, Honolulu, HI 96809, shall notify, by certified mail, at least two (2) weeks prior to the permit's expiration, the Chairperson shall notify the Commission on Water Resource Management of the expiration of the permit.

2. The well permit holder shall be responsible for the construction and testing of the well. A permanent water meter must be installed in the well as规定的.

3. The permit holder shall be responsible for the installation of a permanent water meter and any work required by the permit. Any work required by the permit shall be performed in strict accordance with the Uniform Plumbing Code Installation Standards (V/04-07).

4. If the well is not completed within six months of the permit's expiration, the well shall be abandoned according to the Uniform Plumbing Code Installation Standards (V/04-07).

5. The well shall be tested for adequacy of testing the well site. A permanent water meter must be installed in the well as specified.

6. The permit holder shall be responsible for the installation of a permanent water meter and any work required by the permit. Any work required by the permit shall be performed in strict accordance with the Uniform Plumbing Code Installation Standards (V/04-07).

7. The well shall be abandoned according to the Uniform Plumbing Code Installation Standards (V/04-07).

8. The well shall be abandoned according to the Uniform Plumbing Code Installation Standards (V/04-07).

Date of Approval: March 7, 2005
Expiration Date: March 7, 2006

TOTALS: 8

I certify that I have read and am familiar with the contents of this permit. I have attached the necessary supporting documents and have reviewed them. I have verified that the information provided is accurate and complete. This permit is valid only for the purpose or construction of the well specified. The permit is valid for a period of one year from the date of issuance.

Permittee's Signature: [Signature]
Date: 5-23-05

Printed Name: [Printed Name]
Firm or Title: [Firm or Title]

Driller's Signature: [Signature]
Date: 5-23-05

Printed Name: [Printed Name]
C-67 License #: [C-67 License #]

Please sign both copies of this permit, retain one for the Chairperson, and retain the other for your records.

Attachment
[Attachment]

[End of document]
Dear Mr. Edwards:

Well Construction Permit
Fountain of Youth Well (Well No. 1123-04)

Enclosed are two (2) copies of your approved Well Construction Permit for the captioned well(s) that authorize well construction activities but excludes installation work for your permanent pump. As part of the Chairperson's approval, the following special conditions were added and are part of your permit under Permit Condition 13:

Special Conditions

1. Attached for your information is a copy of the Department of Health's (DOH) review comments. Please note DOH’s requirements related to discharge of effluent from well drilling and testing activities.

2. The wall thickness of well casing shall be selected in accordance with good design practices applied with due consideration to conditions at the site of the well and shall be sufficient to withstand anticipated formation and hydrostatic pressures imposed on the casing during its installation, grouting, well development, and use. The minimum wall thickness of carbon-steel casings in wells shall conform to Table 4 and the AWWA standards for water wells (ANSI/AWWA A100-90), as may be amended.

3. Standard Condition 2 is modified to exempt the permittee from the requirements for a pump test.

This permit does not authorize work for your permanent pump installation. Approval and issuance of your pump installation permit is contingent upon completed application and information provided to and accepted by Commission staff as required in the Well Construction & Pump Installation Standards (1/23/97) and any special conditions performed under this permit. However, a permanent pump may be installed prior to the permanent pump installation permit issuance in accordance with the Commission's April 15, 1998 Declaratory Ruling No. DEC-ADM98-G5, which states that:
Mr. Michael Edwards

Page 2
MAR - 3 2000

"Permanent pump installation for capacities between 0-70 gpm and where the proposed use is for private individual needs in non-ground-water management areas may be allowed prior to the final pump installation permit issuance. When required as a condition of the well construction permit, subsequent pumping tests shall validate the acceptability of the permanent pump. The permanent pump installed prior to final pump installation permit issuance is subject to removal if the testing shows that a smaller pump is required to reduce the potential of affecting neighboring wells and localized upconing at the applicant's well."

If you qualify and wish to take advantage of this ruling, please include a written request to install the permanent pump prior to final pump installation permit issuance when you return to us your signed well construction permit.

Please sign and have the contractor sign both permit originals and return one for our files.

IMPORTANT - Drilling work shall not commence until a fully signed permit is returned to the Commission. Please provide all the information in this packet to your well drilling contractor. The permittee, well operator, and/or well owner are responsible for all conditions of the permit. This includes ensuring that the well construction contractor, or other party who constructs the well(s), submits a completed Part I of the Well Completion Report form (enclosed) within sixty (60) days after the well construction work is completed. Be advised that you may be subject to fines of up to $1000 per day for any violations of your permit conditions starting from the permit approval date.

If you have any questions, please call the Commission staff at 587-0218 or toll-free at 274-3141, extension 70218.

