County of Maui
Waiehu Golf Course
TMK:3-2-13:6,19,28,29
Irrigation Well# 5529-02
Irrigation Well# 5530-04
Irrigation Well# 5530-03
Charley:

As I mentioned the second well which is noted as a "new well" at the golf course is in reality, a set of two new frequency generated booster pumps (written testimony will have details, pictures and notes on operating software). This would be well #5530-04. While doing the written part of the testimony I noticed that we also have another "new well" that does not exist and this would most likely be my paperwork foul-up. This well would be located at the War Memorial Complex. I am not sure which number would be the non existant one- The Baldwin High School well is situated on the War Memorial Complex Grounds and is near Kaahamanu Avenue at the front of the complex by our offices, and is number 5329-05. The only other well at this complex is located in the Maintenance Area at the rear of the physical football stadium. I am not sure which number has been assigned to it through the years but it looks like it is well # 5329-04. (In the new use applications we show Maui Stadium Well as 5329-14 which would be the same well. If you have a idea on this I could really use your help. I am still having a problem with the well at Maui Community College and if you have the paper work that will help me to transfer the well that is on their property to the college I would appreciate if you could send it as an attachment to an e-mail and I will take care of it right away. I know that we have a well at Maui Central Park (Keopuolani Park) but I do not know what number it is and it is still inoperative. Pacific Excavation and water wells is at the present time trying to get it in operation and also 2 other wells at Maui Central Park that are on the Kahului Aquifer. Once these wells are in operation they will make a state of the art computer controlled frequency pump, radio frequency weather station to controller interrupt water conservation system. (explanation and pictures as well as specifications will be in written testimony.)

Now that I have given you your headache for the day , I can tell you that all of our pumpage rates have been brought down to about 70% of what they have been in the past by new equipment and software as well as plain old conservation......Randy

You are quite correct in that thought Charlie. I am working on the written presentation at this time> The wells upgrade at the Waiehu Golf Course was for a water conserving type of booster pump and not for a new well. We are working on the new pumpage figure as this time as well as a written presentation as to how the system operates. At this time it is turning out that the new booster pumps along with the Maxi 5 software and the RainBird ESP MC controller are realizing us a savings of about 126,000 gallons of water per day that the system is run. This will be documented along with conservation methods for other caprock wells in the Iao Aquifer System.....Randy Gentry

We are awaiting corrected/updated pumpage figures for Parks & Rec wells, as well as some details on the system upgrade work done at various locations. I understand from a phone conversation that the "replaced pumps" were in fact boosters from the storage pond, rather than well pumps.

It would be easier for filing to have these information bits transmitted by email rather than by phone, is that's agreeable. Also, you had some beautiful exhibits at the hearing, and I believe you hung on to them to send with the complete info packet.

If possible, we'd like to transmit available information to interested parties prior to the follow-up meeting, so they can be prepared for comments or questions. We look forward to that. Thanks, Randy.
May 13, 2005

TO: Other Interested Parties
FROM: Dean A. Nakano, Acting Deputy Director
SUBJECT: Request for Comments

Water Use Permit Application
Iao Ground Water Management Area, Maui

In addition to serving you notice as required by 174C-52 (a), HRS, transmitted for your review and comment are copies of water use permit applications:

**Existing Use Applications**
- War Memorial Stadium Well (Well No. 5329-04), WUPA No. 709
- Baldwin High School Well (Well No. 5329-05), WUPA No. 710
- Papohaku Park Well (Well No. 5429-02), WUPA No. 712
- Waiehu Golf Course Well (Well No. 5529-02), WUPA No. 711

**New Use Applications**
- Maui Stadium Well (Well No. 5329-14), WUPA No. 713
- Waiehu Golf Course Well 2 (Well No. 5530-04), WUPA No. 714

The latter applications are being treated as new uses because they were filed after the statutory deadline for existing use applications.

Public notice of these applications will be published in the Maui News issues of May 13, 2005 and May 20, 2005.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives of the organization or agency that you represent. Written objections should be made in accordance with Section 13-171-18, Hawaii Administrative Rules and must be filed by the June 6, 2005 deadline. If we do not receive your comments by this date, we will assume you have no comments or objections.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Charley Ice at 587-0251.

Contact person: O. Kapua Spratt
Signed:

Phone: 599-2436, ext. 16
Date: June 20, 2005
June 20, 2005

BY U.S. MAIL & FACSIMILE TRANSMITTAL
Fax: (808) 587-0219

Peter T. Young, Chairperson
Dean A. Nakano, Acting Deputy Director
Commission on Water Resource Management
P.O. Box 621
Honolulu, Hawai‘i 96809

Re: Objection to the County of Maui’s Water Use Permit Applications for Well No. 5329-04, Well No. 5329-05, Well No. 5429-02, Well No. 5529-02, Well No. 5329-14, and Well No. 5530-04; ‘Iao Ground Water Management Area, Maui

Dear Chair Young and Acting Deputy Director Nakano:

On behalf of Hui o Nā Wai ‘Ehā and Maui Meadows Homeowners Association, Earthjustice submits the following comments and objections regarding Maui County Department of Parks and Recreation’s (“MDPR’s”) water use permit application (“WUAP”) numbers 709-714 for the War Memorial Stadium Well (Well No. 5329-04), Baldwin High School Well (Well No. 5329-05), Papohaku Park Well (Well No. 5429-02), Waiehu Golf Course Well (Well No. 5529-02), Maui Stadium Well (Well No. 5329-14), and Waiehu Golf Course Well 2 (Well No.

1 Hui o Nā Wai ‘Ehā is a community-based organization that was formed to promote the conservation and appropriate management of Hawai‘i’s natural and cultural resources and the practices that depend on them. The Hui strives to protect and restore streams, oceans, estuaries, native flora and fauna, and the activities that rely on these resources, especially the perpetuation of traditional and customary Native Hawaiian practices. Hui members live, work, and play in the ‘Iao ground water management area. They rely on and routinely use ground water from the aquifer as well as surface water from ‘Iao, Waihe‘e, Waiehu, and Waikapū streams and their nearshore marine waters for fishing, swimming, agriculture, aquaculture, research, photography, educational programs, aesthetic enjoyment, traditional and customary Native Hawaiian practices, and other recreational, scientific, cultural, educational and religious activities.

2 Maui Meadows Homeowners Association is an association of homeowners from the Maui Meadows subdivision in Kihei. The association’s filing of a July 2001 petition resulted in the designation of the ‘Iao aquifer in July of 2003. Maui Meadows has been active in water and land use issues on Maui for many years and its members rely on the ‘Iao aquifer to satisfy their water needs. Additionally, the association’s members have been working to ensure appropriate management of the ground water resources in the ‘Iao and Waihe‘e aquifers.
Earthjustice’s Objection to the County of Maui Department of Parks and Recreation’s Water Use Permit Applications
June 20, 2005
Page 2 of 5

5530-04). These applications seek permits from the ‘Īao Ground Water Management Area to irrigate various MDPR facilities. For all of the reasons detailed herein, these applications fail to establish that the proposed new and existing uses comply with the requirements of the law. The Hui and Maui Meadows therefore urge this Commission to require MDPR to complete its applications before holding any meetings or public hearings regarding these WUPAs. If the missing information is provided in a timely fashion, we remain hopeful that the communities’ concerns and objections can be resolved via the mediated discussions between the parties, alleviating any need for a contested case hearing.

In their current state, MDPR’s permit applications fail to provide the factual and other basis necessary for this Commission to complete the analysis and make the findings required by the State Constitution and Water Code, and ratified by the Hawai‘i Supreme Court. The applications are insufficient for the following reasons:

1. MDPR failed to establish that the water source would accommodate its proposed uses, pursuant to Haw. Rev. Stat. § 174C-49(a)(1).

The Code requires each applicant to establish that a water source can accommodate its proposed use. Haw. Rev. Stat. § 174C-49(a)(1). MDPR’s applications neglect even to mention the condition of ‘Īao aquifer or assess how its proposed uses will be supported, if at all. For years now, Commission staff and United States Geological Survey have warned that water is being extracted from the ‘Īao aquifer at rates that jeopardize the quality and viability of this important resource. Despite indications that the aquifer is threatened by existing and proposed withdrawals of water, the application lacks any analysis regarding whether the water source can accommodate MDPR’s total requested allocation of 455,750 gallons per day. See generally State of Hawai‘i Commission on Water Resource Management, ‘Īao and Waihe‘e Aquifer Systems State Aquifer Codes 60102 and 60103 Ground-Water Management Area Designation Findings of Fact (Nov. 14, 2002) (detailing the condition of the ‘Īao aquifer). MDPR must provide the information necessary to satisfy this criterion.

2. MDPR failed to establish that its proposed uses are consistent with the public interest and will not interfere with existing legal uses of water, pursuant to Haw. Rev. Stat. §§ 174C-49(a)(3)-(4).

The Hawai‘i Supreme Court affirmed that this Commission is “duty-bound to place the burden on the applicant to justify the proposed water use in light of the trust purposes and weigh competing public and private water uses on a case-by-case basis.” In re Wai‘ahole Ditch Combined Contested Case Hearing 105 Haw. at 1, 16, 93 P.3d at 643, 658 (2004) (quotations omitted). Moreover, the Code mandates that an applicant establish that its proposed use “will not interfere with any existing legal use of water” and “is consistent with the public interest.” Haw. Rev. Stat. §§ 174C-49(a)(3)-(4).
When allocating water, this Commission must consider the impact of all proposed uses on: (1) the maintenance of waters in their natural state, (2) resource protection, (3) water for domestic purposes, and (4) the protection of traditional and customary Native Hawaiian rights and practices. In re Wai`ola o Moloka`i, Inc. (“Wai`ola”), 103 Haw. 401, 429 (2004) (citing In re Waiahole Ditch Combined Contested Case Hearing (“Waiahole I”), 94 Haw. 97, 136-138, 142, 9 P.3d 409, 448-450, 454 (2000)). Analyzing potential impacts on each of these public trust uses is especially important in ‘Iao, where the condition of the aquifer has long been in question and studies are currently underway to better quantify the aquifer’s true sustainable yield. MDPR’s applications fail even to identify, let alone analyze, any public trust uses or any existing legal uses of water. Indeed, this Commission cannot and should not issue permits to MDPR absent additional information demonstrating that MDPR’s proposed uses are consistent with known existing and yet to be identified uses.

3. MDPR failed to establish that its proposed uses are “reasonable-beneficial,” pursuant to Haw. Rev. Stat. § 174C-49(a)(2).

   a. MDPR failed to demonstrate that its proposed uses are reasonable and beneficial by detailing actual water needs.

      The law requires that permit applicants such as MDPR demonstrate, at a minimum, that their requested allocations reflect actual need. See Waiahole I, 94 Haw. at 162, 9 P.3d at 474 (“Notwithstanding the present and uncertain nature of the permitting process, therefore, permit applicants must still demonstrate their actual needs and, within the constraints of available knowledge, the propriety of draining water from public streams to satisfy those needs.”); Haw. Rev. Stat. § 174C-50(f) (“A permit to continue an existing use shall be for a quantity of water not exceeding that quantity being consumed under the existing use.”). MDPR neglected to provide any basis for its requested allocations, and must provide this information before the Commission takes any further action on its applications.

   b. MDPR failed to demonstrate that its proposed uses are reasonable and beneficial by analyzing alternative sources of water.

      Assuming, arguendo, that 455,750 gallons per day reflects MDPR’s actual water needs, the applications fail to examine alternative sources of water. This analysis is necessary to fulfill the Commission’s duty as trustee of Hawai`i’s water resources and MDPR’s burden of proof.

      Specifically, the public trust compels the state duty to consider the cumulative impact of existing and proposed diversions on trust purposes and to implement

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1 Maui Meadows and the Hui acknowledge that MDPR’s burden regarding this criterion may be easier to satisfy for MDPR’s caprock sources. Still, some effort must be made to fulfill the necessary requirements.
reasonable measures to mitigate this impact, including the use of alternative sources.

Waiāhole I, 94 Haw. at 143, 9 P.3d at 455. This analysis is essential for this Commission and the community at large to evaluate whether an applicant has adequately established that its requested allocation would support a reasonable-beneficial use. The Hawaiʻi Supreme Court ruled:

It is axiomatic that the Commission must also consider alternative sources in permitting existing or new uses in the first instance, as a part of its analysis of the "reasonable-beneficial" and "consistent with the public interest" conditions for a permit.

Waiāhole I, 94 Haw. at 162 n.65, 9 P.3d at 474 n.65. Accordingly, alternative sources and other physical solutions such as the potential modification of project operations must be set forth by the applicant and examined by this Commission. The Code, the Commission’s prior decisions and orders, and the Hawaiʻi Water Plan contain numerous examples of such alternatives. Because MDPR’s applications fail to include the required alternatives analysis, Commission approval of these WUPAs in their present state would be wrong as a matter of law.


The Code also requires that MDPR establish that its proposed uses are consistent with state and county general plans, land use designations, plans, and policies, and will not interfere with the rights of the Department of Hawaiian Home Lands. Haw. Rev. Stat. § 174C-49(a)(5)-(7). MDPR’s applications fail even to address these issues, let alone establish that its proposed uses are consistent with them. Given the high level of scrutiny required by the state constitution, Water Code, and public trust principles, MDPR must affirmatively demonstrate compliance with these necessary requirements.

5. Conclusion.

In conclusion, MDPR’s applications fail to meet the minimum requirements necessary to protect the ʻIao aquifer, to safeguard the public interest, and to facilitate meaningful participation by interested parties and reasoned decisionmaking by this Commission. Because MDPR failed to satisfy each of the conditions for a water use permit, Maui Meadows and Hui o Nā Wai ʻEhā respectfully urge this Commission to deny the applications in their present state. In the alternative, we ask this Commission to order MDPR to immediately provide information detailed in this objection, so that the community and this Commission can review and analyze this data before any mediated discussion by the parties or the continuation of any public hearing. At the latest, we request that all additional information be provided at least one week prior to any scheduled meeting of the parties. We finally request that any meetings or hearings be held on Maui to facilitate participation by our clients and other affected parties.
Earthjustice’s Objection to the County of Maui Department of Parks and Recreation’s Water Use Permit Applications
June 20, 2005
Page 5 of 5

Please do not hesitate to contact us for further information.

