PUMP INSTALLATION PERMIT
Koa 1 Well, Well No. 1124-01

Note: This permit shall be prominently displayed at the site until the work is completed.

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 Koa 1 Well (Well No. 1124-01) at 5-2151 Kunia Hwy., Kualo, WA 5-2-02-11, subject to the Hawaii Well Construction & Pump Installation Standards (12/23/87) 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 90 gpm netted capacity at 190 ft. of head, 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 of 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 surf ace water or established in-stream flow standards. This permit or the authorization to pump water from a well shall not constitute a determination of cumulative 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 and any related staff submitted approved by the Commission are incorporated into this permit by reference. This permit is also subject to the Hawaii Well Construction & Pump Installation Standards (12/23/87). 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 of 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 without 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: September 16, 2003
Expiration Date: September 16, 2005

PETER T. YOUNG, 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: [Signature]
Printed Name: [Name]
Firm or Title: [Title]

Installer's Signature: [Signature]
Printed Name: [Name]
Firm or Title: [Title]

Date of Approval: 12/22/03
Date of Expiration: 12/22/03

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

Attachments

Page 1 of 1

34-32-2004-000004-KAA PROPERTIES
Ref: 1124-01.pip

Mr. Steve Goldberg
Oasis Water Systems
P.O. Box 535
Kilauea, HI 96754

Dear Mr. Goldberg:

Pump Installation Permit
Koa 1 Well (Well No. 1124-01)

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 1:

**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.

2. Please enclose the pump specification and rating curve for the installed pump with the Well Completion Report.

The permittee, well operator, and/or well owner are responsible for all conditions of the permit. 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 landowner sign both permit originals and return one for our files. Please provide the water use report form to the landowner.

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

If you have any questions, please call Lenore Y. Nakama of the Commission staff at 587-0218 or toll-free at 274-3141 (Kauai), extension 70218.

Sincerely,

[Signature]

Chairperson

Enclosure

c: Neal & Melissa Norman
PUMP INSTALLATION PERMIT
Koa 1 Well, Well No. 1124-01

Date of Approval: September 16, 2003
Expiration Date: September 16, 2005

PETER T. YOUNG, 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

USGS
Department of Health/ Safe Drinking Water & Wastewater Branch
Kauai Department of Water Supply
Neal & Melissa Norman
To: Steve Goldberg  
Company: Oasis Water Systems  
Fax Number: 828-0778  
Phone Number: 828-6876

From: Lenore Y. Nakama  
Date: August 26, 2003  
Pages Including Header: 1  
Subject: WCR for 1124-01 & 0720-04

Notes/Comments:

Hi Steve,
As discussed on the phone yesterday, here are the questions we have regarding the completion reports:

Well No. 1124-01
- In the as-built, the lengths of the solid casing (260') and perforated casing (35') exceed the total depth of the well (301').

Well No. 0720-04
- The completion reports for Well Nos. 1124-01 & 0720-04 both indicate initial chlorides were 28 ppm with water temperatures at 73° F. This seems somewhat curious and we just want to reconfirm that these figures are correct.
- The plotted locations of Well Nos. 0720-03 & 04 appear to be incorrect, based on their elevation surveys. Can you fax us a map showing your best approximation of where these wells have actually been drilled?

We can issue the pump permit for 45 gpm for 0720-04 once we get these straightened out.

Aloha,
Lenore

* per telecomm w/ S. Goldberg on 9/10/03
## Pump Completion Report - Part II

**State of Hawaii**
**Commission on Water Resource Management**
**Department of Land and Natural Resources**

**WELL COMPLETION REPORT - PART II**
**Pump Installation**

*Instructions:* Please print in ink or type and send completed report (with attachments, if applicable) to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. The Commission may not accept incomplete reports. This form shall be submitted within 60 days of the completion of work. For assistance, please consult the Hawaii Well Construction and Pump Installation Standards or call the Regulations Branch at 587-0225. For updates to this form or additional information, please visit our website at [http://www.hawaii.gov/dlnr/cwrm/](http://www.hawaii.gov/dlnr/cwrm/)

<table>
<thead>
<tr>
<th>1. State Well No.:</th>
<th>124-01</th>
<th>Well Name:</th>
<th>KOA 1</th>
<th>Island:</th>
<th>Kauai</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Address:</td>
<td>S-2151 Kuhio Hwy</td>
<td>Tax Map Key:</td>
<td>5-2-02:12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Pump Installation Company:</td>
<td>OASIS WATER</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Date Pump Installed:</td>
<td>7/16/03</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### PERMANENT PUMP INFORMATION (Attach pump specifications and rating curve)

- **Pump Type, Make, Serial No.:** OB-6Gordis A-06 10009
- **Rated Capacity:** 50 gpm at head of: 190 ft.
- **Motor Type, H.P., Voltage, rpm:** OB-5hp-2.70-3450
- **Type of flow meter:** Open which measures in 94,163
  - **Model Number:** ___
  - **Serial Number:** ___

#### Pump type (check one):
- Deep Well Turbine
- Rotary
- Propeller
- Submersible
- Rotary-Displacement
- Reciprocating
- Centrifugal
- Rotary-Gear
- Impulse

#### Method of flow measurement:
- Flowmeter
- Manufacturer:___
- Make:___
- Size:___
- Weir
- Open Pipe
- Orifice*
- Other*, explain below

*attach schematic

7. Fill in the as-built section on the other side of this sheet.

8. Attach photograph of well and concrete pad clearly showing benchmark on concrete pad.

9. Other remarks/comments:

<table>
<thead>
<tr>
<th>Permittee (print)</th>
<th>OASIS WATER</th>
<th>C-57/C-57a/A Lic. No.</th>
<th>21457</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature</td>
<td>___</td>
<td>Date</td>
<td>8-13-03</td>
</tr>
<tr>
<td>Permitee (print)</td>
<td>Neal Norman</td>
<td>Date</td>
<td>5-8-03</td>
</tr>
</tbody>
</table>

*WCR2 Form 4/29/03 Page 1 of 2*
Bench mark elevation surveyed to nearest 0.01 ft. = ___ ft. mean sea level

Elevation of top of chase tube 340.5 ft. mean sea level

Pump intake depth = 225 ft. (referenced to bench mark)

Chase tube depth = 220 ft. (referenced to bench mark)

If airline installed, bottom of airline elevation = ___ ft. mean sea level

WCR2 Form 12/4/01 Page 2 of 2
Performance Curves 60 GPM

FLOW RANGE: 40 - 75 GPM  OUTLET SIZE: 2" NPT

SPECIFICATIONS SUBJECT TO CHANGE WITHOUT NOTICE.
4" MOTOR STANDARD, 3450 RPM.
* Also available with 6" motor.