Aloha,

TIMOTHY E. JOHNS
Chairperson

Enclosures
WELL CONSTRUCTION PERMIT
Fountain of Youth Well, Well No. 1123-04

In accordance with Department of Land and Natural Resources, Commission on Water Resource Management's Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", this document permits the construction and testing of Fountain of Youth Well (Well No. 1123-04) at Lot 7 of Puu Pane Subdivision, Kauai, TMK 5-1-5-106 subject to the Hawaii Well Construction & Pump Installation Standards (1/23/97) which include but are not limited to the following conditions:

1. The Chairperson of the Commission on Water Resource Management (Commission), P.O. Box 621, Honolulu, HI 96809, shall be notified in writing, at least two (2) weeks before any permit authorized by this permit commences and staff shall be allowed to inspect installation activities in accordance with §13-168-15, Hawaii Administrative Rules.

2. The well construction permit shall be for construction and testing of the well only. A minimum one-inch diameter monitor tube shall be permanently installed, in a manner acceptable to the Chairperson, to accurately record water levels. The permittee, well operator, and/or well owner shall coordinate with the Chairperson and conduct a pumping test in accordance with the Standards (a pump testing worksheet is attached). The permittee, well operator, and/or well owner shall submit to the Chairperson the test results as a basis for supporting an application to install a permanent pump and withdraw water for use. No permanent pump may be installed until a pump installation permit is approved and issued by the Chairperson.

3. In basal ground water, the depth of the well may not exceed one-fourth (1/4) of the theoretical depth (41 times initial head) of the basal ground water unless otherwise authorized by the Chairperson.

4. The permittee, well operator, and/or well owner shall incorporate mitigation measures to prevent construction debris from entering the aquatic environment, to schedule work to avoid periods of high rainfall, and to revegetate any cleared areas as soon as possible.

5. In the event that subsurface cultural remains such as artifacts, burials or concentrations of shells or charcoal are encountered during construction, the permittee, well operator, and/or well owner shall stop work and contact the Department's Historic Preservation immediately.

6. The proposed well construction shall not adversely affect existing or future legal uses of water in the area, including any surface water or established instream flow standards. This permit or the authorization to construct the well shall not constitute a determination of corrective water rights.

7. The following shall be submitted to the Chairperson within sixty (60) days after completion of work:
   b. Elevation (referred to mean sea level, msl) survey by a Hawaii-licensed surveyor.
   c. As-built sectional drawing of the well.
   d. Plot plan and map showing the exact location of the well.
   e. Complete pumping test records, including time, pumping rate, drawdown, chloride content, and other data.

8. The permittee, well operator, and/or well owner shall comply with all applicable laws, rules, and ordinances; non-compliance may be grounds for revocation of this permit.

9. The well construction permit application is incorporated into this permit by reference and is subject to the Hawaii Well Construction & Pump Installation Standards (January 23, 1997, HWCPIS). If the HWCPIS are not followed and as a consequence water is wasted or contaminated, a lien on the property may result.

10. The permit may be revoked by the Commission 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, unless otherwise specified. The work proposed in the well construction permit application shall be completed within two (2) years from the date of permit approval, unless otherwise specified. The permit may be extended by the Chairperson upon a showing of good cause and good faith performance. A request to extend the permit shall be submitted to the Chairperson no later than three (3) months prior to the date the permit expires. If the commencement date is not met, the Commission may revoke the permit after giving the permittee, well operator, and/or well owner notice of the proposed action and an opportunity to be heard.

11. If the well is not to be used it must be properly capped. If the well is to be abandoned then the permittee, well operator, and/or well owner must apply for a well abandonment permit in accordance with §13-168-12(f) prior to any well sealing or plugging work.

12. The permittee, its successors, and assigns shall indemnify, defend, and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, or death arising out of any act or omission of the applicant, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit.

13. Special conditions in the attached cover transmittal letter are incorporated herein by reference.

Date of Approval: March 7, 2000
Expiration Date: March 7, 2002

TIMOTHY E. JOHNS, Chairperson
Commission on Water Resource Management

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed and understand that I shall not commence work until I and the driller have signed, dated, and returned the permit to the Commission. I also understand that non-compliance with any permit condition may be grounds for revocation and fines of up to $1000 per day starting from the permit date of approval.

Permittee's Signature: ________________________ Date: __________
Printed Name: ________________________________ Firm or Title: ________________________________
Driller's Signature: ____________________________ C-57 License #: __________ Date: __________
Printed Name: ________________________________ Firm or Title: ________________________________

Please sign both copies of this permit, return one to the Chairperson, and retain the other for your records.