Me ke aloha,

D. Kapua Sleet

Cc: Randy Gentry, Maui Parks and Recreation (via First Class U.S. Mail)
    John V. Duey, Hui o Nā Wai `Ehā (via email)
    Jim Williamson, Maui Meadows Homeowners Association (via email)
    Dr. Jonathan Likeke Scheuer, OHA (via email)
    Deputy Corp. Counsel Jane Lovell, Maui County Dept. of Water Supply (via email)
    George Tengan, Maui County DWS (via email)
    Ellen Kraftsow, Maui County DWS (via email)
    Linnel Nishioka, HC&S and Kehalani Mauka (via email)
    Garrett Hew, HC&S (via email)
    Avery B. Chumbley, Wailuku Agribusiness Co., Inc. (via email)
    Clayton Suzuki, Wailuku Agribusiness Co., Inc. (via email)
June 20, 2005

Peter Young, Chairperson  
Commission on Water Resource Management  
Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, HI 96809

RE: Water Use Permit Applications in the ‘Iao Ground Water Management Area, Maui.¹

Dear Mr. Young and Commissioners,

The Office of Hawaiian Affairs (OHA) appreciates the opportunity to comment on these permits. OHA objects to these applications because they were accepted by the Commission despite being incomplete and for other reasons specified herein.

Before offering our comments, we would like to note a few relevant points:

1. We are here offering essentially the same comments and objections we have for all of the other applications submitted and circulated for the ‘Iao Ground Water Management Area.
2. It is our understanding that our objection means that these permits will be considered in the ongoing proceedings on these other permits before the Commission, which is acceptable to OHA.
3. As our objections are the same and the hearings are the same, we include by reference and as applicable, the other communications we have sent to the Commission on these matters.
4. We note that last two of these applications listed below have been deemed by the Commission to be for “new uses” under the Code, and as such may only be considered after allocations have been made for the permit applications for existing uses.
5. OHA has been working with Maui County officials to resolve our earlier objections and we believe that the County is making good faith efforts to address our concerns. Because

¹ Applications by County of Maui, Department of Parks and Recreation, for:  
War Memorial Stadium Well (Well No. 5329-04, WUPA No. 709, TMKs 3-8-07:55, 93, and 94)  
Baldwin High School Well (Well No. 5329-05, WUPA No. 710, TMKs 3-8-07:55, 93, and 94)  
Pāpōhaku Park Well (Well No. 5329-04, WUPA No. 712, TMK 3-4-30:Portion 1)  
Waiehu Golf Course Well (Well No. 5529-02, WUPA No. 711, TMK 3-2-13:6, 19, 28, 29)  
War Memorial Stadium Well (Well No. 5329-14, WUPA No. 713, TMKs 3-8-07:55, 93, and 94)  
Waiehu Golf Course Well (Well No. 5530-04, WUPA No. 714, TMK 3-2-13:6, 19, 28, 29)
of this progress, we have reason to believe that this applicant, a division of the county government, has more relevant information available than has been submitted in these applications. However, because that information, especially specific to the source they use, has not been provided, we must object.

6. Finally, we will note that because these permits are for withdrawals from the caprock aquifer, it may be easier for the applicant in this instance to meet their constitutional and statutory burdens that we have outlined in this and previous letters.

**OHA’s interests in these matters**

As you are all well aware, the Office of Hawaiian Affairs was established at the same time and by the same body as the Water Commission, at and by the 1978 Constitutional Convention. Not only do the two organizations share the same origin, but many of our concerns overlap. The Commission is directed in its enabling statute that it “Shall cooperate with federal agencies, other state agencies, county or other local governmental organizations, and all other public and private agencies created for the purposes of utilizing and conserving the waters of the State...” (HRS §174C-5 (6)). Importantly, the Water Code also strongly states that any provision of the Code or its implementation shall not amend, modify, diminish, extinguish, abridge, or deny Native Hawaiian Water Rights (HRS §174C-101).

Concurrently, in OHA’s enabling statute it is directed that “It shall be the duty and responsibility of all state departments and instrumentalities of state government providing services and programs which affect native Hawaiians and Hawaiians to actively work toward the goals of this chapter and to cooperate with and assist wherever possible the office of Hawaiian affairs” (HRS §10-1 (b)). Moreover, in order to achieve our primary purposes of the betterment of conditions of native Hawaiians and Hawaiians (HRS §10-3 (1) & (2)), OHA was also created for “Assessing the policies and practices of other agencies impacting on native Hawaiians and Hawaiians, and conducting advocacy efforts for native Hawaiians and Hawaiians (HRS §10-3 (4)).

Water, both ground and surface, has many historic, legal, cultural, economic, and other important values to native Hawaiians and Hawaiians, and as such both to OHA and the future Hawaiian Nation. OHA’s interest in water is both general across the islands and specific to this area and island. It is in light of the interests OHA has in water, and existing legal mandates outlined above, that OHA objects to these WUPA.

**OHA’s primary objection**

OHA has one central objection to these WUPAs as filed by the applicant and accepted by the commission. The applicant has utterly failed in their applications to establish that the proposed use of water meets the seven conditions for water use in a designated ground water management area. In each application, the applicant only provides two sentences that vaguely address these issues, under application item 13.

This failure raises issues for OHA that are among the bases for our objection. First, OHA is concerned that the Commission has even accepted the application as complete. As the Commission’s own diagram entitled “WATER USE PERMIT PROCESS” relates, acceptance of an application (and the consequent beginning of the time limits for action) should only occur when the above referenced requirements are addressed.
Secondly, the lack of information makes it difficult and burdensome for OHA to comment on whether the use will impact on protected Native Hawaiian Water Rights. This is a problem because the Code, the WUPA form, and the Hawaii Supreme Court make it clear to the Commission (Waiāhole 94 Haw. 97, 161) that “Under the public trust and the Code, permit applicants have the burden of justifying their proposed uses in light of protected public rights in the resource.” The applicant bears the burden of showing these conditions are met; this burden does not lie with the Commission or with any party objecting to the issuance of the permit. OHA notes that the absence of any meaningful information will make evaluation of the permit by the Commission also difficult and burdensome.

Mahalo for your attention to these matters. We acknowledge the hard work that the Commission and the County have been undertaking for the ‘Īao Aquifer, and we look forward to working together to protect these resources. If you have further questions, please contact Dr. Jonathan Likeke Scheuer at (808) 594-1946 or email him at jonathans@oha.org.

Sincerely,

Clyde W. Nāmu‘o
Administrator

cc: Randy Gentry, Maui Parks and Recreation (via First Class U.S. Mail)
George Tengan, Ellen Kraftsow, and Jane Lovell, Maui County (via email)
John V. Duey, Hui o Nā Wai ʻEhā (via email)
Jim Williamson, Maui Meadows Homeowners Association (via email)
Kapua Sproat, Earthjustice (via email)
Linnel Nishioka, HC&S and Kehalani Mauka (via email)
Avery B. Chumbley and Clayton Suzuki, Wailuku Agribusiness (via email)
Garrett Hew, HC&S (via email)
May 13, 2005

TO: Other Interested Parties

FROM: Dean A. Nakano, Acting Deputy Director
Commission on Water Resource Management

SUBJECT: Request for Comments
Water Use Permit Application
Iao Ground Water Management Area, Maui

In addition to serving you notice as required by 174C-52 (a), HRS, transmitted for your review and comment are copies of water use permit applications:

Existing Use Applications
War Memorial Stadium Well (Well No. 5329-04), WUPA No. 709
Baldwin High School Well (Well No. 5329-05), WUPA No. 710
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New Use Applications
Maui Stadium Well (Well No. 5329-14), WUPA No. 713
Waiehu Golf Course Well 2 (Well No. 5530-04), WUPA No. 714

The latter applications are being treated as new uses because they were filed after the statutory deadline for existing use applications.

Public notice of these applications will be published in the Maui News issues of May 13, 2005 and May 20, 2005.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives of the organization or agency that you represent. Written objections should be made in accordance with Section 13-171-18, Hawaii Administrative Rules and must be filed by the June 6, 2005 deadline. If we do not receive your comments by this date, we will assume you have no comments or objections.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Charley Ice at 587-0251.

Class
Attachment(s)

Response: ( ) We have no objections or comments
( ) Objections attached
( ) Only comments attached

Contact person: O. Kapua Sprat

Signed: [signature]

Phone: 599-2436, ext. 16
Date: June 20, 2005
June 20, 2005

BY U.S. MAIL & FACSIMILE TRANSMITTAL
Fax: (808) 587-0219

Peter T. Young, Chairperson
Dean A. Nakano, Acting Deputy Director
Commission on Water Resource Management
P.O. Box 621
Honolulu, Hawai‘i 96809

Re: Objection to the County of Maui's Water Use Permit Applications for Well No. 5329-04, Well No. 5329-05, Well No. 5429-02, Well No. 5529-02, Well No. 5329-14, and Well No. 5530-04; 'Iao Ground Water Management Area, Maui

Dear Chair Young and Acting Deputy Director Nakano:

On behalf of Hui o Nā Wai ʻEhā and Maui Meadows Homeowners Association,¹ Earthjustice submits the following comments and objections regarding Maui County Department of Parks and Recreation’s (“MDPR’s”) water use permit application (“WUPA”) numbers 709-714 for the War Memorial Stadium Well (Well No. 5329-04), Baldwin High School Well (Well No. 5329-05), Papohaku Park Well (Well No. 5429-02), Waiehu Golf Course Well (Well No. 5529-02), Maui Stadium Well (Well No. 5329-14), and Waiehu Golf Course Well 2 (Well No.

¹ Hui o Nā Wai ʻEhā is a community-based organization that was formed to promote the conservation and appropriate management of Hawai‘i’s natural and cultural resources and the practices that depend on them. The Hui strives to protect and restore streams, oceans, estuaries, native flora and fauna, and the activities that rely on these resources, especially the perpetuation of traditional and customary Native Hawaiian practices. Hui members live, work, and play in the ʻIao ground water management area. They rely on and routinely use ground water from the aquifer as well as surface water from ʻIao, Waihee, Waiehu, and Waikapu streams and their nearshore marine waters for fishing, swimming, agriculture, aquaculture, research, photography, educational programs, aesthetic enjoyment, traditional and customary Native Hawaiian practices, and other recreational, scientific, cultural, educational and religious activities.

² Maui Meadows Homeowners Association is an association of homeowners from the Maui Meadows subdivision in Kihei. The association’s filing of a July 2001 petition resulted in the designation of the ʻIao aquifer in July of 2003. Maui Meadows has been active in water and land use issues on Maui for many years and its members rely on the ʻIao aquifer to satisfy their water needs. Additionally, the association’s members have been working to ensure appropriate management of the ground water resources in the ʻIao and Waihe‘e aquifers.
Earthjustice’s Objection to the County of Maui Department of Parks and Recreation’s Water Use Permit Applications
June 20, 2005
Page 2 of 5

5530-04). These applications seek permits from the Iao Ground Water Management Area to irrigate various MDPR facilities. For all of the reasons detailed herein, these applications fail to establish that the proposed new and existing uses comply with the requirements of the law. The Hui and Maui Meadows therefore urge this Commission to require MDPR to complete its applications before holding any meetings or public hearings regarding these WUPAs. If the missing information is provided in a timely fashion, we remain hopeful that the communities’ concerns and objections can be resolved via the mediated discussions between the parties, alleviating any need for a contested case hearing.

In their current state, MDPR’s permit applications fail to provide the factual and other basis necessary for this Commission to complete the analysis and make the findings required by the State Constitution and Water Code, and ratified by the Hawai’i Supreme Court. The applications are insufficient for the following reasons:

1. MDPR failed to establish that the water source would accommodate its proposed uses, pursuant to Haw. Rev. Stat. § 174C-49(a)(1).

   The Code requires each applicant to establish that a water source can accommodate its proposed use. Haw. Rev. Stat. § 174C-49(a)(1). MDPR’s applications neglect even to mention the condition of Iao aquifer or assess how its proposed uses will be supported, if at all. For years now, Commission staff and United States Geological Survey have warned that water is being extracted from the Iao aquifer at rates that jeopardize the quality and viability of this important resource. Despite indications that the aquifer is threatened by existing and proposed withdrawals of water, the application lacks any analysis regarding whether the water source can accommodate MDPR’s total requested allocation of 455,750 gallons per day. See generally State of Hawai’i Commission on Water Resource Management, Iao and Waihe’e Aquifer Systems State Aquifer Codes 60102 and 60103 Ground-Water Management Area Designation Findings of Fact (Nov. 14, 2002) (detailing the condition of the Iao aquifer). MDPR must provide the information necessary to satisfy this criterion.

2. MDPR failed to establish that its proposed uses are consistent with the public interest and will not interfere with existing legal uses of water, pursuant to Haw. Rev. Stat. §§ 174C-49(a)(3)-(4).

   The Hawai’i Supreme Court affirmed that this Commission is “duty-bound to place the burden on the applicant to justify the proposed water use in light of the trust purposes and weigh competing public and private water uses on a case-by-case basis.” In re Waiāhole Ditch Combined Contested Case Hearing 105 Haw. at 1, 16, 93 P.3d at 643, 658 (2004) (quotations omitted). Moreover, the Code mandates that an applicant establish that its proposed use “will not interfere with any existing legal use of water” and “is consistent with the public interest.” Haw. Rev. Stat. §§ 174C-49(a)(3)-(4).
Earthjustice’s Objection to the County of Maui Department of Parks and Recreation’s Water Use Permit Applications
June 20, 2005
Page 3 of 5

When allocating water, this Commission must consider the impact of all proposed uses on: (1) the maintenance of waters in their natural state, (2) resource protection, (3) water for domestic purposes, and (4) the protection of traditional and customary Native Hawaiian rights and practices. In re Waiʻōla o Molokaʻi, Inc. (ʻʻWaiʻōla”), 103 Haw. 401, 429 (2004) (citing In re Waiāhole Ditch Combined Contested Case Hearing (ʻʻWaiāhole I”), 94 Haw. 97, 136-138, 142, 9 P.3d 409, 448-450, 454 (2000)). Analyzing potential impacts on each of those public trust uses is especially important in ʻIao, where the condition of the aquifer has long been in question and studies are currently underway to better quantify the aquifer’s true sustainable yield. MDPR’s applications fail even to identify, let alone analyze, any public trust uses or any existing legal uses of water. Indeed, this Commission cannot and should not issue permits to MDPR absent additional information demonstrating that MDPR’s proposed uses are consistent with known existing and yet to be identified uses.