Performance conforms to ISO 9906 Ann.
© 5 ft.min. submergence.
1. State Well No.: 1124-01  
2. Well Name: Koa I  
3. Island: Kauai  
4. Address: 5-2151 Kuhio Highway  
5. Tax Map Key: 5-2-02:12  
6. Drilling Company: OASIS WATER  
7. Drilling method used during construction:  
   - Rotary  
   - Percussion  
   - Other (describe)  
8. Date Well Construction (drilled,cased,grouted) completed: 7/15/03  
9. Attach Driller's Log (7/25/99 DL Form)  
10. Was the subject well cored?  
    - Yes  
    - No  
11. Initial water-level encountered 42 ft. below ground  
    Date and time of measurement: 6/24/03  
12. Step-Drawdown Test completed?  
    - No  
    - Yes  
    Attach Step-Drawdown Test form (12/17/97 SDPTD Form)  
13. Constant Rate Aquifer Test completed?  
    - No  
    - Yes  
    Attach Constant Rate Aquifer Test form (12/17/97 CRPTD Form)  
14. Parameters prior to pump test:  
   - Water-level: 300 ft. above msl  
   - Date and time of measurement: 7/16/03  
   - Chloride: 28 ppm  
   - Date and time of sampling:  
   - Temperature: 73 °F  
   - Date and time of measurement:  
15. Fill in the as-built section on the other side of this sheet.  
16. Attach plot plan and surveyor's stamped elevation report.  
17. If a pump is not planned to be installed, please describe (below in the remarks section) how well is secured to prevent unauthorized access (example: lockable cover, threaded coupling, etc.)  
18. Remarks:  
   -  
Licensed Driller (print): Steve Goldberg  
Signature:  
C-57 Lic. No.: 21457  
Date: 8/13/03  
Surveyor (print):  
Signature:  
L.P.L.S. Lic. No.:  
Date:  
Permittee (print): Neal Norman  
Signature:  
Date: 5-8-03
WELL NUMBER: 1124-01

DRILLER'S LOG (7/26/99 DL Form)

<table>
<thead>
<tr>
<th>Depths (ft.)</th>
<th>Rock Description, Water Level, etc.</th>
<th>Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 56</td>
<td>Red Clay Soil</td>
<td>6/24/03</td>
</tr>
<tr>
<td>56 to 91</td>
<td>Fracture blue rock / water zone</td>
<td>6/25/03</td>
</tr>
<tr>
<td>91 to 173</td>
<td>Brown clay &amp; weathered rock</td>
<td>6/25/03</td>
</tr>
<tr>
<td>173 to 214</td>
<td>Blue / fracture blue rock</td>
<td>6/26/03</td>
</tr>
<tr>
<td>214 to 247</td>
<td>Broken blue rock / streaks of clay</td>
<td>6/27/03</td>
</tr>
<tr>
<td>247 to 301</td>
<td>Blue rock with fractures / water zone</td>
<td>6/30/03</td>
</tr>
</tbody>
</table>
ELEVATION

TOP OF WELL CAP
ELEV. = 341.16

CASING

ELEV. = 339.90
GROUND

CONC. PAD

Bench mark used:
* on Kilauea Bridge
(ELEV. = 307.22 MSL)

Wayne T. Wada
Licensed Professional Land Surveyor
No. 4596

State of Hawaii
Water Commission
Well #1124-01
Owner: Neal Norman
Date of Survey: August 5, 2003

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION

Wayne T. Wada
Signature
Esaki Surveying & Mapping, Inc.
10/5/02

State Of Hawaii
Water Commission
ATT: Lenore Nakama

Dear Lenore,

Please be advised that Oasis Water, Inc. License No. C-21457, We will begin work on the Koa 1 well # 1124-01 in the next few weeks.

Sincerely,

Steve Goldberg
Oasis Water inc. C-21457
WELL CONSTRUCTION PERMITS
Koa I, Well No. 1124-01

In accordance with Department of Land and Natural Resources, Commission on Water Resource Management's Administrative Rules, Section 13-108, entitled "Water Use, Wells, and Stream Diversion Works", this permit permits the construction and testing of Koa I (Well No. 1124-01) at 5-2151 Kahului Hwy., Kauai, TMK 5-20-0211, subject to the Hawaii Well Construction & Pump Installation Standards (12357) which include but are not limited to the following conditions:

1. The Chairperson of the Commission on Water Resource Management (Commission), P.O. Box 202, Honolulu, HI 82960, shall be notified, in writing, at least two (2) weeks before any work authorized by this permit commences and shall be allowed to inspect any activities in accordance with §13-165-18, Hawaii Administrative Rules.

2. The well construction permit shall be for construction and testing of the water well. A minimum 1.5-inch diameter monitor tube shall be 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. The well test report is attached. The permittee, well operator, and/or well owner shall submit to the Chairperson the test results as a basis for supporting the 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 general ground water, the depth of the well may not exceed one-fourth (1/4) of the theoretical thickness (41 times initial head) of the 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 practical.

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 in-stream flow standards. This permit or the authorization to construct the well shall not constitute a determination of existing water rights.