Attachment
 c: USGS
    Department of Health's Safe Drinking Water, Wastewater, and Clean Water Branches
    Kauai Department of Water Supply
## SECTION 1: WELL LOCATION INFORMATION

<table>
<thead>
<tr>
<th>Island</th>
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<tr>
<td>Aquifer System</td>
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<td>Aquifer Sector</td>
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<td>System Sustainable Yield</td>
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## SECTION 2: WELL SECTION DATA  
(enter data in grey cells only)

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<tr>
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<tr>
<td>Ground Elevation</td>
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<td>Cement Grout</td>
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<tr>
<td>Rock Packing</td>
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<td>Hole Diameter</td>
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<td>Calculated Aquifer Thickness</td>
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<td>County Water Supply (Y/N ?)</td>
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<table>
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</thead>
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<tr>
<td>Wall Thickness</td>
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<td>Diameter</td>
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## SECTION 3: CHECKLIST  
(values to check are shaded)

### Well Depth
- Theoretical Thickness of Aquifer: 17999 ft.
- 1/4 Aquifer Thickness: 4500 ft.
- Depth of Well below Sea Level: 10 ft.  
  - okay (refer to HWCPIS Section 2.2)

### Well Casing
- Minimum Wall Thickness
  - Steel: non-county
    - County or Non-County: non-county
    - Minimum Thickness per standards: #N/A in.
    - Wall Thickness Provided: 0.313 in.  
      - #N/A (refer to HWCPIS Section 2.4 c)
- Minimum Length of Solid Casing: 90% of ground to top of aquifer
  - Length of solid casing Provided: 300 ft.  
    - okay (refer to HWCPIS Section 2.4 d)
- Casing Material
  - ASTM A53  
    - okay (refer to HWCPIS Section 2.4 e)

### Annular Space
- If the cell above reads #N/A, reference HWCPIS)
- Depth of Grouting
  - Calculated Depth of Grouting: -27.3 ft.
  - Depth of Grouting provided: 210 ft.  
    - okay (refer to HWCPIS Section 2.6 c)
- Thickness of Annular Space
  - 3 in.  
    - okay (refer to HWCPIS Section 2.6 d)
TO: Dean Y. Uchida, Administrator  
Land Division

FROM: Linnel T. Nishioka, Deputy Director  
Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application  
Fountain of Youth Well (Well No. 1123-04)

Transmitted for your review and comment is a copy of the captioned well application which includes a request for a pump installation permit.

We would appreciate your comments on the captioned with regard to the programs, plans, and objectives specific to your division. Specifically, Item 9 on the application has been added per your request concerning water lease/permits administered by your division. Please respond by returning this cover memo form by March 3, 2000.

Please find the attached maps to locate the proposed well. If you have any questions about this permit application, request additional information, or request additional review time, please contact Lenore Nakama of the Commission staff at 587-0218.

LN:ss
Attachment(s)

RESPONSE:

[ ] A water lease/permit is required of this applicant and an application for such will be requested by our division.

[X] A water lease/permit is not required of this applicant.

[ ] A water lease/permit has been obtained by the applicant through lease no. _______.

[ ] Other relevant Land Division rules/regulations, information, or recommendations are attached.

[ ] No objections

[X] Other comments: The application indicates the TMK to be 5-1-05:106, however, the TMK map provided indicates the TMK is 5-1-05:52, which is probably correct as the Kauai ownership situs does not show TMK: 5-1-05:106 existing. Based on TMK:5-1-05:52, the original source of title is Land Commission Award 8559-B:38 issued 1845 to 1850.

Contact Person: Gary Martin  
Phone: 70421

Signed:  
Date: FEB 28 2000
TO: Honorable Bruce S. Anderson, Director  
Department of Health  
Attention: Dennis Tulang, Wastewater Branch  
William Wong, Safe Drinking Water Branch

FROM: Timothy E. Johns, Chairperson  
Commission on Water Resource Management

SUBJECT: Well Construction Permit Application  
Fountain of Youth Well (Well No. 1123-04)

Transmitted for your review and comment is a copy of the captioned well application.

We would appreciate your comments on the captioned application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your department. Please respond by returning this cover memo form by March 3, 2000.

Please find the attached maps to locate the proposed well. If you have any questions about this permit application, request additional information, or request additional review time, please contact Lenore Nakama of the Commission staff at 587-0218.

RESPONSE:

This well qualifies as a source which will serve as a source of potable water to a public water system (serving 25 or more people at least 60 days per year or has 15 or more service connections) and must receive Director of Health approval prior to its use to comply with Hawaii Administrative Rules (HAR), Title 11, Chapter 20, Rules Relating to Potable Water Systems, §11-20-29.

This well does not qualify as a source serving a public water system (serves less than 25 people or more people at least 60 days per year or 15 service connections) and if the well water is used for drinking, the private owner should test for bacteriological and chemical presence before initiating such use and routinely monitor the water quality thereafter. However, if future planned use from this source increases to meet the public water system definition then Director of Health approval is required prior to implementation.

If the well is used to supply both potable and non-potable purposes in a single system, the user shall eliminate cross-connections and backflow connections by physically separating potable and non-potable systems by an air gap or an approved backflow preventer, and by clearly labeling all non-potable spigots with warning signs to prevent inadvertent consumption of non-potable water. Backflow prevention devices should be routinely inspected and tested.