3. MDPR failed to establish that its proposed uses are “reasonable-beneficial,” pursuant to Haw. Rev. Stat. § 174C-49(a)(2).

a. MDPR failed to demonstrate that its proposed uses are reasonable and beneficial by detailing actual water needs.

The law requires that permit applicants such as MDPR demonstrate, at a minimum, that their requested allocations reflect actual need. See Waiāhole I, 94 Haw. at 162, 9 P.3d at 474 (“Notwithstanding the present and uncertain nature of the permitting process, therefore, permit applicants must still demonstrate their actual needs and, within the constraints of available knowledge, the propriety of draining water from public streams to satisfy those needs.”); Haw. Rev. Stat. § 174C-50(f) (“A permit to continue an existing use shall be for a quantity of water not exceeding that quantity being consumed under the existing use.”). MDPR neglected to provide any basis for its requested allocations, and must provide this information before the Commission takes any further action on its applications.

b. MDPR failed to demonstrate that its proposed uses are reasonable and beneficial by analyzing alternative sources of water.

Assuming, arguendo, that 455,750 gallons per day reflects MDPR’s actual water needs, the applications fail to examine alternative sources of water. This analysis is necessary to fulfill the Commission’s duty as trustee of Hawaiʻi’s water resources and MDPR’s burden of proof.

Specifically, the public trust compels the state duty to consider the cumulative impact of existing and proposed diversions on trust purposes and to implement

3 Maui Meadows and the Hui acknowledge that MDPR’s burden regarding this criterion may be easier to satisfy for MDPR’s caprock sources. Still, some effort must be made to fulfill the necessary requirements.
reasonable measures to mitigate this impact, including the use of alternative sources.

Waiahole I, 94 Haw. at 143, 9 P.3d at 455. This analysis is essential for this Commission and the community at large to evaluate whether an applicant has adequately established that its requested allocation would support a reasonable-beneficial use. The Hawai‘i Supreme Court ruled:

It is axiomatic that the Commission must also consider alternative sources in permitting existing or new uses in the first instance, as a part of its analysis of the "reasonable-beneficial" and "consistent with the public interest" conditions for a permit.

Waiahole I, 94 Haw. at 162 n.65, 9 P.3d at 474 n.65. Accordingly, alternative sources and other physical solutions such as the potential modification of project operations must be set forth by the applicant and examined by this Commission. The Code, the Commission’s prior decisions and orders, and the Hawai‘i Water Plan contain numerous examples of such alternatives. Because MDPR’s applications fail to include the required alternatives analysis, Commission approval of these WUPAs in their present state would be wrong as a matter of law.


The Code also requires that MDPR establish that its proposed uses are consistent with state and county general plans, land use designations, plans, and policies, and will not interfere with the rights of the Department of Hawaiian Home Lands. Haw. Rev. Stat. § 174C-49(a)(5)-(7). MDPR’s applications fail even to address these issues, let alone establish that its proposed uses are consistent with them. Given the high level of scrutiny required by the state constitution, Water Code, and public trust principles, MDPR must affirmatively demonstrate compliance with these necessary requirements.

5. Conclusion.

In conclusion, MDPR’s applications fail to meet the minimum requirements necessary to protect the `Iao aquifer, to safeguard the public interest, and to facilitate meaningful participation by interested parties and reasoned decisionmaking by this Commission. Because MDPR failed to satisfy each of the conditions for a water use permit, Maui Meadows and Hui o Na Wai `Ehā respectfully urge this Commission to deny the applications in their present state. In the alternative, we ask this Commission to order MDPR to immediately provide information detailed in this objection, so that the community and this Commission can review and analyze this data before any mediated discussion by the parties or the continuation of any public hearing. At the latest, we request that all additional information be provided at least one week prior to any scheduled meeting of the parties. We finally request that any meetings or hearings be held on Maui to facilitate participation by our clients and other affected parties.
Earthjustice’s Objection to the County of Maui Department of Parks and Recreation’s Water Use Permit Applications
June 20, 2005
Page 5 of 5

Please do not hesitate to contact us for further information.

Me ke aho, [Signature]

D. Kapua Sprei

cc: Randy Gentry, Maui Parks and Recreation (via First Class U.S. Mail)
John V. Ducey, Hui o Nā Wai ʻEhā (via email)
Jim Williamson, Maui Meadows Homeowners Association (via email)
Dr. Jonathan Likeke Scheuer, OHA (via email)
Deputy Corp. Counsel Jane Lovell, Maui County Dept. of Water Supply (via email)
George Tengan, Maui County DWS (via email)
Ellen Kraftsow, Maui County DWS (via email)
Linnel Nishioka, HC&S and Kehalani Mauka (via email)
Garrett Hew, HC&S (via email)
Avery B. Chumbley, Wailuku Agribusiness Co., Inc. (via email)
Clayton Suzuki, Wailuku Agribusiness Co., Inc. (via email)
We are awaiting corrected/updated pumpage figures for Parks & Rec wells, as well as some details on the system upgrade work done at various locations. I understand from a phone conversation that the "replaced pumps" were in fact boosters from the storage pond, rather than well pumps.

It would be easier for filing to have these information bits transmitted by email rather than by phone, is that's agreeable. Also, you had some beautiful exhibits at the hearing, and I believe you hung on to them to send with the complete info packet.

If possible, we'd like to transmit available information to interested parties prior to the follow-up meeting, so they can be prepared for comments or questions. We look forward to that. Thanks, Randy.
We have set July 11, 2005, a Monday, from 1:00 - 5:00 pm, for our meeting at Cameron Center. All who responded indicated that was an agreeable date. We hope it works for the others. We may not need that much time, but hope to sort things out comprehensively within that time. This will be your only notice.

We will still conduct another full session of the public hearing, yet to be determined, which we anticipate would be the last.
May 13, 2005

TO: Harry M. Yada, Acting Administrator  
Land Division

FROM: Dean A. Nakano, Acting Deputy Director  
Commission on Water Resource Management

SUBJECT: Request for Comments  
Water Use Permit Application  
Iao Ground Water Management Area, Maui

Transmitted for your review and comment are copies of water use permit applications:

Existing Use Applications  
- War Memorial Stadium Well (Well No. 5329-04), WUPA No. 709  
- Baldwin High School Well (Well No. 5329-05), WUPA No. 710  
- Papohaku Park Well (Well No. 5429-02), WUPA No. 712  
- Waiehu Golf Course Well (Well No. 5529-02), WUPA No. 711

New Use Applications  
- Maui Stadium Well (Well No. 5329-14), WUPA No. 713  
- Waiehu Golf Course Well 2 (Well No. 5530-04), WUPA No. 714

The latter applications are being treated as new uses because they were filed after the statutory deadline for existing use applications.

Public notice of these applications will be published in the Maui News issues of May 13, 2005 and May 20, 2005.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by June 6, 2005. If we do not receive your comments by this date, we will assume you have no comments or objections.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Charley Ice at 587-0251.

Class
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.  
XX) This well project ( ) requires ( ) does not require a CDUP. If a CDUP is required it ( ) has ( ) has not been approved and ( ) is ( ) is not currently active.  
( ) Other relevant Land Division rules/regulations, information, or recommendations are attached.  
XX) No objections  
XX) Other comments: County of Maui owned lands.

Contact person: Gary Martin  
Phone: 587-0421

Signed:  
Date:  

PETER T. YOUNG  
DEAN. A. NAKANO  
GOVERNOR OF HAWAII  
COMMISSION ON WATER RESOURCE MANAGEMENT  
P.O. BOX 621  
HONOLULU, HAWAII 96806
TO: Dean A. Nakano, Acting Deputy Director
Commission on Water Resource Management

FROM: Skippy Hau, Aquatic Biologist

SUBJECT: Water Use Permit Application Comments

War Memorial Stadium Well (Well No. 5329-04), WUPA No. 709
Baldwin High School Well, (Well No. 5329-05), WUPA No. 710
Papohaku Park Well, (Well No. 5429-02), WUPA No. 712
Waiehu Golf Course Well, (Well No. 5529-02), WUPA No. 711
Maui Stadium Well (Well No. 5329-14), WUPA No. 713
Waiehu Golf Course Well 2 (Well No. 5530-04), WUPA No. 714

I reviewed the applications and found the total amount of water declarations are more than 166.3 million gallons per year or roughly 455,750 gallons per day.

Shade (1997) estimated natural recharge for the lao watershed was about 24 million gallons per day with sugar cane production adding an additional 27 to 12 MGD.

c: DAR - Oahu
May 13, 2005

TO: Aquatic Resources
    Forestry and Wildlife/Natural Area Reserve System
    Historic Preservation
    State Parks

FROM: Dean A. Nakano, Acting Deputy Director
      Commission on Water Resource Management

SUBJECT: Request for Comments
         Water Use Permit Application
         Iao Ground Water Management Area, Maui

Transmitted for your review and comment are copies of water use permit applications:

Existing Use Applications
War Memorial Stadium Well (Well No. 5329-04), WUPA No. 709
Baldwin High School Well (Well No. 5329-05), WUPA No. 710
Papohaku Park Well (Well No. 5429-02), WUPA No. 712
Waiehu Golf Course Well (Well No. 5529-02), WUPA No. 711

New Use Applications
     Maui Stadium Well (Well No. 5329-14), WUPA No. 713
     Waiehu Golf Course Well 2 (Well No. 5530-04), WUPA No. 714

The latter applications are being treated as new uses because they were filed after the statutory
deadline for existing use applications.

Public notice of these applications will be published in the Maui News issues of May 13, 2005
and May 20, 2005.

We would appreciate your review of the attached application for any conflicts or inconsistencies
with the programs, plans, and objectives specific to your division only. Please respond by returning this cover
memo form by June 6, 2005. If we do not receive your comments by this date, we will assume you have no
comments or objections.

If you have any questions, require additional information, or would like to request an extension of the
review period for this application, please contact Charley Ice at 587-0251.

Response:
( ) We have no objections or comments
( ) Objections attached
( ) Only comments attached

Contact person: Skippy Haun Phone: 243-5834
Signed: Skippy Haun Date: 6/6/05
May 13, 2005

TO: Honorable Micah Kane, Director
    Department of Hawaiian Home Lands
Honorable Chiyome L. Fukino, M.D., Director
    Department of Health
Mr. Clyde W. Namuo, Administrator
    Office of Hawaiian Affairs
    Attn: Mr. Jonathan Scheuer
Honorable Dain P. Kane, Chairperson
    County Council
    County of Maui
Mr. George Y. Tengan, Director
    Department of Water Supply
    County of Maui
Mr. Michael W. Foley, Director
    Planning Department
    County of Maui

FROM: Peter T. Young, Chairperson
    Commission on Water Resource Management

SUBJECT: Water Use Permit Application
        Lanai Ground Water Management Area, Maui

Transmitted for your review and comment are copies of water use permit applications:

Existing Use Applications
War Memorial Stadium Well (Well No. 5329-04), WUPA No. 709
Baldwin High School Well (Well No. 5329-05), WUPA No. 710
Papohaku Park Well (Well No. 5429-02), WUPA No. 712
Waiehu Golf Course Well (Well No. 5529-02), WUPA No. 711

New Use Applications
Maui Stadium Well (Well No. 5329-14), WUPA No. 713
Waiehu Golf Course Well 2 (Well No. 5530-04), WUPA No. 714

The latter applications are being treated as new uses because they were filed after the statutory deadline for existing use applications.

Public notice of these applications will be published in the Maui News issues of May 13, 2005 and May 20, 2005.

We would appreciate your review of the proposed use that is described in the attached application (i.e. line item 6 or Table 1) for any conflicts or inconsistencies with the land use designations, programs, plans, or objectives specific to your organization or department only. Please respond by returning this cover memo form by June 6, 2005. If we do not receive your comments by this date, we will assume you have no comments or objections.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Charley Lee at 587-0251.

Response:

[ ] We have no objections or comments
[ ] Objections attached
[ ] Only comments attached

Contact person: George Y. Tengan, Director

Signed: [Signature]

Phone: 270-7816
Date: 6/4/05
May 13, 2005

TO: Honorable Micah Kane, Director
Department of Hawaiian Home Lands
Honorable Chiyome L. Fukino, M.D., Director
Department of Health
Mr. Clyde W. Namuo, Administrator
Office of Hawaiian Affairs
Ann: Mr. Jonathan Scheuer
Honorable Dain P. Kane, Chairperson
County Council
County of Maui
Mr. George Y. Tengan, Director
Department of Water Supply
County of Maui
Mr. Michael W. Foley, Director
Planning Department
County of Maui

FROM: Peter T. Young, Chairperson
Commission on Water Resource Management

SUBJECT: Water Use Permit Application
Ian Ground Water Management Area, Maui

Transmitted for your review and comment are copies of water use permit applications:

Existing Use Applications
War Memorial Stadium Well (Well No. 5329-04), WUPA No. 709
Baldwin High School Well (Well No. 5329-05), WUPA No. 710
Papohaku Park Well (Well No. 5429-02), WUPA No. 712
Waiehu Golf Course Well (Well No. 5529-02), WUPA No. 711

New Use Applications
Maui Stadium Well (Well No. 5329-14), WUPA No. 713
Waiehu Golf Course Well 2 (Well No. 5536-04), WUPA No. 714

The latter applications are being treated as new uses because they were filed after the statutory deadline for existing use applications.

Public notice of these applications will be published in the Maui News issues of May 13, 2005 and May 20, 2005.

We would appreciate your review of the proposed use that is described in the attached application (i.e. line item 6 or Table 1) for any conflicts or inconsistencies with the land use designations, programs, plans, or objectives specific to your organization or department only. Please respond by returning this cover memo form by June 6, 2005. If we do not receive your comments by this date, we will assume you have no comments or objections.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Charley Iee at 587-0251.