7. The following shall be submitted to the Chairperson within sixty (60) days after completion of work:
   b. Final report (as defined in subpart 165.9 of Hawaii Administrative Rules) survey by a Hawaii-licensed surveyor.
   c. A well completion report, including the exact location of the well.
   d. Complete pumping test records, including time, pumping rate, drawdown, chloride content, and other data.

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

8. The well construction permit application is incorporated into this permit by reference and is subject to the Hawaii Well Construction & Pump Installation Standards (January 22, 1997; HWCRS). If the HWCRS are not followed and as a consequence water is wasted or contaminated, a item on the property may result.

9. 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 performed in the well construction permit application shall be completed within two (2) years from the date of permit approval, unless otherwise specified. The permit shall 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 this commencement date is not met, the Commission may revoke the permit after giving the permittee, well operator, and/or well owner written notice of the proposed action and an opportunity to be heard.

10. The permittee, well operator, and/or well owner 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, assignees, employees, 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: September 13, 2001
Expiration Date: September 13, 2003

GILBERT S. COLOMA-AGARAN, 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 any 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 times of up to $1900 per day starting from the permit date of approval.

Permittee's Signature: [Signature]
Printed Name: [Printed Name]
Firm or Title: [Firm or Title]
Driller's Signature: [Signature]
C-57 License #: [License Number]
Date: [Date]
Printed Name: [Printed Name]
Firm or Title: [Firm or Title]
Please sign both copies of this permit, return one to the Chairperson, and retain the other for your records.

Adjustment
C USGS
Department of Health's Safe Drinking Water, Wastewater, and Climate Water Branches
Kauai Department of Water Supply
Neal and Mattson Hamilton

PAGE 03 OASIS 8802987708
Mr. Steve Goldberg  
Oasis Water System  
P.O. Box 535  
Kilauea, HI 96754  

Dear Mr. Goldberg:

Well Construction Permit  
Koa I (Well No. 1124-01)  

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. All aspects of construction shall comply with the Hawaii Well Construction and Pump Installation Standards (1997), unless approval for specific exemptions is obtained in advance.

3. Standard Condition 2 is modified and Standard Condition 7.e. is waived to exempt the permittee from the requirement for pumping tests for permanent pump capacities less than or equal to 50 gpm.

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:

"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. Also, copies of the aquifer pump test worksheet and the well completion report form are enclosed for your use.

**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 Lenore Nakama of the Commission staff at 587-0218 or toll-free at 274-3141, extension 70218.

Enclosures  
c:: Neal and Melissa Norman
WELL CONSTRUCTION PERMIT
Koa I, Well No. 1124-01

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 Koa I (Well No. 1124-01) at 5-2151 Kuhio Hwy., Kauai, TMK 5-2-02:11, 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 work authorized by this permit commences and staff shall be allowed to inspect installation activities in accordance with §13-168-15, Hawaiian Administrative Rules. 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.

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

3. The chairperson, well owner, 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.

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. The permittee, well operator, and/or well owner shall stop work and contact the Department's Historic Preservation immediately.

5. If work is suspended or abandoned for six (6) months, the Commission may revoke the permit after giving the applicant, well operator, and/or well owner notice of the proposed action and an opportunity to be heard.

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 correlative water rights.

7. The following shall be submitted to the Chairperson within sixty (60) days after completion of work:
   b. Elevation (referenced 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 assign 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 connected with the granting of this permit.

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GILBERT S. COLOMA-AGARAN, 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/ Safe Drinking Water, Wastewater, and Clean Water Branches Kauai Department of Water Supply Neal and Melissa Norman
**SECTION 1: WELL LOCATION INFORMATION**

<table>
<thead>
<tr>
<th>Island</th>
<th>KAUAI</th>
<th>Proposed Use</th>
<th>Domestic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aquifer System</td>
<td>LIHUE</td>
<td>Proposed Withdrawal</td>
<td>20000</td>
</tr>
<tr>
<td>Aquifer Sector</td>
<td>KILAUEA</td>
<td>System Sustainable Yield</td>
<td>17</td>
</tr>
</tbody>
</table>

**SECTION 2: WELL SECTION DATA** *(enter data in grey cells only)*

<table>
<thead>
<tr>
<th>Elevation at top of casing</th>
<th>Solid Casing</th>
<th>Ground Elevation</th>
<th>Cement Grout</th>
<th>Rock Packing</th>
<th>Hole Diameter</th>
<th>Total Depth</th>
<th>Estimated Head</th>
<th>Calculated Aquifer Thickness</th>
<th>County Water Supply (Y/N ?)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>NO</td>
</tr>
</tbody>
</table>

**SECTION 3: CHECKLIST** *(values to check are shaded)*

| Well Depth | Theoretical Thickness of Aquifer | 0 ft. |
|           | 1/4 Aquifer Thickness | 0 ft. |
|           | Depth of Well below Sea Level | 0 ft. |
|           | too deep | *(refer to HWCPIS Section 2.2)* |
|           | too shallow | *(refer to HWCPIS Section 2.4 d)* |
|           | okay | *(refer to HWCPIS Section 2.4 e)* |
|           | If the cell above reads #N/A, reference HWCPIS |
| Well Casing | Minimum Wall Thickness | PVC |
|           | Material | non-county |
|           | Wall Thickness per standards | #N/A in. |
|           | Wall Thickness Provided | 0.000 in. |
|           | Minimum Length of Solid Casing | 0 ft. |
|           | 90% of ground to top of aquifer | 0 ft. |
|           | Length of solid casing Provided | 0 ft. |
|           | Casing Material | Sch 40 |
|           | okay | *(refer to HWCPIS Section 2.4 d)* |
|           | If the cell above reads #N/A, reference HWCPIS |
| Annular Space | Depth of Grouting | 0 ft. |
|           | Calculated Depth of Grouting | 0 ft. |
|           | Depth of Grouting provided | 0 ft. |
|           | Thickness of Annular Space | 0 in. |
|           | too small | *(refer to HWCPIS Section 2.6 d)* |
TO: Honorable Bruce S. Anderson, Director
   Department of Health
   Attention: Dennis Tulang, Wastewater Branch
              William Wong, Safe Drinking Water Branch
              Dr. Keith Kawaoka, Hazardous Evaluation and Emergency Response
              Alec Wong, Clean Water Branch

FROM: Gilbert S. Coloma-Agaran, Chairperson
      Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
          Koa I (Well No. 1124-01)

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 September 21, 2001. If we do not receive comments or a
request for additional review time by this date, we will assume that you have no comments.