It does not appear that this well will be used for consumptive purposes and is not subject to Safe Drinking Water Regulations.

For the applicant's information, a source of possible wastewater contamination [ ] is not located near the proposed well site (information attached).

Other relevant DOH rules/regulations, information, or recommendations are attached.

No comments/objections

Contact Person: Lori Kajiwara  
Phone: 808-429-7212

Signed: M. N. Kajiwara  
Date: 2-24-2000
TO: Honorable Bruce S. Anderson, Director  
Department of Health  
Attention: Dennis Tulang, Wastewater Branch  
William Wong, Safe Drinking Water Branch

FROM: Timothy E. Johns, Chairperson  
Commission on Water Resource Management

SUBJECT: Well Construction Permit Application  
Fountain of Youth Well (Well No. 1123-04)

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Please find the attached maps to locate the proposed well. If you have any questions about this permit application, request additional information, or request additional review time, please contact Lenore Nakama of the Commission staff at 587-0218.

LN:ss  
Attachment(s)

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Other relevant DOH rules/regulations, information, or recommendations are attached.

No comments/objections

Contact Person: William Wong  
Phone: 586-4258

Signed: William Wong  
Date: 02/25/00
The Department of Health, Clean Water Branch has the following comments:

1. For Well-Drilling Activities

   Any discharge to State waters of treated process wastewater effluent associated with well drilling activities is regulated by Hawaii Administrative Rules, Chapter 11-55, Appendix I, effective September 22, 1997. Treated process wastewater effluent covered by this general permit includes well drilling slurries, lubricating fluids wastewaters, and well purge wastewaters. This general permit does not cover well pump testing. The applicable Notice of Intent Forms and filing fee shall be submitted at least thirty (30) days before the start of discharge to the Department of Health, Clean Water Branch at 919 Ala Moana Boulevard, Room 301, Honolulu, Hawaii 96814-4920 or P.O. Box 3378, Honolulu, Hawaii 96801-3378. Inquiries may be directed to the Clean Water Branch at (808) 586-4309 or by fax at (808) 586-4352.

2. For Well Pump Testing

   The discharger shall take all measures necessary to prevent the discharge of pollutants from entering state waters. Such measures shall include, if necessary, containment of the initial discharge until the discharge is essentially free of pollutants. If the discharge is entering a stream or river bed, best management practices shall be implemented to prevent the discharge from disturbing the clarity of the receiving water. If the discharge is entering a storm drain, the discharger must obtain written permission from the owner of that storm drain prior to discharge. Furthermore, best management practices shall be implemented to prevent the discharge from collecting sediments and other pollutants prior to entering the storm drain.

JS/cr
Mr. Michael Edwards  
Sustainable Kauai  
P.O. Box 1208  
Kilauea, HI 96754

Dear Mr. Edwards:

Well Construction / Pump Installation Permit Application for Well No. 1123-04

We acknowledge receipt, on February 14, 2000, of your completed well construction/pump installation permit application for the Fountain of Youth Well (Well No. 1123-04). You can expect your application to be processed within ninety (90) days from this date.

For your information, the process of constructing a well is normally regulated and permitted in two (2) steps. First, a well construction permit is issued for drilling and testing purposes only. Based upon information provided by you through a Well Completion Report Part 1 (Well Construction), a pump installation permit (upon completed application) may then be issued to authorize pump work. If a pump is installed then a Well Completion Report Part 2 (Pump Installation) is required.

If you have any questions about your permit application, please contact Lenore Nakama of the Commission staff at 587-0218 or toll-free at 274-3141, extension 70218.

Sincerely,

LINNELL T. NISHIOKA  
Deputy Director

LN:ss
TO: Honorable Bruce S. Anderson, Director
   Department of Health
   Attention: Dennis Tulang, Wastewater Branch
   William Wong, Safe Drinking Water Branch

FROM: Timothy E. Johns, Chairperson
   Commission on Water Resource Management

SUBJECT: Well Construction Permit Application
   Fountain of Youth Well (Well No. 1123-04)

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Please find the attached maps to locate the proposed well. If you have any questions about this permit application, request additional information, or request additional review time, please contact Lenore Nakama of the Commission staff at 587-0218.

LN:ss
Attachment(s)

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For the applicant's information, a source of possible wastewater contamination is not located near the proposed well site (information attached).

Other relevant DOH rules/regulations, information, or recommendations are attached.