Class
Attachment(s)

Response:

☐ We have no objections or comments
☐ Objections attached
☐ Only comments attached

Contact person: George Y. Tengan, Director
Phone: 270-7916
Date: 6/4/05

Commission on Water Resource Management
P.O. Box 721
Hilo, Hawaii 96720-0721

Phone: 808-270-7833
Fax: 808-587-0104
Website: www.watercommission.org

May 13, 2005

Honorable Micah Kane, Director
Department of Hawaiian Home Lands
Honorable Chiyome L. Fukino, M.D., Director
Department of Health
Mr. Clyde W. Namuo, Administrator
Office of Hawaiian Affairs
Ann: Mr. Jonathan Scheuer
Honorable Dain P. Kane, Chairperson
County Council
County of Maui
Mr. George Y. Tengan, Director
Department of Water Supply
County of Maui
Mr. Michael W. Foley, Director
Planning Department
County of Maui

FROM: Peter T. Young, Chairperson
Commission on Water Resource Management

SUBJECT: Water Use Permit Application
Ian Ground Water Management Area, Maui

Transmitted for your review and comment are copies of water use permit applications:

Existing Use Applications
War Memorial Stadium Well (Well No. 5329-04), WUPA No. 709
Baldwin High School Well (Well No. 5329-05), WUPA No. 710
Papohaku Park Well (Well No. 5429-02), WUPA No. 712
Waiehu Golf Course Well (Well No. 5529-02), WUPA No. 711

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Maui Stadium Well (Well No. 5329-14), WUPA No. 713
Waiehu Golf Course Well 2 (Well No. 5536-04), WUPA No. 714

The latter applications are being treated as new uses because they were filed after the statutory deadline for existing use applications.

Public notice of these applications will be published in the Maui News issues of May 13, 2005 and May 20, 2005.

We would appreciate your review of the proposed use that is described in the attached application (i.e. line item 6 or Table 1) for any conflicts or inconsistencies with the land use designations, programs, plans, or objectives specific to your organization or department only. Please respond by returning this cover memo form by June 6, 2005. If we do not receive your comments by this date, we will assume you have no comments or objections.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Charley Iee at 587-0251.

Class
Attachment(s)

Response:

☐ We have no objections or comments
☐ Objections attached
☐ Only comments attached

Contact person: George Y. Tengan, Director
Phone: 270-7916
Date: 6/4/05
May 13, 2005

TO: Aquatic Resources
    Forestry and Wildlife/Natural Area Reserve System
    Historic Preservation
    State Parks

FROM: Dean A. Nakano, Acting Deputy Director

SUBJECT: Request for Comments
    Water Use Permit Application
    Iao Ground Water Management Area, Maui

Transmitted for your review and comment are copies of water use permit applications:

Existing Use Applications
    War Memorial Stadium Well (Well No. 5329-04), WUPA No. 709
    Baldwin High School Well (Well No. 5329-05), WUPA No. 710
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    Waiehu Golf Course Well 2 (Well No. 5530-04), WUPA No. 714

The latter applications are being treated as new uses because they were filed after the statutory deadline for existing use applications.

Public notice of these applications will be published in the Maui News issues of May 13, 2005 and May 20, 2005.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by June 6, 2005. If we do not receive your comments by this date, we will assume you have no comments or objections.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Charley Ice at 587-0251.

Response: ☑ We have no objections or comments
            ( ) Objections attached
            ( ) Only comments attached

Contact person: ___________________________________________ Phone: __________________________

Signed: ___________________________________________ Date: 6-2-05
TO: Peter T. Young, Chairperson
Commission on Water Resource Management
Department of Land and Natural Resources

FROM: Anthony J. H. Ching, Executive Officer

SUBJECT: Existing Water Use Permit Applications
War Memorial Stadium Well (Well No. 5329-04), WUPA No. 709
Baldwin High School Well (Well No. 5329-05), WUPA No. 710
Papohaku Park Well (Well No. 5429-02), WUPA No. 712
Waiehu Golf Course Well (Well No. 5529-02), WUPA No. 711

New Use Applications
War Memorial Stadium Well (Well No. 5329-14), WUPA No. 713
Waiehu Golf Course Well 2 (Well No. 5530-04), WUPA No. 714

We have reviewed the subject applications forwarded by your transmittal dated May 13, 2005. Based on the representation of the well sites on the various location maps, we have determined that they are located within the respective State land use districts (SLUD) as follows:

Existing Well

<table>
<thead>
<tr>
<th>Well Name</th>
<th>SLUD</th>
</tr>
</thead>
<tbody>
<tr>
<td>War Memorial Stadium Well</td>
<td>Urban</td>
</tr>
<tr>
<td>Baldwin High School Well</td>
<td>Urban</td>
</tr>
<tr>
<td>Papohaku Park Well</td>
<td>Agricultural¹</td>
</tr>
<tr>
<td>Waiehu Golf Course Well</td>
<td>Conservation</td>
</tr>
</tbody>
</table>

New Well

<table>
<thead>
<tr>
<th>Well Name</th>
<th>SLUD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maui Stadium Well</td>
<td>Urban</td>
</tr>
<tr>
<td>Waiehu Golf Course Well 2</td>
<td>Agricultural²</td>
</tr>
</tbody>
</table>

¹ In the application, the well is incorrectly stated as being located in the Urban District.
² In the application, the well is incorrectly stated as being located in the Conservation District.
With respect to your request as to whether the current designation is appropriate for the proposed project, please be advised that pursuant to section 205-2(b), Hawaii Revised Statutes (HRS), activities or uses within the Urban District are the jurisdiction of the respective counties as provided by their ordinances or regulations. As such, we suggest that you contact the County of Maui Department of Planning directly for their comments on this matter.

With respect to the wells that are located in the Agricultural District, please be advised that although sections 205-2(d) and 205-4.5(a), HRS, do not explicitly list wells as permissible activities or uses within the district, we have in the past noted that when the requested water was directly accessory to the uses specified in the aforementioned sections, the activities appeared to be appropriate uses within the district. To the extent that the water requested from these wells would be used for municipal use, we would defer to the County zoning designation of the respective parcel, which we understand permits water wells as minor utility facilities.

With respect to the well that is located in the Conservation District, inasmuch as the establishment of permitted activities or uses within the district is under the jurisdiction of the Department of Land and Natural Resources pursuant to chapter 183C, HRS, we have no comments to offer on this matter.

Thank you for the opportunity to comment on the subject applications. As requested, we are returning the cover memo for the subject applications.

Please feel free to contact Bert Saruwatari of my office at 587-3822 should you require clarification or any further assistance.

Enclosure
May 13, 2005

TO: Mr. Anthony Ching, Executive Officer
   Land Use Commission

FROM: Peter T. Young, Chairperson
       Commission on Water Resource Management

SUBJECT: WATER USE PERMIT APPLICATION
         Iao Ground Water Management Area, Maui

Transmitted for your review and comment are copies of water use permit applications:

Existing Use Applications
War Memorial Stadium Well (Well No. 5329-04), WUPA No. 709
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New Use Applications
Maui Stadium Well (Well No. 5329-14), WUPA No. 713
Waiehu Golf Course Well 2 (Well No. 5530-04), WUPA No. 714

The latter applications are being treated as new uses because they were filed after the statutory
deadline for existing use applications.

Public notice of these applications will be published in the Maui News issues of May 13, 2005 and
May 20, 2005.

We would appreciate your review of the proposed use that is described in the attached application
(i.e. line item 6 or Table 1). Specifically, we request that you inform us of the current state land use
designation for the TMK parcel, or portion thereof, for the proposed use area(s) and, secondly, whether the
current state land use designation is appropriate for the proposed project.

We have attached a TMK map(s) that covers the proposed use area(s). Where water is proposed for
use on only a portion of a TMK parcel, or on parcels with multiple zoning, the proposed use area(s) has been
clearly delineated on the attached map. Please respond by returning this cover memo along with your
review comments by June 6, 2005. If we do not receive your comments by this date, we will assume you
have no comments or objections.

If you have any questions, require additional information, or would like to request an extension of the
review period for this application, please contact Charley Ice at 587-0251.

CI: ss
Attachment(s)

Response:

( ) We have no objections or comments
( ) Objections attached
( ) Only comments attached

Contact person: DEAN A. NAKANO
Signed: DEAN A. NAKANO
Phone: 587-3822
Date: May 25, 2005
TO:
Honorable Micah Kane, Director
Department of Hawaiian Home Lands
Honorable Chiyome L. Fukino, M.D., Director
Department of Health
Mr. Clyde W. Namuo, Administrator
Office of Hawaiian Affairs
Attn: Mr. Jonathan Scheuer
Honorable Dain P. Kane, Chairperson
County Council
County of Maui
Mr. George Y. Tengan, Director
Department of Water Supply
County of Maui
Mr. Michael W. Foley, Director
Planning Department
County of Maui

FROM:
Peter T. Young, Chairperson
Commission on Water Resource Management

SUBJECT: Water Use Permit Application
Ian Ground Water Management Area, Maui

Transmitted for your review and comment are copies of water use permit applications:

Existing Use Applications
War Memorial Stadium Well (Well No. 5329-04), WUPA No. 709
Baldwin High School Well (Well No. 5329-05), WUPA No. 710
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If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Charley Iice at 587-0251.

Signed:

Phone: 270-7814
Date: 5-20-05
PUBLIC NOTICE

Applications for Water Use Permit
Iao Ground Water Management Area, Maui

The following applications for water use permit have been received by the Commission on Water Resource Management, and are hereby made public in accordance with Section 13-171, Hawaii Administrative Rules, "Designation and Regulation of Water Management Areas." These applications are subject to a continuing public hearing, which commenced October 28, 2004 and continued on April 22, 2005. The hearing remains open and will be reconvened at a later date.

1. Wailuku Agribusiness Company, Inc.
   255 East Waiko Road
   Wailuku, HI 96793

The following applications are for Existing Uses as of July 21, 2003 and completed applications submitted by the July 21, 2004 deadline.

<table>
<thead>
<tr>
<th>Application No.</th>
<th>Well Location</th>
<th>Well No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>WUPA No. 681</td>
<td>Waikapu Tunnel 1</td>
<td>5132-01</td>
</tr>
<tr>
<td>WUPA No. 682</td>
<td>Waikapu Tunnel 2</td>
<td>5132-02</td>
</tr>
<tr>
<td>WUPA Nos. 684 &amp; 686</td>
<td>Iao Needle Tunnels 1 &amp; 2</td>
<td>5333-01 &amp; 02</td>
</tr>
<tr>
<td>WUPA No. 685</td>
<td>Black Gorge Tunnel</td>
<td>5332-01</td>
</tr>
</tbody>
</table>

Date Application Received/Filed: January 2, 2004
Date Application Acknowledged as Complete: March 16, 2004
Aquifer Area: Iao System Area, Wailuku Sector, Maui
Quantity Requested: Natural tunnel flow amounts unknown, augmenting Iao and Waikapu Stream flows, from high-level aquifers, not counted against basal sustainable yield.
Existing/New Water Use: Existing
Place of Water Use: Various in Wailuku and Waikapu; WUPAs 684-686 TMKs: 3-3,4,5,6 (contribute to ditch diversions for agriculture)

2. County of Maui
   Department of Parks and Recreation
   700 Halia Nakoa Street, Unit 2
   Wailuku, HI 96793

The following applications are for Existing Uses as of July 21, 2003 and completed applications submitted by the July 21, 2004 deadline.

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<td>War Memorial Stadium Well</td>
<td>5329-04</td>
</tr>
<tr>
<td>WUPA No. 710</td>
<td>Baldwin High School Well</td>
<td>5329-05</td>
</tr>
<tr>
<td>WUPA No. 712</td>
<td>Papohaku Park Well</td>
<td>5429-02</td>
</tr>
<tr>
<td>WUPA No. 711</td>
<td>Waiehu Golf Course Well</td>
<td>5529-02</td>
</tr>
</tbody>
</table>

Date Application Received/Filed: July 21, 2004
Date Application Acknowledged as Complete: July 21, 2004
Aquifer: Iao System, Wailuku Sector, Maui
Quantity Requested: Currently uncertain; estimates total 340,000 gpd from caprock, not counted against basal sustainable yield.
Existing/New Water Use: Existing
Place of Water Use: Parks in Wailuku, Kahului, and Waiehu; TMKs: 3-8-7:55, 3-4-30:15, 3-2-13:6

The following applications were received after the one-year filing deadline and are therefore being considered as New Uses.

<table>
<thead>
<tr>
<th>Application No.</th>
<th>Well Location</th>
<th>Well No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>WUPA No. 713</td>
<td>Maui Stadium Well</td>
<td>5329-14</td>
</tr>
<tr>
<td>WUPA No. 714</td>
<td>Waiehu Golf Course Well 2</td>
<td>5530-04</td>
</tr>
</tbody>
</table>

Date Application Received/Filed: August 4, 2004
Date Application Acknowledged as Complete: August 4, 2004
Aquifer: Iao System, Wailuku Sector, Maui
Quantity Requested: Currently uncertain; estimates total 78,000 gpd from caprock, not counted against basal sustainable yield.
Existing/New Water Use: New
Place of Water Use: Parks in Kahului and Waiehu; TMKs: 3-8-7:55, 3-2-13:29

Written objections or comments on the above application may be filed by any person who has property interest in any land within the hydrologic unit of the source of water supply, any person who will be directly and immediately affected by the proposed water use, or any other interested person. Written objections shall: (1) state property or other interest in the matter (provide TMK information); (2) set forth questions of procedure, fact, law, or policy, to which objections are taken; and (3) state all grounds for objections to the proposed permit. Written objections must be received by June 6, 2005. Objections must be sent to 1) the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809 and
2) the applicant at the above address. The continuing public hearing for these applications will be duly noticed.