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:ky
Attachment(s)

RESPONSE:

[ ] This well qualifies as a source which will serve as a source of potable water to a public water system (defined as 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).

[ ] An NPDES permit is required.

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

No comments/objections

Contact Person: Lori N. Kajiwara
Phone: 586-4294

Signed: Lori N. Kajiwara
Date: 9-12-2001
STATE OF HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAI'I 96809

SEP - 6 2001

TO: Honorable Bruce S. Anderson, Director
Department of Health
Attention: Dennis Tulang, Wastewater Branch
William Wong, Safe Drinking Water Branch
Dr. Keith Kaweoka, Hazardous Evaluation and Emergency Response
Alex Wong, Clean Water Branch

FROM: Gilbert S. Coloma-Agaran, Chairperson
Commission on Water Resource Management

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lns:ky
Attachment(s)

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[ ] This well does not qualify as a source serving a public water system (serves less than 25 people or more people at least 90 days per year or 15 service connections) and if the well water is used for drinking, the private owner should test for microbiological and chemical presence before initiating such use and routinely monitor the water quality thereafter. However, if future planned use from the source increases to meet the public water system definition then Director of Health approval is required prior to implementation. Please add.

[ ] 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 nipples 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).

[ ] An NPDES permit is required.

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

[ ] No comments/objections

Contact Person: Bill Wong
Phone: 586-4258

Signed: Bill Wong
Date: 9/13/01
The Department of Health, Safe Drinking Water Branch has the following additional comments for the Well Construction / Pump Installation Permit Application for the Koa I (Well No. 2-1124-01 Kauai):

Please be advised that the Department of Health has experienced drinking water and groundwater contamination by submersible pumps containing mercury. Specifically, the failure of the seals of the pumps allowed mercury to leak out into the well shaft resulting in contamination of the well and the water served by the well. Please review your pump specifications to be sure that the submersible pump(s) you are proposing to use do not contain materials which could result in either groundwater contamination or drinking water contamination.

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, Title 11, Chapter 55, Appendix I, effective September 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 96814-4290 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.
TO: Harry Yada, Acting Administrator  
Land Division  
FROM: Linnel T. Nishioka, Deputy Director  
Commission on Water Resource Management  
SUBJECT: Well Construction/Pump Installation Permit Application  
Kea I (Well No. 1124-01)  

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 application with regard to the programs, plans, and objectives specific to your division. Please respond by returning this cover memo form by September 21, 2001. If we do not receive comments or a request for additional review time by this date, we will assume you have no comments.

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:ky  
Attachment(s)  

RESPONSE:  

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

XX 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

XX Other comments: Original source of private title is Grant 2896 issued in 1854.

Contact Person: Gary Martin  Phone: 587-0421

Signed: ________________  Date: SEP 10 2001
Neal and Melissa Norman
P.O. Box 1122
Hanalei, HI 96714

Dear Mr. and Ms. Norman:

Well Construction/Pump Installation Permit Application for Well No. 1124-01

We acknowledge receipt, on August 28, 2001, of your completed Well Construction/Pump Installation permit application and filing fee for the Koa I (Well No. 1124-01). 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,

[Signature]

LINNEL T. NISHIOKA
Deputy Director
TO: Honorable Bruce S. Anderson, Director  
Department of Health  
Attention: Dennis Tulang, Wastewater Branch  
William Wong, Safe Drinking Water Branch  
Dr. Keith Kawaoka, Hazardous Evaluation and Emergency Response  
Alec Wong, Clean Water Branch  

FROM: Gilbert S. Coloma-Agaran, Chairperson  
Commission on Water Resource Management  

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Koa I (Well No. 1124-01)  

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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:ky  
Attachment(s)  

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[ ] An NPDES permit is required.  

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

[ ] No comments/objections  

Contact Person: ____________________________  Phone: ____________________________  
Signed: ____________________________  Date: ____________________________
TO:         Harry Yada, Acting Administrator  
Land Division
FROM:       Linnel T. Nishioka, Deputy Director  
Commission on Water Resource Management
SUBJECT:    Well Construction/Pump Installation Permit Application   
Koa I (Well No. 1124-01)

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LN:ky
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: ______________
<table>
<thead>
<tr>
<th>DOCUMENT NO.</th>
<th>SRC/ OBJ</th>
<th>COST CTR</th>
<th>PROJECT</th>
<th>PH ACT</th>
<th>AMOUNT</th>
<th>NAME/DESCRIPTION (WANG INPUT)</th>
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<tr>
<td>S 02 326 C</td>
<td>1026 0752</td>
<td></td>
<td></td>
<td></td>
<td>(1) $25.00</td>
<td>Neal &amp; Melissa Norman (Ck #123)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(2)</td>
<td></td>
</tr>
<tr>
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<td></td>
<td>TOTAL $25.00</td>
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</tbody>
</table>

REMARKS: LINE (1) WC/PIP Appl. for Well No. 1124-01
LINE (2)
LINE (3)
LINE (4)
LICENSE SCREEN

[ Look up License Type Codes-> ]
Please click a link listed below to display the other screen.