No comments/objections

Contact Person: ____________________________ Phone: ____________________________

Signed: ____________________________ Date: ____________________________
TO: Dean Y. Uchida, Administrator  
Land Division  
FROM: Linnel T. Nishioka, Deputy Director  
Commission on Water Resource Management  
SUBJECT: Well Construction/Pump Installation Permit Application  
Fountain of Youth Well (Well No. 1123-04)  

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Please find the attached maps to locate the proposed well. If you have any questions about this permit application, request additional information, or request additional review time, please contact Lenore Nakama of the Commission staff at 587-0218.  

LN:ss  
Attachment(s)  

RESPONSE:  
[ ] A water lease/permit is required of this applicant and an application for such will be requested by our division.  
[ ] A water lease/permit is not required of this applicant.  
[ ] A water lease/permit has been obtained by the applicant through lease no. __________________________.  
[ ] Other relevant Land Division rules/regulations, information, or recommendations are attached.  
[ ] No objections  
[ ] Other comments:  

Contact Person: __________________________ Phone: __________________________  
Signed: __________________________ Date: __________________________
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<tr>
<th>F YR</th>
<th>APP</th>
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**REMARKS:**
- LINE (1) Well No. 1123-04 (WCPA/PIPA)
- LINE (2) 
- LINE (3) 
- LINE (4) 

DEPARTMENT OF LAND AND NATURAL RESOURCES
UAC OR ATTACHED WORKSHEET
DATE: 2/17/00
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<th>Approved</th>
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Ms. Linnel T. Nishioka - Deputy Director
Commission on Water Resource Management
Department of Land and Natural Resources
State of Hawaii
P. O. Box 621
Honolulu, Hawaii 96809

Dear Ms. Nishioka:

Well Construction Permit Application for a
Small Capacity Well in Kilauea, Kauai

Enclosed please find a well construction permit application, accompanying maps, and $25 filing fee for a small (25 GPM) well to be constructed in the Puu Pane Subdivision in Kilauea, Kauai. The applicant and landowner is Sustainable Kauai, a non-profit Hawaii corporation. Since the subdivision lot was purchased in December 1999, I have also included a copy of the deed conveying the property to Sustainable Kauai.

Because the well’s anticipated usage of 10,000 GPD is quite modest, I am hoping that the permit application can be approved administratively to facilitate proceeding with the work. Feel free to contact me if you have any questions. Thank you for your attention to this matter.

Sincerely,

Tom Nance

Enclosures

cc: Michael Edwards - Sustainable Kauai
**APPLICATION FOR PERMIT**

**1-6-00**

[State of Hawaii]

**COMMISSION ON WATER RESOURCE MANAGEMENT**

**Department of Land and Natural Resources**

**APPLICATION FOR PERMIT**

**Well Construction or**

**Pump Installation**

**1-6-00**

**Instructions:** Please print in ink or type and send completed application with attachments to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. Application must be accompanied by 3 copies and a non-refundable filing fee of $25.00 payable to the Dept. of Land and Natural Resources. The Commission may not accept incomplete applications. For assistance, call the Regulation Branch at 808-587-0225. (Also, please check our website at: http://www.hawaii.gov/dlnr/dwr/dwr.html)

**APPLICANT INFORMATION:** (Fill out all three, if applicable, and place a check next to the primary contact)

1. **(a)** **WELL OWNER:** Sustainable Kauai
   - **Contact Person:** Michael Edwards
   - **Mailing Address:** P.O. Box 1208 Kilauea, Kauai, Hawaii 96754
   - **Fax:** 808-826-0202
   - **E-mail:**

2. **(b)** **LAND OWNER:** Sustainable Kauai
   - **Contact Person:** Michael Edwards
   - **Mailing Address:**
   - **Fax:** 808-826-0202
   - **E-mail:**

3. **(c)** **CONTRACTOR:** Oasis Water Systems, Inc.
   - **Contact Person:** Steve Goldberg
   - **Mailing Address:** P.O. Box 535 Kilauea, Kauai, Hawaii 96754
   - **Fax:** 808-828-0778
   - **Lic #:** C-21457

**WELL & PUMP INFORMATION:** (Please fill in the diagram on the back of this form.)

2. **WELL LOCATION/NAME:** "Fountain of Youth" at Puu Pane
   - **Island:** Kauai
   - **Address:** Lot 7 of Puu Pane Subdivision - Kilauea, Kauai
   - **Tax Map Key:** 5-1-05:106

   **Attach the relevant portion of (a) a 7.5-Minute Series USGS topographic map (scale 1" = 24,000), and (b) a property tax map, showing well location referenced to established property boundaries.**

3. **PROPOSED WORK:** (Check all that apply)
   - **Drill New Well**
   - **Deepen**
   - **Install New Pump**
   - **Modify Existing Well**
   - **Modify Pump**
   - **Abandon/Seal**
   - **Replace Pump**

   **Well No:**
   **Be sure to complete and submit well abandonment report upon completion of work.**

4. **CONSTRUCTION:**
   - **Dug**
   - **Bored**
   - **Driven**
   - **Drilled**
   - **Radial**
   - **Is this well a part of a battery of wells?**
     - **Yes**
     - **No**
     - **(Please describe.)**