COMMISSION ON WATER RESOURCE MANAGEMENT

DEAN A. NAKANO, Acting Deputy Director for
PETER T. YOUNG, Chairperson

Dated: May 10, 2005

Publish in: Maui News issues of May 13, 2005 and May 20, 2005
May 13, 2005

Mr. Randy Gentry  
County of Maui  
Department of Parks and Recreation  
700 Halia Nakoa Street, Unit 2  
Wailuku, HI 96793

Dear Mr. Gentry:

Existing Use Applications
War Memorial Stadium Well (Well No. 5329-04), WUPA No. 709  
Baldwin High School Well (Well No. 5329-05), WUPA No. 710  
Papohaku Park Well (Well No. 5429-02), WUPA No. 712  
Waiehu Golf Course Well (Well No. 5529-02), WUPA No. 711

New Use Applications
Maui Stadium Well (Well No. 5329-14), WUPA No. 713  
Waiehu Golf Course Well 2 (Well No. 5530-04), WUPA No. 714

We acknowledge the acceptance of your completed water use permit applications, as captioned, as of July 21, 2004. This late notice is due to efforts to clarify application information inconsistent with Commission information. WUPA Nos. 713 and 714 are considered new uses as they were filed on August 4, 2004, after the deadline for existing uses.

We are voiding and returning your application for Waiehu Golf Course Well No. 5530-03, WUPA 708, as you have indicated that it is capped and is not intended for future use. Enclosed is an application to seal the well, to prevent potential contamination of the aquifer.

Enclosed is a copy of the public notice for your water use permit applications which will be published in the Maui News issues of May 13, 2005 and May 20, 2005.

If you have any questions, please contact Charley Ice at 587-0251.

Sincerely,

DEAN A. NAKANO  
Acting Deputy Director

CI:ss  
Enclosures
May 13, 2005

TO: Aquatic Resources  
Forestry and Wildlife/Natural Area Reserve System  
Historic Preservation  
State Parks

FROM: Dean A. Nakano, Acting Deputy Director
Commission on Water Resource Management

SUBJECT: Request for Comments  
Water Use Permit Application  
Iao Ground Water Management Area, Maui

Transmitted for your review and comment are copies of water use permit applications:

**Existing Use Applications**
- War Memorial Stadium Well (Well No. 5329-04), WUPA No. 709
- Baldwin High School Well (Well No. 5329-05), WUPA No. 710
- Papohaku Park Well (Well No. 5429-02), WUPA No. 712
- Waiehu Golf Course Well (Well No. 5529-02), WUPA No. 711

**New Use Applications**
- Maui Stadium Well (Well No. 5329-14), WUPA No. 713
- Waiehu Golf Course Well 2 (Well No. 5530-04), WUPA No. 714

The latter applications are being treated as new uses because they were filed after the statutory deadline for existing use applications.

Public notice of these applications will be published in the Maui News issues of May 13, 2005 and May 20, 2005.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. **Please respond by returning this cover memo form by June 6, 2005.** If we do not receive your comments by this date, we will assume you have no comments or objections.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Charley Ice at 587-0251.

Cl: ss
Attachment(s)

Response:
( ) We have no objections or comments  
( ) Objections attached  
( ) Only comments attached

Contact person: _____________________________  Phone: _____________________________
Signed: _____________________________  Date: _____________________________
May 13, 2005

TO: Harry M. Yada, Acting Administrator
   Land Division

FROM: Dean A. Nakano, Acting Deputy Director
   Commission on Water Resource Management

SUBJECT: Request for Comments
         Water Use Permit Application
         Iao Ground Water Management Area, Maui

Transmitted for your review and comment are copies of water use permit applications:

**Existing Use Applications**
- War Memorial Stadium Well (Well No. 5329-04), WUPA No. 709
- Baldwin High School Well (Well No. 5329-05), WUPA No. 710
- Papohaku Park Well (Well No. 5429-02), WUPA No. 712
- Waiehu Golf Course Well (Well No. 5529-02), WUPA No. 711

**New Use Applications**
- Maui Stadium Well (Well No. 5329-14), WUPA No. 713
- Waiehu Golf Course Well 2 (Well No. 5530-04), WUPA No. 714

The latter applications are being treated as new uses because they were filed after the statutory deadline for existing use applications.

Public notice of these applications will be published in the Maui News issues of May 13, 2005 and May 20, 2005.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by June 6, 2005. If we do not receive your comments by this date, we will assume you have no comments or objections.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Charley Ice at 587-0251.

Cl: 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.
( ) This well project ( ) requires ( ) does not require a CDUP. If a CDUP is required it ( ) has ( ) has not been approved and ( ) is ( ) is not currently active.
( ) Other relevant Land Division rules/regulations, information, or recommendations are attached.
( ) No objections
( ) Other comments:

Contact person: ____________________________ Phone: ____________________________

Signed: ____________________________ Date: ____________________________
May 13, 2005

TO: Mr. Anthony Ching, Executive Officer
Land Use Commission

FROM: Peter T. Young, Chairperson
Commission on Water Resource Management

SUBJECT: WATER USE PERMIT APPLICATION
Iao Ground Water Management Area, Maui

Transmitted for your review and comment are copies of water use permit applications:

Existing Use Applications
War Memorial Stadium Well (Well No. 5329-04), WUPA No. 709
Baldwin High School Well (Well No. 5329-05), WUPA No. 710
Papohaku Park Well (Well No. 5429-02), WUPA No. 712
Waiehu Golf Course Well (Well No. 5529-02), WUPA No. 711

New Use Applications
Maui Stadium Well (Well No. 5329-14), WUPA No. 713
Waiehu Golf Course Well 2 (Well No. 5530-04), WUPA No. 714

The latter applications are being treated as new uses because they were filed after the statutory deadline for existing use applications.

Public notice of these applications will be published in the Maui News issues of May 13, 2005 and May 20, 2005.

We would appreciate your review of the proposed use that is described in the attached application (i.e. line item 6 or Table 1). Specifically, we request that you inform us of the current state land use designation for the TMK parcel, or portion thereof, for the proposed use area(s) and, secondly, whether the current state land use designation is appropriate for the proposed project.

We have attached a TMK map(s) that covers the proposed use area(s). Where water is proposed for use on only a portion of a TMK parcel, or on parcels with multiple zoning, the proposed use area(s) has been clearly delineated on the attached map. Please respond by returning this cover memo along with your review comments by June 6, 2005. If we do not receive your comments by this date, we will assume you have no comments or objections.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Charley Ice at 587-0251.

Class
Attachment(s)

Response:

( ) We have no objections or comments
( ) Objections attached
( ) Only comments attached

Contact person: ____________________________ Phone: ____________________________
Signed: ____________________________ Date: ____________________________
TO: Honorable Micah Kane, Director
Department of Hawaiian Home Lands
Honorable Chiyome L. Fukino, M.D., Director
Department of Health
Mr. Clyde W. Namuo, Administrator
Office of Hawaiian Affairs
Attn: Mr. Jonathan Scheuer
Honorable Dain P. Kane, Chairperson
County Council
County of Maui
Mr. George Y. Tengan, Director
Department of Water Supply
County of Maui
Mr. Michael W. Foley, Director
Planning Department
County of Maui

FROM: Peter T. Young, Chairperson
Commission on Water Resource Management

SUBJECT: Water Use Permit Application
Iao Ground Water Management Area, Maui

Transmitted for your review and comment are copies of water use permit applications:

Existing Use Applications
War Memorial Stadium Well (Well No. 5329-04), WUPA No. 709
Baldwin High School Well (Well No. 5329-05), WUPA No. 710
Papohaku Park Well (Well No. 5429-02), WUPA No. 712
Waiehu Golf Course Well (Well No. 5529-02), WUPA No. 711

New Use Applications
Maui Stadium Well (Well No. 5329-14), WUPA No. 713
Waiehu Golf Course Well 2 (Well No. 5530-04), WUPA No. 714

The latter applications are being treated as new uses because they were filed after the statutory deadline for existing use applications.

Public notice of these applications will be published in the Maui News issues of May 13, 2005 and May 20, 2005.

We would appreciate your review of the proposed use that is described in the attached application (i.e. line item 6 or Table 1) for any conflicts or inconsistencies with the land use designations, programs, plans, or objectives specific to your organization or department only. Please respond by returning this cover memo form by June 6, 2005. If we do not receive your comments by this date, we will assume you have no comments or objections.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Charley Ice at 587-0251.

Class:
Attachment(s)

Response:

( ) We have no objections or comments
( ) Objections attached
( ) Only comments attached

Contact person: __________________________ Phone: __________________________
Signed: __________________________ Date: __________________________
May 13, 2005

Honorable Alan M. Arakawa, Mayor
County of Maui
200 South High Street
Wailuku, HI 96793

Dear Mayor Arakawa:

Notice of an Application for a Water Use Permit
Iao Ground Water Management Area, Maui

In accordance with the Department of Land and Natural Resources Administrative Rules, Section 13-171-17(a), we are transmitting for your review and comment copies of water use permit applications:

Existing Use Applications
- War Memorial Stadium Well (Well No. 5329-04), WUPA No. 709
- Baldwin High School Well (Well No. 5329-05), WUPA No. 710
- Papohaku Park Well (Well No. 5429-02), WUPA No. 712
- Waiehu Golf Course Well (Well No. 5529-02), WUPA No. 711

New Use Applications
- Maui Stadium Well (Well No. 5329-14), WUPA No. 713
- Waiehu Golf Course Well 2 (Well No. 5530-04), WUPA No. 714

The latter applications are being treated as new uses because they were filed after the statutory deadline for existing use applications.

Public notice of these applications will be published in the Maui News issues of May 13, 2005 and May 20, 2005.

In addition, Section 13-171-13(b) of our Administrative Rules states:

"Within sixty days after receipt of notice of a permit application, the county shall inform the commission if the proposed use is inconsistent with the county land use plans and policies."

We have attached copies of the applications for your review and would appreciate receiving your comments, within the next sixty (60) days, on whether this water use is consistent with county plans and policies.

If you have any questions, please call Dean A. Nakano, Acting Deputy Director, at 587-0214 or toll-free at 984-2400, extension 70214.

Sincerely,

Peter T. Young
Chairperson

Enclosures
May 13, 2005

TO: Other Interested Parties

FROM: Dean A. Nakano, Acting Deputy Director  
Commission on Water Resource Management

SUBJECT: Request for Comments  
Water Use Permit Application  
Iao Ground Water Management Area, Maui

In addition to serving you notice as required by 174C-52 (a), HRS, transmitted for your review and comment are copies of water use permit applications:

**Existing Use Applications**
- War Memorial Stadium Well (Well No. 5329-04), WUPA No. 709
- Baldwin High School Well (Well No. 5329-05), WUPA No. 710
- Papohaku Park Well (Well No. 5429-02), WUPA No. 712
- Waiehu Golf Course Well (Well No. 5529-02), WUPA No. 711

**New Use Applications**
- Maui Stadium Well (Well No. 5329-14), WUPA No. 713
- Waiehu Golf Course Well 2 (Well No. 5530-04), WUPA No. 714

The latter applications are being treated as new uses because they were filed after the statutory deadline for existing use applications.

Public notice of these applications will be published in the Maui News issues of May 13, 2005 and May 20, 2005.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives of the organization or agency that you represent. Written objections should be made in accordance with Section 13-171-18, Hawaii Administrative Rules and must be filed by the June 6, 2005 deadline. If we do not receive your comments by this date, we will assume you have no comments or objections.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Charley Ice at 587-0251.

Cl:ss
Attachment(s)

Response:
( ) We have no objections or comments  
( ) Objections attached  
( ) Only comments attached

Contact person: ________________________  
Phone: _____________________________

Signed: ____________________________  
Date: ____________________________
PUBLIC HEARING NOTICE

Applications for Water Use Permits
Iao Ground Water Management Area, Maui.

The following applications for water use permits to continue uses existing as of July 21, 2003, and applications for new uses have received objections and are subject to public hearing. The Commission on Water Resource Management, at its regular meeting on September 22, 2004, approved a public hearing originally commenced on October 28, 2004. This public hearing will be the second session and continuation of the original October 28, 2004 hearing and will be held:

April 22, 2005, 5:00-9:00 p.m.
J. Walter Cameron Center
95 Mahalani Street, Wailuku, Hawaii 96793

The Hearing Officers will gather further testimony and information on basal aquifer and caprock wells. Testimony on the high-level dikes sources will also be received, but these sources affect stream flow and will be combined with a pending petition to amend the interim instream flow standard of four Wailuku District streams: Waihe'e, Waiehu, Iao, and Waikapū. Testimony should focus on practicable alternatives, water duties, Hawaiian rights, and definitions of public trust uses.