***** GENERAL LICENSEE *****

<table>
<thead>
<tr>
<th>LIC ID: CT-21457</th>
<th>Active/Inactive: ACTIVE</th>
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</thead>
<tbody>
<tr>
<td>NAME: OASIS WATER SYSTEMS INC</td>
<td></td>
</tr>
<tr>
<td>TRADE NAME:</td>
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<tr>
<td>STATUS: CURRENT, VALID &amp; IN GOOD STANDING</td>
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<tr>
<td>ENTITY: CORPORATION</td>
<td>BUSINESS CODE:</td>
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<td>EXPIRE DATE: 9/30/02</td>
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<td>BUSINESS ADDR:</td>
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<tr>
<td>MAILING ADDR: P O BOX 535 KILAUEA HI 96754</td>
<td></td>
</tr>
</tbody>
</table>

Click here to enter search criteria for prior complaints history ->
For prior complaints and disciplinary history, contact licensing and business information center at (808)587-3295.

<-Back New Search->

EMPLOYEES LIST||EMPLOYERS LIST || INSURANCE/BOND|| LICENSE CLASS

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Hawaii State homepage || DCA|| Professional and Vocational Licensing Division
**PUBLIC RECORD DATA**

**TMK # 4-5-2-2-12**

<table>
<thead>
<tr>
<th>Owner: HALAULANI INC</th>
<th>Tax Payer: HALAULANI INC</th>
<th>Tenure: Fee Simple</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tax Bill: JOHN MARCUM WELLS, 2010 DEMILLE DR, LOS ANGELES, CA90027 USA</td>
<td>Semi-Annual Tax: $7,230.35</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Assessed Value</th>
<th>Exemption</th>
<th>Size</th>
<th>Buildings:</th>
<th>Dwellings:</th>
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</thead>
<tbody>
<tr>
<td>Land: $1,763,500</td>
<td>$0</td>
<td>719.58 ac</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Buildings: $0</td>
<td>$0</td>
<td>0 sq ft</td>
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<tr>
<td>Total: $1,763,500</td>
<td>$0</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

- **PITT Code:** 500
- **Zoning:** A
- **Land Use:** 0
- **Nbhood Code:** 5231
- **Subdivision:** Kilauea
- **Condo Name:**

<table>
<thead>
<tr>
<th>Date</th>
<th>Sales Information</th>
</tr>
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<tbody>
<tr>
<td>10/1/1972</td>
<td>$2,372,300</td>
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<tr>
<td>3/12/2001 DEED -M</td>
<td>$3,200,000 Doc 01-033981</td>
</tr>
</tbody>
</table>

HALAULANI INC, A Company or Corporation (Tenants in Severalty)

This information has been supplied by third parties and has not been independently verified by Hawaii Information Service and is, therefore, not guaranteed.

---

See land Ct. System document submitted w/ WCPIA.
Land transferred 8/01.

---

http://webre2.hawaiiinformation.com/REsearch/Asp/Functions/Property/SearchTMK.asp?FRM: 8/31/01
Att: Lenore

From: Oasis Water

Well owner: Noname.
Told him # plot well
location.

9/21/19

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

2. WELL NAME: KOA 1
   Island:  KAUAI
   Address: 5-251 E KIHEI HWY
   Tax Map Key: Zone Sec 11 Plat Parcel III
   (Attach the relevant portion of a 7.5-Minute Series USGS topographic map (scale 1:24,000) and include the name of the quad map, and (b) a property tax map, showing well location referenced to established property boundaries.)

3. PROPOSED WORK: (check all that apply)
   - Construct New Well
   - Install New Pump*
   - Modify Existing Well*
   - Abandon/Seal*
   *State Well No.: ____________________ (if unknown, please call Commission at 587-0225)

4. CONSTRUCTION:
   - Drilled
   - Dug
   - Shaft
   - Tunnel
   Is this well part of a battery of wells?  □ Yes  □ No (Please describe)

5. PROPOSED PUMP INFORMATION:
   - Rated Pump Capacity: 40 gallons per minute
   - Pump Type (Check one):
     - Submersible
     - Rotary
     - Rotary-Gear
     - Centrifugal

6. PROPOSED USE: (check all that apply)
   - Municipal (including hotels, stores, etc.)
   - Domestic (individual, noncommercial water system)
   - Irrigation (crop)
   - Industrial
   - Military
   - Other (explain):

7. (a) PROPOSED AMOUNT OF WITHDRAWAL:
   - 20,000 gallons per day
   (b) METHOD OF FLOW MEASUREMENT:
     - Flowmeter
     - Open-pipe
     - Weir
     - Orifice
     - Other (explain)

OTHER IMPORTANT INFORMATION:

8. LEGAL REQUIREMENTS:
   - CDUP
   - SMAP
   - 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 60 days after the completion date of the permitted work; 3) monthly water 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: NEAL O. NORMAN
Signature: ____________________________
Date: 8-2-01

Landowner: NEAL O. NORMAN
Signature: ____________________________
Date: 8-2-01

Contractor: OASIS WATER
Signature: ____________________________
Date: 8-2-01
Solid Casing Material:

Carbon 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 (production wells) □ ASTM A312 (monitor wells)
ABS Plastic conforming to ASTM F480 and ASTM D1527: (check one): □ Schedule 40 □ Schedule 80
PVC Plastic conforming to ASTM F490 and (ASTM D1785 or ASTM D2241): (check one): □ Schedule 40 □ Schedule 80 □ Schedule 120
Thermoset Plastic: (check one):
□ Filament Wound Resin Pipe conforming to ASTM D2996
□ Centrífugally 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:

Carbon 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 (production wells) □ ASTM A312 (monitor wells)
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PROPOSED CONDOMINIUM MA
KILAUEA AG. SUBDIVISION
PARCEL 14
UNITS 1 TO 5,
COMMON ELEMENT AND
EASEMENTS AILI TO AILE INCL.
LAND COURT SYSTEM

REGULAR SYSTEM

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

MR JOHN WELLS
HALAULANI, INC
C/O JOHN WELLS PRODUCTIONS
4000 WARNER BLVD BLDG 138
BURBANK, CA 91522

MR JOHN WELLS
HALAULANI, INC
C/O JOHN WELLS PRODUCTIONS
4000 WARNER BLVD BLDG 138
BURBANK, CA 91522

TG: 408041
TGE: A0-101-1144

Kathy A. Crumpton

TYPE OF DOCUMENT:

HALAULANI CONDOMINIUM DEED

PARTIES TO DOCUMENT:

GRANTOR: HALAULANI INC., a Hawaii corporation

GRANTEE: NEAL A. NORMAN and MELISSA MORSE NORMAN,
husband and wife
P. O. Box 1122
Hanalei, Kauai, Hawaii 96714

TAX MAP KEY FOR PROPERTY:

(4) 5-2-02:11 and 12 Unit No. 3

[\C:\WIND\TEMP\W0048342.DOC]
HALAULANI CONDOMINIUM DEED

THIS INDENTURE, made this _______ day of _____________, 2001, by and between HALAULANI INC., a Hawaii corporation, whose mailing address is c/o John Wells Productions, 4000 Warner Blvd., Building 1, Burbank, California 91522, hereinafter called the "Grantor," and NEAL A. NORMAN and MELISSA MORSE NORMAN, husband and wife, whose mailing address is P. O. Box 1122, Hanalei, Kauai, Hawaii 96714, hereinafter called the "Grantee,"

WITNESSETH:

That the Grantor, in consideration of the sum of TEN DOLLARS ($10.00) and other good and valuable consideration to the Grantor paid by the Grantee, receipt of which is acknowledged, and of the promises and covenants hereinafter set forth and on the part of the Grantee to be faithfully observed and performed, does hereby grant, bargain, sell and convey unto the Grantee, as tenants by the entirety with full rights of survivorship, their heirs and assigns, the following described property, and the reversions, remainders, rents, issues and profits thereof and all of the estate, title and interest of the Grantor, both at law and in equity, therein and thereto:

The premises hereby conveyed comprise a portion of the HALAULANI CONDOMINIUM project (hereinafter referred to as "the "Project"), as established by the Declaration of Condominium Property Regime for the Project, recorded at the Bureau of Conveyances of the State of Hawaii as Document No. 2001-033983, as the same may be amended from time to time (hereinafter referred to as the "Declaration"). The Project consists of that certain parcel of land situate at Kilauea, Kauai, Hawaii, and more particularly described in the Declaration and in Exhibit "A" attached hereto, which description is hereby incorporated herein by this reference, together with the improvements located thereon, as more particularly described in the Declaration. The portion of the Project constituting the premises hereby conveyed is referred to as Unit 3 as more particularly described in said Exhibit "A".

ALL TOGETHER WITH AND SUBJECT TO the encumbrances, restrictions, covenants, agreements, easements, obligations, conditions, exceptions, reservations and other matters and provisions set forth in said Exhibit "A", the Declaration and the exhibits attached thereto, the By-laws, and all rules and regulations promulgated thereunder and the above-mentioned Condominium Map, all of which are incorporated herein by this reference and which constitute and shall constitute covenants running with the land, equitable servitudes and liens to the extent set forth therein and provided by law, and which are hereby accepted by the Grantee as binding and to be binding on the Grantee, his successors and assigns.

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

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

The Grantor hereby reserves the right unto itself, its successors and assigns to delete, relocate, realign, reserve and grant all easements and rights of way over, under and on the common elements necessary or desirable, including but not limited to easements and/or rights of ways for utilities, sanitary and storm sewers, cable television, refuse disposal, driveways, parking areas, access roadways and other similar purposes, provided that such easements and/or rights of way shall not be exercised so as to unreasonably disturb, impair or interfere with the normal use and enjoyment of the property by the unit owners. The Grantee hereby consents to any such granting and/or realignment of easements and/or rights of way as provided above; agrees to execute such documents and instruments and do such other things as may be necessary or convenient to effect the same; and appoints the Grantor and its assigns his attorney-in-fact with full power of substitution to execute such documents and instruments and to do such things on the Grantee's behalf, which grant of such power, being coupled with an interest, is irrevocable for the term of the Grantor's reserved rights and shall not be affected by the disability of the Grantee.

The Grantor hereby covenants and agrees, for the benefit of owners from time to time of all other units in the Project, to at all times observe, perform, comply with and abide by all of the covenants, agreements, obligations, conditions and other provisions set forth in the Declaration and the By-laws (and all rules and regulations duly promulgated pursuant thereto), as any of the same exist or may hereafter be amended in accordance with law, and hereby accepts and approves the Declaration and By-laws (and all rules and regulations duly promulgated pursuant thereto), and the Grantee will indemnify and save harmless each of them for any failure to observe and perform any such term, covenant, condition and restriction for so long as the Declaration and By-laws exist and are in effect.

The rights and obligations of the Grantor and the Grantee shall be binding upon and inure to the benefit of their respective estates, heirs, devisees, personal representatives, successors, successors in trust and assigns. All obligations undertaken by two or more persons shall be deemed to be joint and several unless a contrary intention shall be clearly expressed elsewhere herein. Without limiting the generality of the foregoing, each and every acknowledgment, acceptance, appointment, agreement and covenant of the Grantee herein shall run with the land and constitute an equitable servitude and lien, and is made by the Grantee for himself and on behalf of his estate, heirs, devisees, personal representatives, successors, successors in trust and...
assigns. Each and every person hereafter acquiring from the Grantee or his estate, heirs, devisees, personal representatives, successors, successors in trust or assigns, an interest in the property hereby conveyed, by such acquisition, makes said acknowledgments, acceptances, appointments, agreements and covenants for himself and for his estate, heirs, devisees, personal representatives, successors, successors in trust and assigns.

The terms "Grantor" and "Grantee" as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine, feminine or neuter gender, the singular or plural number, individuals or corporations, and each of their respective heirs, devisees, personal representatives, successors, successors in trust and assigns, according to the context thereof.

This Halaulani Condominium 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 the Grantee have executed this instrument as of the day and year first above written.