5. **PROPOSED PUMP INFORMATION:**
   - **Rated Pump Capacity:**
   - **gallons per minute:**

6. **PROPOSED USE:** (Check all that apply)
   - **Municipal (including hotels, stores, etc.)**
   - **Domestic (individual, noncommercial water system)**
   - **Irrigation (crop)**
   - **Military**
   - **Industrial No. of Dwelling Units:**
   - **No. of Acres:**
   - **Other (explain): Irrigation and Potable Use on 7.86-Acre Lot**

7. **(a) PROPOSED AMOUNT OF WITHDRAWAL:**
   - **10,000**
   - **gallons per day**

8. **METHOD OF FLOW MEASUREMENT:**
   - **Flowmeter**
   - **Open-pipe**
   - **Weir**
   - **Orifice**
   - **Other (explain)**

**OTHER IMPORTANT INFORMATION:**

8. **PENDING ACTIONS:**
   - **CDUA**
   - **SMA**
   - **EIS**
   - **EA**
   - **NONE**
   - **Other (explain)**

9. **REMARKS, EXPLANATIONS:**

   (If more space is needed, please attach additional sheet)

---

I understand that approval of this application attaches the following standard conditions: 1) the proposed work is to be completed within two (2) years of the approval date; 2) the contractor shall submit to the Commission a well completion/abandonment report within 30 days after the completion date of the permitted work; 3) monthly monitoring use data shall be submitted to the Commission; 4) such approval shall not constitute a determination of correlative water rights and shall not guarantee the pump capacity or future use up to the permitted pump capacity.

**Well Owner:** Sustainable Kauai

**Signature:**

Date: 1-9-00

**Landowner:** Sustainable Kauai

**Signature:**

Date: 1-9-00

**Contractor:** Oasis Water Systems, Inc.

**Signature:**

Date: 1-10-00

**Field Checked By:**

**Longitude:**

**Aquifer System Name:** Kilauea/ Liihiwai

**Date:**

**Latitude:**

**State Well No.:** L-200

---

*amended per 2/15/00 letter to Tom Parks.*

3/1/00
11. PROPOSED WELL SECTION

Hole Diameter: \[ \frac{7}{16} \text{ in.} \]

Elevation at top of casing: 402 ft., msl*

Minimum of 2' Radius & 4" Thick Concrete Pad

Minimum annular space between hole and casing ≥ 3"

Cement Grout: 210 ft. (min. 70% of distance from ground elevation to top of water surface or 500 ft., whichever is less)

Total Depth: 410 ft.

Rock or Gravel Packing: None

Material: 
- Crushed Basalt
- Rounded Gravel

Water Level Elevation: N/A 19 ft., msl*

Ground Elevation: 400 ft., msl*

Minimum of 2' Radius & 4" Thick Concrete Pad

Please refer to the HAWAII WELL CONSTRUCTION AND PUMP INSTALLATION STANDARDS to assure that your construction plans are in compliance with all existing regulations.

Solid Casing: 90% x (Ground Elev. - Water Level Elev.)

Material: 
- Steel
- Stainless Steel
- Thermoset Plastic conforming to ASTM A53
- PVC Plastic conforming to ASTM D3296

Example: Estimated + 2 ft. Water Level Elev. \( \rightarrow \) Bottom Elevation of Well Limit = \( \left( \frac{2}{4} \text{ ft.} \right) \times \frac{41 \text{ ft.}}{4} = -18.5 \text{ ft.} \)

* The approximate elevation must be referenced to mean sea level (msl) at the time of application filing. Final elevations of well components shall be submitted in the Well Completion/Well Abandonment reports and referenced to a benchmark which has been established by a surveyor licensed by the State.

For non-salt water Basal Wells - bottom elevation of well should not be deeper than 1/4 of aquifer thickness or,

Bottom Elevation of Well Limit = \( \left( \frac{2}{4} \text{ ft.} \right) \times \frac{41 \text{ ft.}}{4} = -18.5 \text{ ft.} \)

Example: Estimated + 2 ft. Water Level Elev. \( \rightarrow \) Bottom Elevation of Well Limit = \( \left( \frac{2}{4} \text{ ft.} \right) \times \frac{41 \text{ ft.}}{4} = -18.5 \text{ ft.} \)

Solid Casing Material:

Steel: compliant with (check one or more):
- ANSI/AWWA C200
- API Spec. 5L
- ASTM A53
- ASTM A139

And compliant with (check one or more):
- ASTM A242
- Type E
- Type S
- Grade B
- Other

Stainless Steel: (check one):
- ASTM A409
- ASTM A312

ABS Plastic conforming to ASTM F480 and ASTM D1527: (check one)
- Schedule 40
- Schedule 80