- **Basal Sources:**

<table>
<thead>
<tr>
<th>Name</th>
<th>Well No.</th>
<th>Applicant</th>
<th>WUPA No.</th>
<th>TMK</th>
<th>Amount (mgd)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Existing Uses</strong> as of July 21, 2003 and completed applications submitted by the July 21, 2004 deadline</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Mokuhau Well 1</td>
<td>5330-09</td>
<td>MDWS</td>
<td>700</td>
<td>3-3-2:24</td>
<td>1.994</td>
</tr>
<tr>
<td>Mokuhau Well 3</td>
<td>5330-11</td>
<td>MDWS</td>
<td>701</td>
<td>3-3-2:24</td>
<td>2.221</td>
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<tr>
<td>Waiehu Heights Well 1</td>
<td>5430-01</td>
<td>MDWS</td>
<td>697</td>
<td>3-3-2:28</td>
<td>0.165</td>
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<tr>
<td>Waiehu Heights Well 2</td>
<td>5430-02</td>
<td>MDWS</td>
<td>698</td>
<td>3-3-2:28</td>
<td>1.415</td>
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<tr>
<td>Waiehu Well 1</td>
<td>5431-02</td>
<td>MDWS</td>
<td>695</td>
<td>3-3-17:31</td>
<td>1.480</td>
</tr>
<tr>
<td>Waiehu Well 2</td>
<td>5431-03</td>
<td>MDWS</td>
<td>696</td>
<td>3-3-17:31</td>
<td>2.439</td>
</tr>
<tr>
<td>Waiehu Well 3</td>
<td>5431-04</td>
<td>MDWS</td>
<td>703</td>
<td>3-3-17:31</td>
<td>1.513</td>
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<tr>
<td><strong>New Uses</strong> arising after July 21, 2003, or completed applications submitted after the July 21, 2004 deadline</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Wailuku Shaft 33</td>
<td>5330-05</td>
<td>Kehalani</td>
<td>707</td>
<td>3-5-1:1</td>
<td>5.771</td>
</tr>
<tr>
<td>Wailuku Shaft 33</td>
<td>5330-05</td>
<td>MDWS</td>
<td>702</td>
<td>(3-5-1:1)</td>
<td>(5.771) not to be double-counted</td>
</tr>
<tr>
<td>Living Waters #1</td>
<td>5531-01</td>
<td>LWLF</td>
<td>704</td>
<td>3-2-13:15</td>
<td>0.020</td>
</tr>
</tbody>
</table>

- **Caprock Sources:**

<table>
<thead>
<tr>
<th>Name</th>
<th>Well No.</th>
<th>Applicant</th>
<th>WUPA No.</th>
<th>TMK</th>
<th>Amount (mgd)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Existing Uses</strong> as of July 21, 2003 and accepted as completed applications submitted by the July 21, 2004 deadline</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>War Memorial Stadium</td>
<td>5329-04</td>
<td>MP&amp;R</td>
<td>709</td>
<td>3-8-7:55</td>
<td>0.038</td>
</tr>
<tr>
<td>Baldwin High School</td>
<td>5329-05</td>
<td>MP&amp;R</td>
<td>710</td>
<td>3-8-7:55</td>
<td>0.010</td>
</tr>
<tr>
<td>Maui Stadium</td>
<td>5329-14</td>
<td>MP&amp;R</td>
<td>713</td>
<td>3-8-7:55</td>
<td>0.039</td>
</tr>
<tr>
<td>Papohaku Park</td>
<td>5429-02</td>
<td>MP&amp;R</td>
<td>712</td>
<td>3-2-13:29</td>
<td>0.324</td>
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<tr>
<td>Waiehu Golf</td>
<td>5529-02</td>
<td>MP&amp;R</td>
<td>711</td>
<td>3-2-13:6</td>
<td>0.039</td>
</tr>
<tr>
<td>Waiehu Golf 1</td>
<td>5530-03</td>
<td>MP&amp;R</td>
<td>708</td>
<td>3-2-13:29</td>
<td>0.324</td>
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<tr>
<td>Waiehu Golf 2</td>
<td>5530-04</td>
<td>MP&amp;R</td>
<td>714</td>
<td>3-2-13:29</td>
<td>0.324</td>
</tr>
<tr>
<td><strong>New Uses</strong> arising after July 21, 2003 or completed applications submitted after the July 21, 2004 deadline</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>None</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
• High-level Dike Sources (impacting stream flows, to be later combined with the IIFS petition proceedings)

<table>
<thead>
<tr>
<th>Name</th>
<th>Well No</th>
<th>Applicant</th>
<th>WUPA No</th>
<th>TMK</th>
<th>Amount (mgd)</th>
</tr>
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<tbody>
<tr>
<td>Ke'ekii Stream</td>
<td>5332-05</td>
<td>MDWS</td>
<td>699</td>
<td>3-3-3:5</td>
<td>1.042</td>
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<tr>
<td>Kepaniwai Well</td>
<td>5332-02</td>
<td>MDWS</td>
<td>680</td>
<td>3-3-3:3</td>
<td>1.359</td>
</tr>
<tr>
<td>Waikea Tunnel 1</td>
<td>5132-01</td>
<td>WACI</td>
<td>681</td>
<td>3-5-3:1</td>
<td>unknown</td>
</tr>
<tr>
<td>Waikea Tunnel 2</td>
<td>5132-02</td>
<td>WACI</td>
<td>682</td>
<td>3-6-3:1</td>
<td>unknown</td>
</tr>
<tr>
<td>lao Tunnel</td>
<td>5330-02</td>
<td>HC&amp;S</td>
<td>691</td>
<td>3-4-34:34</td>
<td>0.100</td>
</tr>
<tr>
<td>Black Gorge Tunnel</td>
<td>5332-01</td>
<td>WACI</td>
<td>685</td>
<td>3-3-3:3</td>
<td>unknown</td>
</tr>
<tr>
<td>Iao Needle Tunnel 1</td>
<td>5333-02</td>
<td>WACI</td>
<td>684</td>
<td>3-5-3:1</td>
<td>unknown</td>
</tr>
<tr>
<td>Iao Needle Tunnel 2</td>
<td>5333-03</td>
<td>WACI</td>
<td>686</td>
<td>3-3-3:3</td>
<td>unknown</td>
</tr>
</tbody>
</table>

Existing Uses as of July 21, 2003 and accepted as complete applications submitted by the July 21, 2004 deadline

New Uses arising after July 21, 2003, or applications submitted by or after July 21, 2004

None

Applicants: County of Maui, Department of Water Supply (MDWS)
County of Maui, Department of Parks & Recreation (MP&R)
Kehalani Mauka, LLC (Kehalani)
Living Waters Land Foundation (LWLF)
Hawaiian Commercial and Sugar (HC&S)
Wailuku Agribusiness Company, Inc., (WACI)

Materials related to the noticed items are available for review at the Kahului Library, 90 School St., Kahului, Maui and at the Commission office located at 1151 Punchbowl St., Rm 227, Honolulu and will also be available at this public hearing.

The Hearing Officers will close the public hearing at the end of this session. Commission staff recommendations on these applications will be forwarded to the Commission at a later date based on the available information.

Any person may testify or present additional information on the public hearing subject matter. If you have a legal interest that may be adversely affected by a proposed application, you have a right to request an administrative contested case hearing (Hawaii Administrative Rules (HAR) §13-167-52(a)). However, you must make the request for such a hearing either orally or in writing by the close of public hearing and file (or mail and postmark) a written petition for a contested case with the Commission within ten (10) days after the close of the public hearing. Petition forms are available from the Commission.

If you do not make a request or fail to file a timely written petition for contested case hearing on a particular application noticed herein with the Commission, the consequence is that you will be precluded from later obtaining a contested case hearing and seeking judicial review of any adverse decision (HAR Chapter 13-167).

Disabled individuals planning to attend the public hearing are asked to contact the Commission at the above address or phone (Kauai) 274-3141 ext. 7014, (Maui) 984-2400 ext. 70214, (Hawaii) 974-4000 ext. 70214, (Molokai or Lanai) 1-800-GOV-INHI ext. 70214 or 587-0214 at least three days in advance of the public hearing to indicate if they have special needs that require accommodation.

COMMISSION ON WATER RESOURCE MANAGEMENT

DEAN A. NAKANO, Acting Deputy Director for PETER T. YOUNG, Chairperson

Dated: March 28, 2005

Publish in: Maui News issue of April 1, 2005
December 17, 2004

BY U.S. MAIL & FACSIMILE TRANSMITTAL

Fax: (808) 587-0219

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Commission on Water Resource Management
P.O. Box 621
Honolulu, Hawai'i 96809

Re: Burdens Of Proof And Legal Standards Regarding: (1) Traditional And Customary Native Hawaiian Rights And Practices; And (2) Municipal Uses

Dear Deputy Director Izu:

Mahalo for this opportunity to respond to the Commission's November 15, 2004 letter requesting comments on Commissioner Miike’s questions and analyses on the burdens of proof and legal standards regarding: (1) traditional and customary Native Hawaiian rights and practices; and (2) municipal uses. We have addressed the issues in detail and are hopeful that our comments will assist the Commission in its water use permitting for the `lao aquifer.

I. Traditional & Customary Native Hawaiian Rights & Practices.


Pursuant to Hawai‘i's constitution, statutes, and case law, this Water Commission is "obligated to protect the reasonable exercise of customarily and traditionally exercised rights of Hawaiians[.]” Ka Pa`akai o ka `Aina v. Land Use Comm’n, 94 Haw. 31, 45 (2000) (“Ka Pa`akai”); see also Haw. Const. Art. XII § 7. These rights include, but are not limited to: (1) traditional and customarily exercised rights and practices (e.g., gathering rights for limu, fish, crustaceans, and shellfish in springs, streams, and nearshore marine waters, use of springs and streams for religious and spiritual purposes, water for kalo cultivation); and (2) entitlements to water pursuant to the Hawaiian Homes Commission Act of 1920.1 See, e.g., Haw. Const. Art. XI § 7; Haw. Rev. Stat. §§ 1-1, 7-1, 174C-63, 174C-101.

1 Native Hawaiians may also possess appurtenant, riparian, or correlative rights, which may be used for traditional and customary purposes, such as the appurtenant, riparian, or correlative right to water for kalo cultivation on one's own kuleana. See generally Lawrence H. Miike, M.D., J.D. Water and the Law in Hawai‘i 118 (University of Hawai‘i Press 2004).
Moreover, as trustee of the state’s water resources trust established under the state constitution, this Commission bears the ultimate burden of identifying and protecting Native Hawaiians’ traditionally and customarily exercised rights and practices in the context of water use permit applications for the `Iao Aquifer. See generally In re Waiāhole Combined Contested Case, 94 Haw. 97, 141 (2000) (‘Waiāhole I’) (‘The state also bears an ‘affirmative duty to take the public trust into account in the planning and allocation of water resources, and to protect public trust uses.’’); id. at 137 (‘‘uphold[ing] the exercise of Native Hawaiian and traditional and customary rights as a public trust purpose’’).

In addition to the constitutional mandates above, the state Water Code includes independent requirements for this Commission, working in partnership with affected Native Hawaiian practitioners, to identify traditional and customary rights and practices supported by ground water and related surface water in `Iao. In fact, the Code contemplated completion of this process many years ago through the declaration of water uses and issuance of certificates for such uses. Haw. Rev. Stat. §§ 174C-26, 27.

The Code required any person using water in any area of the state, including uses of water for traditional and customary practices, to file a declaration of use by April 1989. Id. § 174C-26(a). Once those declarations were filed, the Code required the Commission to scrutinize identified uses to determine if they were reasonable and beneficial. Id. § 174C-27(a). The Code further required this Commission to “act upon a declaration within six months after its filing.” Id. § 174C-26(e). Unfortunately, the Commission never completed this process, and it is our understanding that no certificates of water use were ever issued. This is particularly regrettable because the Code contemplated use of these certificates to “resolv[e] claims related to existing water rights and uses including appurtenant rights, riparian and correlative uses[,]” which is precisely the dilemma faced by this Commission in permitting water uses in the `Iao aquifer. Id. § 174C-27(a).

Other sections of the Water Code also mandated this Commission to inventory the scope and existence of traditional and customary Native Hawaiian rights and practices throughout Hawai‘i, including `Iao. As part of the Hawai‘i Water Plan, this Commission was charged with developing a water resources protection plan, including: (1) “study[ing] and inventory[ing] the existing water resources of the state and the means and methods of conserving and augmenting such water resources”; and (2) “study[ing] the quantity and quality of water needed for existing and contemplated uses[,]” Id. §174C-31(c) (emphasis added). Other requirements of the Hawai‘i Water Plan mandate the Commission to “describe and inventory: (1) all water resources and systems in each hydrologic unit; (2) all presently exercised uses; (3) the quantity of water not presently used within that hydrologic unit; and (4) potential threats to water
resources, both current and future.” Id. §174C-31(h) (emphasis added). If the Commission had completed meaningful inventories and established (1) an instream use and protection program and (2) sustainable yields based on numerical or other models lacking the shortcomings of the Robust Analytical Model, the Commission, together with affected practitioners, would have identified many of the traditional and customary rights and practices historically and currently exercised in the areas affected by the `Iao permit applications. Id. § 174C-31(i).

The Hawai'i Supreme Court confirmed the Commission’s planning mandate:

The Code planning provisions mandate the Commission to ‘study and inventory the existing water resources of the state and the means and methods of conserving and augmenting such water resources,’ in formulating a ‘water resources protection and quality plan,’ which must include, among other information, ‘requirements for beneficial instream uses and environmental protection’. The Code also obligates the Commission to ensure that it does not ‘abridge or deny’ traditional and customary rights of Native Hawaiians.

Waiahole I, 94 Haw. at 153 (citations omitted). If these requirements had been implemented, the work necessitated by the Commission’s and the water use permit applicants’ burden would have been significantly reduced. This ongoing failure to comply with the letter and spirit of the Code, however, does not justify improperly shifting this burden to practitioners of Native Hawaiian customs and traditions.

“[A]n applicant for a water use permit bears the burden of establishing that the proposed use will not interfere with any public trust purposes; likewise, the Commission is duty bound to hold an applicant to its burden[.]” In re Wai'ola o Molokai, Inc., 103 Haw. 401, 441 (2004) (“Wai'ola”). Wai’ola presented nearly identical issues: this Commission was tasked with considering the impact of a water use permit application for ground water withdrawals for municipal and other purposes on traditional and customary rights and practices. The Hawai’i Supreme Court vacated this Commission’s order because the Commission “failed adequately to discharge its public trust obligation to protect native Hawaiians’ traditional and customary gathering rights[.]” Id. at 443. In so doing, the Court placed “the burden of proving, inter alia, that the proposed water use would not abridge or deny traditional and customary native Hawaiian rights” squarely on the applicant’s and the Commission’s shoulders. Id. at 442. The Court also admonished the Commission for “erroneously plac[ing] the burden on the [practitioners] to establish that the proposed use would abridge or deny their traditional and customary gathering rights.” Id. In no uncertain terms the Court
Letter to Yvonne Izu Re. Burdens Of Proof And Legal Standards Regarding: (1) Traditional & Customary Native Hawaiian Rights & Practices; & (2) Municipal Uses

December 17, 2004

Page 4 of 13

held that the applicant “was obligated to demonstrate affirmatively that the proposed well would not affect native Hawaiians’ rights; in other words, the absence of evidence that the proposed use would affect native Hawaiians’ rights was insufficient to meet the burden imposed upon [the applicant] by the public trust doctrine, the Hawai’i Constitution, and the Code.” Id. (emphases in original).

In light of the Code’s mandates and Wai’ola’s clear language, the burden of establishing that traditional and customary Native Hawaiian rights exist in the first instance rests with this Commission as trustee of Hawai’i’s water resources trust and with any permit applicant who covets public trust resources. “[T]he Commission must not relegate itself to the role of a mere ‘umpire, passively calling balls and strikes for adversaries appearing before it,’ but instead must take the initiative in considering, protecting, and advancing public rights in the resource at every stage of the planning and decisionmaking process.” Waiahole I, 94 Haw. at 143. Again, the Code devised the Hawai’i Water Plan (especially the Water Resources Protection Plan) as the framework for managing one of Hawai’i’s most precious resources. See Miike, supra, at 234-35. The challenges and burdens that continue to arise from the failure to adequately fund and implement this framework should not and indeed cannot be laid at the feet of practitioners of Native Hawaiian customs and traditions.