GRANTOR: HALAULANI INC., a Hawaii corporation

By /s/ JOHN M. WELLS
Its President

GRANTEE: NEALIA NORMAN

MELISSA MORSE NORMAN
STATE OF HAWAII ) SS:
COUNTY OF KAUAI )

On this 31 day of MAY, 2001, before me appeared JOHN M. WELLS, to me personally known, who, being by me duly sworn, did say that he is the President of HALAULANI INC., a Hawaii corporation, and that said instrument was signed in behalf of said corporation by authority of its Board of Directors, and the said officer acknowledged said instrument to be the free act and deed of said corporation.

Name of Notary: VICKI I. P. STROM
Notary Public, in and for said County and State.
My commission expires: JAN 3 1 2003

STATE OF HAWAII ) SS:
COUNTY OF KAUAI )

On this 30th day of MAY, 2001, before me personally appeared NEAL A. NORMAN, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

Name of Notary: VICKI I. P. STROM
Notary Public, State of Hawaii.
My commission expires: JAN 3 1 2003
On this 30th day of May, 2001, before me personally appeared MELISSA MORSE NORMAN, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed.

Name of Notary: VICKI L.P. STROM
Notary Public, State of Hawaii.

My commission expires: JAN 31 2003

JAN 31 2003
EXHIBIT "A"

Those certain premises comprising a portion of the Project known as the "HALAULANI CONDOMINIUM", said Project having been established as a Condominium Property Regime by Declaration of Condominium Property Regime of Halaulani Condominium, dated February 16, 2001, and recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2001-033983, as may be amended from time to time (herein called the "Declaration"), and Bylaws of the Association of Unit Owners of Halaulani Condominium, dated February 16, 2001, and recorded in said Bureau as Document No. 2001-033984, as may be amended from time to time (herein called the "Bylaws"), the premises hereby conveyed being more particularly described as follows:

FIRST:

Unit No. 3 as shown on Condominium Map No. 3227 recorded in said Bureau.

TOGETHER WITH appurtenant easements as follows:

Exclusive easements to use other limited common elements appurtenant thereto designated for its exclusive use by the Declaration, and the Condominium Map.

SUBJECT to easements for the encroachment by any part of the common elements of the Project now or hereafter existing thereon and for entry as may be necessary for operation of the Project or for making repairs therein as provided in the Declaration.

SECOND:

An undivided one-tenth (1/10) interest appurtenant to the apartment and in all common elements of said Project as described in the Declaration.

The land upon which said Condominium Project "HALAULANI CONDOMINIUM" is located is described as follows:

(Lot 15-A)

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Land Patent Number 8173, Land Commission Award Number 8559-B, Apana 39 to William C. Lunalilo) situate, lying and being at Kaliliwai and Kilauea, Hanalei, Island and County of Kauai, State of Hawaii, being LOT 15-A, bearing Tax Key designation 5-2-002-011 (4), and containing an area of 688.381 acres, more or less.
All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Grant Number 2896 to Charles Titcomb) situate, lying and being on the south side of Kauai Belt Road (Federal Aid Primary Project No. F-056-1 (9) Kilauea to Kahili Section) at Kilauea, Hanalei, Island and County of Kauai, State of Hawaii, being PARCEL 14, and thus bounded and described as per survey of Masaru Tsugawa, Registered Professional Surveyor, with R.M. Towill Corporation, dated December 10, 1971, and containing an area of 719.58 acres, more or less.

Said parcel(s) of land being more particularly described in Declaration of Condominium Property Regime dated February 16, 2001, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2001-033983 and as shown on Condominium Map No. 3227 and any amendments thereto.

Being the same premises conveyed to Grantor herein Halaulani Condominium Deed dated _____________, 2001, and recorded in the Bureau of Conveyances of the State of Hawaii as Document No. ______________.

SUBJECT, HOWEVER, to the following:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.

2. Rights of access in favor of others as set forth in those certain Unrecorded Agreements dated February 11, 1972 and September 1, 1972.

3. -AS TO Lot 15-A

(a) Free flowage of Kahiliholo Stream, Kilauea Stream, and Puu Ka Ele Stream.

(b) Pipeline Easement "B" (20 feet wide), running through a portion of Parcel 15, besides other land, said easement was granted in favor of the County of Kauai, through its Board of Water Supply, by instrument dated January 28, 1974, recorded in Liber 9745 at Page 375, and further granted in favor of GTE Hawaiian Telephone Company Incorporated, by instrument dated September 23, 1974, recorded in Liber 10179 at Page 433.

(c) Right of ingress and egress thereto and therefrom over the Grantor's adjoining lands, provided, however, that the Grantors shall have the right to designate, from time to time, roadway easements for such ingress and egress affording reasonable access, and upon such designation, from time to time, the rights of the Grantee in any previously existing roadway location or locations shall cease and terminate, as set forth in Deed dated January 28, 1974, recorded in Liber 9745 at Page 375.
(d) Grant to Citizens Utilities Company dated December 15, 1980, recorded in Liber 15795 at Page 275, granting a non-exclusive right and easement for utility purposes over Easement "U-1" (20 feet wide).

(e) Setback (55 feet wide) for drainage way purposes, as shown on survey map prepared by Dennis M. Esaki, Registered Professional Land Surveyor, with Esaki Surveying & Mapping, Inc.


(g) Claims arising out of the failure to convey the land described herein together with an easement or right of access.

(h) Notice of Dedication dated February 11, 2000, recorded in said Bureau as Document No. 2000-020658, by Marilyn Wells and John Wells, Trustees of the John and Marilyn Wells Trust, re: dedication of land for agriculture purposes.

(i) Waiver and Release dated November 27, 2000, recorded in said Bureau as Document No. 2000-178766.

(j) Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey or archaeological study would disclose.

4. AS TO Parcel 14

(a) Free flowage of Kilauea Stream and Puu Ka Ele Stream.

(b) Abutter's rights of vehicle access into and from Kauai Belt Road were conveyed to the State of Hawaii, by instrument dated September 15, 1972, recorded in Liber 8706 at Page 435.