PVC Plastic conforming to ASTM F480 and (ASTM D1785 or ASTM D2241): (check one):
- Schedule 40
- Schedule 80

Thermoset Plastic: (check one)
- Filament Wound Resin Pipe conforming to ASTM D2996
- Centrifugally Cast Resin Pipe conforming to ASTM D2997
- Reinforced Plastic Mortar Pressure Pipe conforming to ASTM D3517
- Glass Fiber Reinforced Resin Pressure Pipe conforming to AWWA C950
- PTFE Fluorocarbon Tubing conforming to ASTM D3296
- FEP Fluorocarbon Tubing conforming to ASTM D3296

Open Casing Material:

Steel: compliant with (check one or more):
- ANSI/AWWA C200
- API Spec. 5L
- ASTM A53
- ASTM A139

And compliant with (check one or more):
- ASTM A242
- Type E
- Type S
- Grade B
- Other

Stainless Steel: (check one):
- ASTM A409
- ASTM A312

ABS Plastic conforming to ASTM F480 and ASTM D1527: (check one)
- Schedule 40
- Schedule 80

PVC Plastic conforming to ASTM F480 and (ASTM D1785 or ASTM D2241): (check one):
- Schedule 40
- Schedule 80

Thermoset Plastic: (check one)
- Filament Wound Resin Pipe conforming to ASTM D2996
- Centrifugally Cast Resin Pipe conforming to ASTM D2997
- Reinforced Plastic Mortar Pressure Pipe conforming to ASTM D3517
- Glass Fiber Reinforced Resin Pressure Pipe conforming to AWWA C950
- PTFE Fluorocarbon Tubing conforming to ASTM D3296
- FEP Fluorocarbon Tubing conforming to ASTM D3296

Material Standard:
- Schedule 40
- Schedule 80
- API Spec. 5L
- Type E
- Type S
- Grade B
- Other

Wall Thickness: 0.3125 in.
LAND COURT SYSTEM

REGULAR SYSTEM

After Recordation, Return by: Mail (X) Pickup ( )

SUSTAINABLE KAUAI

PMB 106 BOX 3600

PRINCEVILLE HI 96722

TYPE OF DOCUMENT:

WARRANTY DEED

PARTIES TO DOCUMENT:

GRANTOR: DAVID HASSENMILLER and NANCY J. HASSENMILLER, husband and wife
PU'U PANE ASSOCIATES LLC, a Hawaii limited liability company

GRANTEE: SUSTAINABLE KAUAI, a Hawaii nonprofit corporation

PMB 106 Box 3600
Princeville, Kauai, Hawaii 96722

TAX MAP KEY FOR PROPERTY:

(4) 5-1-05:106 Lot 7

(W:\DOCS\1054\3\W0040182.DOC)
WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

DAVID HASSENMILLER and NANCY J. HASSENMILLER, husband and wife, whose mailing address is 24736 Travis Lakeside Cove, Spicewood, Texas 78669, and PU‘U PANE ASSOCIATES LLC, a Hawaii limited liability company, whose mailing address is P. O. Box 518, Anahola, Kauai, Hawaii 96703, hereinafter collectively called the "Grantor", in consideration of the sum of Ten Dollars ($10.00) and other good and valuable consideration to the Grantor paid by SUSTAINABLE KAUAI, a Hawaii non-profit corporation, whose mailing address is PMB 106 Box 3600, Princeville, Kauai, Hawaii 96722, hereinafter called the "Grantee", the receipt of which is hereby acknowledged, does hereby grant and convey unto the Grantee, as a tenant in severalty, its successors and assigns, the property described in Exhibit "A" attached hereto and incorporated herein by reference ("Subject Property").

AND the reversions, remainders, rents, issues and profits thereof, and all of the estate, right, title and interest of the Grantor, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with the improvements thereon and all rights, easements, privileges and appurtenances thereunto belonging or appertaining or held and enjoyed therewith, unto the Grantee according to the tenancy herein set forth, forever.

The Grantor hereby covenants with the Grantee that the Grantor is lawfully seised in fee simple of the Subject Property described herein and has good right to sell and convey the same; that the same are free and clear of all encumbrances except as set forth herein and except for the lien of real property taxes not yet required by law to be paid; and that the Grantor will WARRANT AND DEFEND the same unto the Grantee against the lawful claims and demands of all persons, except as aforesaid.

The Grantee does hereby accept and approve the Declaration Of Covenants, Conditions And Restrictions Of The Pu‘u Pane Subdivision ("Restrictive Covenants") and the Declaration Of Grant And Reservation Of Easements For Pu‘u Pane Subdivision, as amended ("Declaration of Easements"), both of which are described in Exhibit "A", and covenants and agrees, as a covenant running with the Subject Property, to observe and perform all of the terms and conditions contained in the Restrictive Covenants and Declaration of Easements applicable to the Subject Property and to be observed and performed by Grantee as the owner of the Subject Property.