B. Assertions Of Traditional & Customary Rights & Practices Are Sufficient.

Hawai’i case law is unambiguous that even an assertion of traditional and customary rights and practices, without a conclusive showing that specified individuals have such rights, requires private commercial users and this Commission to gather information necessary to analyze potential impacts and ensure that any traditional and customary rights and practices are not abridged or denied. See Ka Pa’akai, 94 Haw. at 51 n.35 (noting that “neither the boundaries of the Resource Zones . . . nor the specific [traditional and customary] uses in each zone have been established”); id. at 37 (acknowledging general testimony regarding cultural practices including fishing, picking limu, and gathering ‘opihi and other resources); Public Access Shoreline Hawai’i v. Hawai’i Cty. Planning Comm’n, 79 Haw. 425, 450 (1995) (“the right of each ahupua’a tenant to exercise traditional and customary practices remains intact, notwithstanding arguable abandonment of a particular site”).

The Hawai’i Supreme Court further ruled that state agencies, such as this Commission, “may not act without independently considering the effect of their actions on Hawaiian traditions and practices.” Ka Pa’akai, 94 Haw. at 46 (emphasis added). The Court went on to specifically detail an “analytic framework in an effort to effectuate the state’s obligation to protect native Hawaiian customary and traditional practices while reasonably accommodating competing private interests[.]” Id. at 46-47. “Indeed,
the promise of preserving and protecting customary and traditional rights would be illusory absent findings on the extent of their exercise, their impairment, and the feasibility of their protection.” Id. at 50.

Pursuant to Ka Pa‘akai, given the information already provided to this Commission in objections to water use permit applications for ‘Iao, at the October 28, 2004 public hearing on Maui, and in the petition to restore stream flow in Waihe‘e, North and South Waiehu, ‘Iao and Waikapu streams and their tributaries (‘Nā Wai ‘Ehā’) filed by Earthjustice on June 25, 2004, this Commission is tasked with investigating and making specific findings regarding: (1) the identity and scope of cultural, historical and natural resources in the area affected by the permit applications for ‘Iao, including the extent to which traditional and customary rights and practices are exercised in that area; (2) the extent to which those resources, rights, and practices will be affected by the proposed action; and (3) feasible action, if any, to reasonably protect Native Hawaiian rights and practices. 94 Haw. at 52. In particular, we note that the IIFS petition detailed some cultural practices supported by ground and surface water in the Nā Wai ‘Ehā area. If the Commission determines that such rights exist, all water use permit applicants must overcome the presumption in favor of such protected public trust purposes.

Given the limitations of the outdated declarations of water use and Hawai‘i Water Plan, we understand the enormity of the task facing this Commission and the applicants seeking water use permits for ‘Iao. Although the Hawai‘i Supreme Court has made clear that this burden lies with the Commission and permit applicants, not the practitioners, several workable avenues are available to help provide the necessary information. The Commission, in partnership with the permit applicants, could, for example: (1) review declarations of water use for all TMKs and uses within the affected area; (2) request from plantation interests including Wailuku Agribusiness and HC&S, a list of all individuals who receive kuleana water; (3) publish notices in local papers and broadcast on local TV (Akakū) and radio stations requests for information from practitioners from the affected area; (4) locally notice and hold public meetings in Central Maui for practitioners who may be affected by the pending applications; (5) contact Hawaiian agencies with offices or representatives in the affected area, including the Office of Hawaiian Affairs, Queen Lili‘uokalani Children’s Center, and Ali‘i Like for lists of local practitioners or contacts; (6) contact elected representatives at the county, state, and federal levels for recommended contacts; (7) contact cultural consultants or experts from the area, including those listed in state Office of Environmental Quality Control’s list of cultural consultants and others potentially available through the Bailey House for contact information for local practitioners or other resources; (8) contact culturally-based groups from the area including hula halau, Hawaiian Civic Clubs, ‘Onipa‘a Nā Hui Kalo, Maui Cultural Lands, Maui Cultural Resources Commission and
the like for information and recommendations; (9) contact state agencies, including the historic preservation division and Island Burial Councils for lists of local practitioners or contacts; and (10) contact schools and organizations of higher learning, including the University of Hawai‘i and Maui Community College for lists of Hawaiian organizations, clubs, local practitioners, and other contacts from the area. These are just a sampling of potential sources of information; many more are available to this Commission and the permit applicants.

C. This Commission Has The Authority And Duty To Recognize And Uphold Traditional & Customary Rights & Practices.

Finally, this Commission has both the authority and the duty to recognize traditional and customary Native Hawaiian rights in the context of water use permitting, contested case hearings, and other matters under its jurisdiction. The Hawai‘i Supreme Court has never imposed any requirement for those asserting such rights to obtain a court ruling before the Commission or any other agency could consider them. Rather, as detailed above, state agencies including this Commission “may not act without independently considering the effect of their actions on Hawaiian traditions and practices.” Ka Pa‘akai, 94 Haw. at 46. In Ka Pa`akai, the Hawai‘i Supreme Court specifically detailed an “analytical framework in order to effectuate the state’s obligation to protect native Hawaiian customary and traditional practices[].” Id. at 46-47. The Court placed this burden squarely on agencies such as this Commission, going on to rule that “[t]he power and responsibility to determine the effects on customary and traditional native Hawaiian practices and the means to protect such practices may not validly be delegated[].” Id. at 52.

We again note that in Wai‘ola, the Court vacated this Commission’s issuance of water use permits for proposed ground water uses not unlike those at issue in ʻĪao because the Commission “failed adequately to discharge its public trust obligation to protect native Hawaiians’ traditional and customary gathering rights[].” 103 Haw. at 443. More specifically, the Court ruled that “an applicant for a water use permit bears the burden of establishing that the proposed use will not interfere with any public trust purposes; likewise, the Commission is duty bound to hold an applicant to its burden during a contested-case hearing.” Id. at 441-42 (emphasis added).

II. Municipal Uses.

A. “Municipal” Use Is Not A Public Trust Use.

At the October 28, 2004 public hearing, Commissioner Miike stated that “municipal” use was not a “domestic” use recognized under Waiʻalae I as a public
trust purpose, citing the Water Code’s definition of “domestic use” as support. Commissioner Miike later modified this position in correspondence dated November 3 and 15, 2004, opining that Waiahole I suggested domestic uses could extend to municipal uses. We respectfully submit that the Commissioner’s first inclination was correct. In sum, although municipal use may serve the general public interest and partially (but not exclusively) includes many aggregate domestic uses, it constitutes a large-scale, consumptive, and diversionary use that differs, both qualitatively and quantitatively, from the uses that the public trust, both in Hawai‘i and elsewhere, has traditionally protected. Thus, notwithstanding the “important public benefits” of municipal uses, long-established public trust precedent “stops short” of including such use as a public trust purpose. Waiahole I, 94 Haw. at 138.

“Domestic” and “municipal” are legal terms of art in water law that have carried distinct meanings under the common law for ages. As the plain meaning suggests, “domestic” use denotes individual water use “for household purposes, i.e., for drinking, washing, cooking, and watering domestic animals.” Carter v. Territory, 24 Haw. 47, 66 (1917). Historically, in Hawai‘i and elsewhere, the priority for domestic use has arisen in connection with riparian principles, such that the use cannot “materially diminish the supply of water or render useless its application by others.” Peck v. Bailey, 8 Haw. 658, 662 (1867). See also id. (recognizing the “sound distinction” under riparian law between “the right to enjoy water in its natural state, and that which is created by artificial means”); Carter, 24 Haw. at 66 (affirming the riparian distinction between “natural” and “artificial” uses and stating, “we have no doubt that such is the law in [Hawai‘i]”).

“Municipal” use, in contrast, denotes bulk water uses of large population entities. This may include the aggregate domestic uses of the population, but also includes many other kinds of uses, including commercial, agricultural, and industrial purposes. Maui Department of Water Supply’s (“MDWS’s”) applications, for example, concede that single-family use comprises about only 16% of the total use in Central Maui. See, e.g., MDWS’s Water Use Permit Application for Mokuau I. MDWS has also admitted that it transports potable water from ‘Iao to Central and South Maui and Pā‘ia for both potable and non-potable needs. MDWS, however, is unable to provide calculations or even estimates of its non-domestic uses, including water for commercial, agricultural, industrial and other purposes. As MDWS’s applications establish, municipal uses, by nature, are large-scale and consumptive, and involve diversions
away from the water source. Moreover, although municipal use is not “commercial” per se, it does involve the sale of water or water services by a utility (in some places, a private entity), as opposed to a domestic user who takes water for his or her own personal use.

The Code incorporates these common law distinctions between domestic and municipal uses. As Commissioner Miike noted, § 174C-3 assigns separate meanings to each. Domestic use “means any use of water for individual personal needs and for household purposes such as drinking, bathing, heating, cooking, noncommercial gardening, and sanitation.” Municipal use “means the domestic, industrial, and commercial use of water through public services available to persons of a county for the promotion and protection of their health, comfort, and safety, for the protection of property from fire, and for the purposes listed under the term ‘domestic use.’”

Lumping domestic and municipal together contradicts this well-settled distinction. Courts have consistently declined to make such a leap. Thus, as the eminent treatise on water law (cited repeatedly in Waiahole I) observes, “[c]ities generally cannot invoke the domestic preference [under riparian law] to acquire land and water rights to supply their inhabitants and to claim an immunity from liability by injured riparians.” A. Dan Tarlock, Law of Water Rights & Resources § 3:59 at 3-97 (2004 rev. ed.) (footnote omitted) (citing cases); see also Union Water Supply Corp. v. Vaughn, 355 F. Supp. 211, 214 (S.D. Tex 1972) (seeing a “clear distinction between general municipal use and domestic and livestock use” and rejecting collective appropriation on behalf of individual domestic users as “domestic” use). Similarly, the seminal treatise on eminent domain explains that “[t]he doctrine that a riparian town

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3 The Code underscores the distinction between domestic and municipal uses by exempting only domestic uses from water use permitting requirements. “No person shall make any withdrawal, diversion, impoundment, or consumptive use of water in any designated water management area without first obtaining a permit from the commission. However, no permit shall be required for domestic consumption of water by individual users, and no permit shall be required for the use of a catchment system to gather water.” Haw. Rev. Stat. § 174-48(a) (emphasis added). In areas such as the I'ao aquifer where municipal systems comprise the vast majority of existing uses, exempting municipal uses from water use permitting requirements would nullify this Commission’s primary tool for managing water resources. Clearly, domestic and municipal uses were never meant to be one in the same.

4 We note that, although this case involves ground water, similar principles apply, and the Commission should avoid any artificial distinctions between ground and surface water. See Waiahole I, 94 Haw. at 177 n.90 (analogizing correlative rights to ground water to riparian rights in surface water); id. at 172-73 (rejecting artificial ground-surface distinction). See also id. at 180 n.95 (citing ground water statues from other states preserving the right of landowners to withdraw water for “domestic” uses, which would not extend to municipal uses).
may take from a private stream all the water it needs for the domestic use of its inhabitants is not generally accepted and is expressly denied in a number of cases.” 2 J. Sackman, Nichols on Eminent Domain § 5.05[2][a][vii], at 5-247 (rev. 3d ed.) (citing cases). “A private riparian proprietor has no right at common law to divert water...for purposes of sale, and it would seem that a municipal or a public service corporation should stand in no better position.” Id.

The reason for this differential treatment of domestic and municipal uses is not hard to discern. As the renowned jurist Roscoe Pound explained:

The law does not regard the needs and desires of the person taking the water solely to the exclusion of all riparian proprietors, but looks rather to the natural effect of his use of water upon the stream and the equal rights of others therein. The true distinction appears to lie between those modes of use which ordinarily involve the taking of small quantities, and but little interference with the stream, such as drinking and other household purposes, and those which necessarily involve the taking or diversion of large quantities and a considerable interference with its ordinary course and flow, such as manufacturing purposes.


The Commission’s November 15 letter focuses on several points in the Waiāhole I decision as potential support for the idea of municipal uses being a public trust purpose. The letter emphasizes Waiāhole I’s recognition of the “vital domestic uses of the general public.” Id. at 2 (citing 94 Haw. at 137) (emphasis in letter). This excerpt, however, cannot be removed from its context. The Court used this phrase in the context of extending the trust’s purpose from its “original intent” of preserving Native Hawaiian traditional and customary uses to its “broader sense” of protecting analogous uses of the public at large, i.e., non-Hawaiians and non-traditional users. 94 Haw. at 137. This does not establish that the Court meant to expand domestic uses to include municipal uses. On the contrary, the Court’s actual holding simply states, in unmodified terms: “we recognize domestic water use as a purpose of the state water resources trust.” Id. (emphasis added). We again note that Waiāole involved municipal-type uses, yet the Supreme Court did not treat them as domestic, public trust uses.

The November 15 letter also examines the Court’s citations, but again, these should not be read out of context and proportion. The Court cited this authority for general examples, not definitive rules. See 94 Haw. at 137 (citing the California and Minnesota statues with “see, e.g.,” for the general proposition of domestic preference,
and using "cf." (compare) in citing the Clifton case.5 The imagined implications of these generalized references do not control. Far more telling, and ultimately controlling, are the Court's citations to Haw. Rev. Stat. § 7-1, the McBryde case, which the Court described as "comparing [§ 7-1] with authority in other jurisdictions recognizing riparian rights to water for domestic purposes," and the Carter case, which the Court described as "granting priority to domestic use based on riparian principles and [§ 7-1]." Id. (emphasis added).

Analysis of Waiahole I must not lose sight of the forest for the trees. A larger view of the public trust purposes recognized in Hawai'i and other jurisdictions makes clear that these uses all involve maintaining the water source either in its natural state or without substantial impairment. See, e.g., 94 Haw. at 136-37. As explained above, the common definition of domestic use conforms to this unifying principle. Municipal uses, such as those proposed by MDWS for "lao, may include aggregate domestic uses, but are otherwise qualitatively and quantitatively different because of their large-scale, consumptive, and diversionary nature. Inclusion of such uses (which include many other uses besides domestic, including commercial uses, and in most cases would drain a water source dry) as a public trust purpose would constitute an unprecedented, fundamental deviation from long-standing public trust principles.