(c) Grant of Access Rights to Brewer Properties, Inc., a Delaware corporation, and C.B. Kilauea, Inc., a Hawaii corporation, doing business as "Kilauea Plantations", a registered Hawaii partnership, dated May 30, 1980, and recorded in Liber 14770 at Page 652, granting vehicle access rights for ingress and egress from Kauai Belt Road over and across the boundaries described therein.

(d) Unrecorded License Agreement by and between John Marcum Wells, also known as John Wells, and Marilyn Turnage Wells, Co-Trustees of The John and Marilyn Wells Trust,
"Licensor", and Kilauea Agronomics, Inc., a Hawaii corporation, "Licensee", of which a Memorandum of License Agreement is dated August 27, 1999, recorded as Document No. 99-138771; re: licensed premises of 308 acres of agricultural land located at Kilauea, Kauai, Hawaii, being a portion of Kauai Tax Map Key No. (4) 5-2-02:12, and being a portion of Parcel 14, for a term from August 27, 1999, through August 26, 2009, with a single ten-year renewal option.


(f) Waiver and Release dated November 27, 2000, recorded in said Bureau as Document No. 2000-178765.

(g) Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other matters which a correct survey or archaeological study would disclose.

5. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in that certain Deed To Water Rights dated December 15, 1986, and recorded in Liber 20150 at Page 692.

6. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in that certain Declaration dated October 3, 1988, recorded in Liber 22452 at Page 429. Said Declaration was amended by instrument dated July 5, 1990, recorded as Document No. 90-104733.

7. The following easements as set forth in Declaration of Condominium Property Regime dated February 16, 2001, recorded as Document No. 2001-033983:

(a) Common Element Easement "AU-1" affecting Unit 1 in favor of Units 1 through 10 and Kilauea Agronomics, Inc. ("KAI") for pedestrian, equestrian and vehicular access purposes; and for underground utility purposes.

(b) Common Element Easement "AU-2" affecting Unit 2 in favor of Units 1 through 10 and KAI for pedestrian, equestrian and vehicular access purposes; and for underground utility purposes.

(c) Limited Common Element Easement "AU-3" affecting Unit 5 in favor of Units 2 through 10 and KAI for pedestrian, equestrian and vehicular access purposes; and for underground utility purposes.
(d) Limited Common Element Easement "AU-4" affecting Unit 3 in favor of Units 3, 4 and 10 for pedestrian, equestrian and vehicular access purposes; and for underground utility purposes.

(e) Limited Common Element Easement "AU-5" affecting Units 3 and 4 in favor of Unit 4 for pedestrian, equestrian and vehicular access purposes; and for underground utility purposes.

(f) Limited Common Element Easement "AU-6" affecting Units 3 and 10 in favor of Unit 10 for pedestrian, equestrian and vehicular access purposes; and for underground utility purposes.

(g) Limited Common Element Easement "AU-7" affecting Unit 5 in favor of Units 2 and 5 through 10 for pedestrian, equestrian and vehicular access purposes; and for underground utility purposes.

(h) Limited Common Element Easement "AU-8" affecting Unit 2 in favor of Units 2 and 6 through 10 for pedestrian, equestrian and vehicular access purposes; and for underground utility purposes.

(i) Limited Common Element Easement "AU-9" affecting Unit 6 in favor of Units 6 through 10 for pedestrian, equestrian and vehicular access purposes; and for underground utility purposes.

(j) Limited Common Element Easement "AU-10" affecting Unit 9 in favor of Units 6 through 10 for pedestrian, equestrian and vehicular access purposes; and for underground utility purposes.

(k) Limited Common Element Easement "AU-11" affecting Unit 7 in favor of Units 7 and 8 for pedestrian, equestrian and vehicular access purposes; and for underground utility purposes.

(l) Limited Common Element Easement "AU-12" affecting Unit 8 in favor of Units 7 and 8 for pedestrian, equestrian and vehicular access purposes; and for underground utility purposes.

(m) Easement "AU-13" affecting Unit 1 in favor of the Association and that certain property described as Parcel 18 for pedestrian, equestrian and vehicular access purposes; and for underground utility purposes.

(n) Easement "AU-14" affecting Unit 5 in favor of the Association and Parcel 18 for pedestrian, equestrian and vehicular access purposes; and for underground utility purposes.
(p) Easement "W-1" affecting Units 2, 3, 4 and 5 in favor of KAI for irrigation, vehicular and pedestrian access purposes.

(q) Access Easement affecting Units 2 and 6 in favor of KAI for pedestrian and vehicular access purposes and for underground utility purposes, as described in the Declaration.

(r) A Reserved Easement on Units 1, 2, 5, 6, 7, 8, 9 and 10 for pedestrian and vehicular access purposes and for underground utility purposes, in favor of Parcel 18 as described in the Declaration.

(s) An Existing Easement on Units 6 and 7 in favor of KAI and the Board of Water Supply of the County of Kauai for vehicular and pedestrian access purposes, and for underground utility purposes, as described in the Declaration.

(t) A Reserved Limited Common Element Easement on Units 3, 5 and 10 in favor of Units 6, 7, 8 and 9 for pedestrian and vehicular access purposes and for underground utility purposes, as described in the Declaration.

8. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in the following:


Condominium Map No. 3227.

9. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in that certain By-Laws of the Association of Unit Owners of Halaulani Condominium dated February 16, 2001, and recorded in said Bureau as Document No. 2001-033984.

10. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in the Declaration Of Covenants, Conditions And Restrictions Of Halaulani Condominium dated February 16, 2001, recorded in said Bureau as Document No. 2001-037697, as amended by First Amendment To Declaration Of Covenants, Conditions And Restrictions Of Halaulani Condominium dated June 6, 2001, recorded in said Bureau as Document No. ____________________.

11. Claims arising out of customary or traditional rights and practices, including without limitation those exercised for subsistence, cultural, religious, access or gathering purposes as provided for in the Hawaii Constitution or the Hawaii Revised Statutes, as amended.

12. Any lien (or claim of lien) for services, labor or material arising from an improvement or work related to the land described herein.