The Grantee does further covenant and agree, as a covenant running with the Subject Property, that the Subject Property shall be owned, occupied, used and enjoyed pursuant to, and shall otherwise be subject to, the terms, conditions, restrictions, covenants, easements and
reservations set forth in the Restrictive Covenants, the Declaration of Easements, and all other matters set forth and described in Exhibit "A".

The Grantee confirms that it has inspected the property being conveyed and specifically attest that it is purchasing the property on an "AS IS" basis, with a full understanding that only Grantee and not the Grantor will be responsible for any and all imperfections, defects, obsolescence, wear and tear, and all other conditions of said property and hereby waives any claim hereafter against the Grantor for breach of express or implied warranty as to the condition of the property.

This conveyance and the respective covenants of the Grantor and the Grantee shall be binding on and inure to the benefit of the Grantor and the Grantee, respectively. The terms "Grantor" and "Grantee" as and when used herein, or any pronouns used in place thereof, shall mean and include the singular or plural number, individuals, partnerships, trustees and corporations, and each of their respective heirs, personal representatives, successors and assigns. All covenants and obligations undertaken by two or more persons shall be deemed to be joint and several unless a contrary intention is clearly expressed herein.

This Warranty Deed may be executed in counterparts. Each counterpart shall be executed by one or more of the parties hereinbefore named and the several counterparts shall constitute one instrument to the same effect as though the signatures of all the parties are upon the same document.

IN WITNESS WHEREOF, the Grantor and Grantee have caused these presents to be duly executed on this ___ day of ______, 1999.

GRANTOR:

DAVID HASSENMILLER

By/______________Michael M. Dyer
His Attorney-in-Fact

NANCY J. HASSENMILLER

By/______________Michael M. Dyer
Her Attorney-In-Fact
GRANTEE:

PU'U PANE ASSOCIATES LLC,
a Hawaii limited liability company

By

JEFFREY S. LINDNER

Its Member

SUSTAINABLE KAUAI,
a Hawaii nonprofit corporation

By

DR. PENNY NEIL

Its President

By

MICHAEL EDWARDS

Its Secretary/Treasurer
STATE OF HAWAI'I
COUNTY OF KAUA'I

On this 21 day of December, 1999, before me personally appeared MICHAEL M. DYER, to me personally known, who, being by me duly sworn, did say that he is the Attorney-In-Fact of DAVID HASSENMILLER, duly appointed under the unrecorded Special Power of Attorney dated August 8, 1998, and that the foregoing instrument was executed in the name and behalf of DAVID HASSENMILLER by said person as his Attorney-In-Fact, and acknowledged the instrument to be the free act and deed of said DAVID HASSENMILLER.

[Signature]
Name of Notary: Karajean Stokesbary
Notary Public, State of Hawaii.

My commission expires: October 10, 2003

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STATE OF HAWAI'I
COUNTY OF KAUA'I

On this 27 day of December, 1999, before me personally appeared MICHAEL M. DYER, to me personally known, who, being by me duly sworn, did say that he is the Attorney-In-Fact of NANCY J. HASSENMILLER, duly appointed under the unrecorded Special Power of Attorney dated August 8, 1998, and that the foregoing instrument was executed in the name and behalf of NANCY J. HASSENMILLER, by said person as her Attorney-In-Fact, and acknowledged the instrument to be the free act and deed of said NANCY J. HASSENMILLER.

[Signature]
Name of Notary: Karajean Stokesbary
Notary Public, State of Hawaii.

My commission expires: October 10, 2003
STATE OF HAWAII

COUNTY OF KAUAI

On this 91 day of DECEMBER, 1999, before me appeared JEFFREY S. LINDNER, to me personally known, who, being by me duly sworn, did say that he is a Member of PU’U PANE ASSOCIATES LLC, a Hawaii limited liability company ("Company"), and that said instrument was signed on behalf of said Company by authority of its Board of Directors, and the said Officer acknowledged said instrument to be the free act and deed of said Company.

Name of Notary: Karajean Stokesbary
Notary Public, State of Hawaii.

My commission expires: October 10, 2003

STATE OF HAWAII

COUNTY OF KAUAI

On this 21 day of DECEMBER, 1999, before me appeared DR. PENNY NEIL and MICHAEL EDWARDS, to me personally known, who, being by me duly sworn, did say that they are the President and Secretary/Treasurer, respectively, of SUSTAINABLE KAUAI, a Hawaii nonprofit corporation, and that said instrument was signed in behalf of said corporation by authority of its Board of Directors, and the said officers acknowledged said instrument to be the free act and deed of said corporation.

Name of Notary: Karajean Stokesbary
Notary Public, State of Hawaii.

My commission expires: October 10, 2003
Location of the Proposed Well