Moreover, equating domestic and municipal uses would essentially resurrect the argument rejected by the California Supreme Court "Mono Lake" case that the public trust encompassed "all public uses," including the municipal uses of the City of Los Angeles (termed "domestic" under California statute and in that case). See National Audubon Soc'y v. Superior Ct. of Alpine Cty., 658 P.2d 709, 723-24 (Cal. 1983) (cited in Waiahole I, 94 Haw. at 138). The National Audubon court declined to adopt such a "broad concept of trust uses," maintaining that the "public trust is more than an affirmation of state power to use public property for public purposes. It is an affirmation of the duty of the state to protect the people's common heritage of streams, lakes, marshlands, and tidelands[]." Id. The Waiahole I decision adopted this reasoning without qualification. 94 Haw. at 138. Indeed, Waiahole I specifically acknowledged that "National Audubon involved diversions for a public purpose, the domestic uses of the City of Los Angeles." Id. at 140. Yet, these "domestic" /municipal uses in National Audubon did not lead the Court to limit its embrace of that case in any

5 The substance of the Clifton court's holding was that the state held potable drinking water reserves in trust, 539 A.2d at 765; in other words, the court focused on the "scope" of the trust, and not the "uses" it protects. Cf. Waiahole I, 94 Haw. 133-35 (analogous section holding that the public trust doctrine applies to "all water resources," including ground water). Clifton in no way suggested that a state could drain a stream, lake, or aquifer dry to serve municipal purposes.
way. Notably, the court described these municipal uses as a “public purpose,” not a “public trust purpose.”

In short, Waiahole I came no closer than National Audubon to acknowledging municipal uses as a public trust purpose. Such a ruling would, indeed, eviscerate the public trust doctrine, reducing it to a generalized “public use” doctrine with no more meaning and effect than the clause of the Fifth Amendment of the same name. There is simply “no authority [that] supports this view of the public trust.” Id. at 138 (quoting National Audubon).

The ultimate point of all the foregoing is that, notwithstanding any general “public purpose” served by municipal uses, Waiahole I and other public trust precedent do not support including municipal uses as a “public trust purpose.” The reasoning of the Hawaii Supreme Court in Waiahole I applies with equal force here: “while the state water resources trust acknowledges that [public] use for [municipal purposes] may produce important public benefits and that such benefits must figure into any balancing of competing interests in water, it stops short of embracing [such] use as a protected ‘trust purpose.’” 94 Haw. at 138.

B. Waiahole I States The Standard For Municipal Use Applicants Under The Public Trust And Code.

The November 15 letter also points out that municipal uses are not “private commercial uses” discussed in Waiahole I. Of course, the only uses at issue in Waiahole I were private commercial uses,” so claiming that Waiahole I’s rulings refer only to those kinds of uses says little. Rather, the relevant categories that the Court identified were: (1) public trust uses; and (2) other uses, whether public or private. This dichotomy is fundamental to public trust law. See Waiahole I, 94 Haw. at 139 (“As commonly understood, the trust protects public waters... against... substantial impairment, whether for private or public purposes.” (citation and internal quotation marks omitted) (emphasis added)). As discussed above, municipal use is a public use, but not a public trust use. Thus, insofar as the public trust, by nature and definition, establishes use consistent with trust purposes as the norm, or ‘default’ condition,” municipal uses, just as with any other publicly beneficial non-public trust uses like the agricultural uses in Waiahole I, are subject to a “higher level of scrutiny.” Id. at 142 (emphasis added). “In practical terms, this means that the burden lies with those seeking or approving such uses to justify them in light of the purposes protected by the trust.” Id.; see also Wai‘ola, 103 Haw. at 441 (“An applicant for a water use permit bears the burden of establishing that the proposed use will not interfere with any public trust purposes; likewise, the Commission is duty bound to hold an applicant to its burden[.]”).
The November 15 letter suggests that, although the Court declined to differentiate among public trust uses, it would differentiate between non-public trust uses, i.e., between private commercial and public uses. Nothing in the Court’s case law supports this notion, and Waiahole I effectively disposes of it. 94 Haw. at 142 (maintaining that “the Commission inevitably must weigh competing public and private water uses on a case-by-case basis”).

This does not mean, of course, that the Commission cannot consider the “definite interest” of the public in uses for municipal, agricultural, or any other publicly beneficial purposes and give such uses their due weight in decisionmaking. Id. at 141-42, 138. It does mean applicants for municipal use such as MDWS must show that their use will not interfere with any public trust purposes, and the Commission must hold such applicants to their burden. Waialo, 103 Haw. at 441.

This understanding, it may be noted, comports with the underlying policies of the public trust doctrine. Scholarship on the doctrine has recognized that the public trust serves to protect uses of the “diffuse public” against the immediate desires of “tightly organized groups with clear and immediate goals.” J. Sax, The Public Trust Doctrine in Natural Resource Law: Effective Judicial Intervention, 68 Mich. L. Rev. 471, 556 (1970); cf. Waiahole I, 94 Haw. at 190 n.108 (recognizing the Code’s instream flow provisions as a protection of “the inchoate public, including generations unborn”). Municipal users have dedicated agencies to account and advocate for their needs. The efforts of a handful of volunteer community members and public interest groups notwithstanding, the same cannot be said for public trust resources and uses. Holding municipal uses to the same requirements as other non-public trust uses thus makes imminent sense.

Even if municipal uses could be differentiated from other non-public trust uses, or municipal uses could be deemed a public trust use, nothing would effectively change. The Commission would still bear an “affirmative duty to take the public trust into account ... and to protect public trust uses whenever feasible.” Waiahole I, 94 Haw. at 141. Even between public trust uses, it “must still ensure that all trust purposes are protected to the extent feasible.” Id. at 142 n.43 (emphasis added). Thus, however municipal uses were categorized, it would have to “consider the cumulative impact of existing and proposed diversions on trust purposes and to implement reasonable measures to mitigate this impact, including the use of alternative sources.” Id. at 143.

It must be emphasized that the foregoing addresses only the requirements of the constitutional public trust. Apart from these requirements, the Code imposes a burden on applicants for municipal uses such as MDWS. The Code does not grant municipal
uses any allocation priority, but requires municipal users to apply for water use permits like any other user. See also footnote 3, supra. Permit applicants “have the burden of justifying their proposed uses in light of protected public rights in the resource.” Id. at 160. Moreover, the Commission “is duty bound to hold [applicants] to its burden under the Code[.]” Wai‘ola, 104 Haw. at 426. The standards for a permit under Haw. Rev. Stat. § 174C-49(a), particularly the requirement of “reasonable-beneficial use,” requires applicants, first, “to prove their own actual water needs.” Waiahole I, 94 Haw. at 161. “Furthermore, besides advocating the social and economic utility of their proposed uses, permit applicants must also demonstrate the absence of any practicable mitigating measures, including the use of alternative water sources” -- a requirement that the Court deemed “intrinsic to . . . the definition of ‘reasonable-beneficial use’” and “an essential part of any balancing between competing interests.” Id.; see also In re Waiahole Combined Contested Case, 105 Haw. 1, 16 (2004) (reiterating these standards). These requirements essentially parallel those of the public trust and would likewise apply however “municipal” uses were categorized under the public trust.

Again, mahalo for this opportunity to share our mana‘o on these important issues. Please don’t hesitate to contact us if you have any questions or require additional information.

Me ke aloha,

[Signature]

cc: Dr. Jonathan Likeke Scheuer
Office of Hawaiian Affairs
(via U.S. Mail)

Mr. Jim Williamson,
Maui Meadows Homeowners Association
(via U.S. Mail)

Mr. John V. Duey,
Hui o Na Wai `Ehā
(via U.S. Mail)
December 15, 2004

Ms. Jane E. Lovell, Esq.
County of Maui
Department of the Corporation Counsel
200 South High Street
Wailuku, HI 96793

Dear Ms. Lovell:

Transmission of Water Use Permit Files
Iao Water Management Area, Maui

Thank you for your help in providing the Commission with public access to our files concerning water use permit documentation for existing users in the Iao ground water management area.

The copying of the captioned files has been completed, and is up-to-date as of November 30, 2004. There are 11 folders weighing about 12 pounds, which would be expensive to ship, so we are arranging for a department staff person to convey them to Wailuku Public Library as soon as possible.

Items of the record from December 1, 2004 will be separated in our files, and may be compiled by interested parties, or may be arranged for shipment as may be convenient.

If you have any questions, please call Charley Ice of the Commission staff at 587-0251 or toll-free at 984-2400, extension 70251.

Sincerely,

Yvonne Y. Izu
Deputy Director

CI:ss
November 18, 2004

Mr. George Y. Tengan, Director
County of Maui
Department of Water Supply
200 South High Street
Wailuku, HI 96793

Dear Mr. Tengan:

Central Maui Ground Water Production – Summary of Recent Findings

Thank you for your letter dated October 7, alerting the Commission to inaccuracies in water use reporting from the Central Maui Service Area from around January 2001, with a maximum discrepancy in November 2003 overstating the total production for the Central System at about 1.3 mgd.

We appreciate your efforts to correct the pumpage data. At this point, the Commission does not wish to separately examine the evidence of inaccuracies, but to rely upon your professional judgment in correcting them. We will look forward to a timeline of receiving corrected information.

We are deeply concerned that this proceeds in a timely way, as significant resources have been invested in developing a ground water model for this area by yourselves and the U.S. Geological Survey. The study absolutely depends on accurate information. Furthermore, your applications for water use permits are absolutely dependent upon accurate information. Finally, requests for use of surface water are also dependent upon accurate ground water information, either from potential interactions (from a source development perspective) or combinations (from an end use perspective) with ground water.

Please call on us if we can assist in any way. If you have any questions, please call Charley Ice of the Commission staff at 587-0251 or toll-free at 984-2400, extension 70251.

Sincerely,

YVONNE Y. IZU
Deputy Director
November 15, 2004

Ms. Kapua Sproat
Earthjustice
223 South King St., Ste. 400
Honolulu, HI 96813

Dear Ms. Sproat:

Water Use Permit Applications, Iao Aquifer, Maui
Public Trust Burden

Following adjournment of the still-open public hearing convened on October 28, 2004, the Commissioners appointed to conduct the hearing are requesting additional information from objectors as well as applicants.

Hawaiian Water Rights

Your objections to water use permit applications for ground water from Iao Aquifer on Maui raised the issue of addressing traditional and customary and Native Hawaiian water rights, specifically saying that the applications had failed to provide information sufficient to evaluate the requirements of the Supreme Court’s ruling in Waiahole concerning these matters.

At the public hearing, Commissioner Miike asked the various parties for their opinion on who has the burden of proof as to whether or not traditional and customary and Native Hawaiian rights exist. Commissioner Miike opined that, while such rights are public trust purposes, they accrue to individuals. He believes it is clear that, when such rights exist, private commercial uses must overcome the presumption in favor of trust purposes. But who has the burden of showing that such rights exist in the first place? And does only an assertion that such rights exist, without a showing that specified individuals have such rights, require private commercial uses to overcome a presumption in favor of such asserted rights? Does the Commission have the authority to recognize traditional and customary and Native Hawaiian rights in a water use permit application or in a contested case hearing, or do those asserting such rights have to obtain such a ruling from the state courts before the Commission can consider them in the water permitting process?
“Domestic Use”, “Public Trust”

Commissioner Miike also asked whether uses by the MDWS are public trust purposes? If so, then there is no presumption in favor of other trust purposes. If it is not a public trust purpose (or only partly so; i.e., drinking water), it is also not a private commercial use. Then what level of scrutiny should its water use permit applications be subject to?

The Code defines “municipal use” as “the domestic, industrial, and commercial use of water through public services available to persons of a county for the promotion and protection of their health, comfort, and safety, for the protection of property from fire, and for the purposes listed under the term ‘domestic use.’”

At the public hearing, Commissioner Miike commented that “domestic use” was personal use, relying on the definition in the Water Code (“any use of water for individual personal needs and for household purposes such as drinking, bathing, heating, cooking, noncommercial gardening, and sanitation”).

However, in reviewing the Court’s Waiāhole I decision, he noted that the Court refers to “the vital domestic uses of the general public (emphasis added)” (94 Haw. 97, 137) as a public trust purpose of the use of the state’s freshwater resources. The Court cited the California and Minnesota water codes, as well as Clifton v Passaic Valley Water Comm’n, 539 A.2d 760, 765 (1987). The California code states that “domestic use is the highest use,” while the Minnesota code states that “first priority is) domestic water supply, excluding industrial and commercial uses of municipal water supply.” Neither code defines “domestic use.” Clifton states: “Potable water, then, is an essential commodity which every individual requires in order to sustain human existence...residents in urban and suburban areas are dependent upon the agency or institution which supplies potable water...the public trust doctrine applies with equal impact upon the control of our drinking water reserves.” The Court in Waiāhole I “prescribes a ‘higher level of scrutiny’ for private commercial uses (emphasis added)” (94 Haw. 97, 142).

We look forward to your comments to the above analyses and responses to the questions posed. We would appreciate receiving a response by December 10, 2004.

If you have any questions, please call Charley Ice of the Commission staff at 587-0251.

Sincerely,

YVONNE Y. IZU
Deputy Director

Cl:ss

c: Clyde Namuo, Office of Hawaiian Affairs
November 15, 2004

Mr. Clyde Namuo, Administrator
Office of Hawaiian Affairs
711 Kapiolani Boulevard, Ste. 500
Honolulu, HI 96813

Dear Mr. Namuo:

Water Use Permit Applications, Iao Aquifer, Maui
Public Trust Burden

Following adjournment of the still-open public hearing convened on October 28, 2004, the Commissioners appointed to conduct the hearing are requesting additional information from objectors as well as applicants.

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However, in reviewing the Court’s Waiahole I decision, he noted that the Court refers to “the vital domestic uses of the general public (emphasis added)” (94 Haw. 97, 137) as a public trust purpose of the use of the state’s freshwater resources. The Court cited the California and Minnesota water codes, as well as Clifton v Passaic Valley Water Comm’n, 539 A.2d 760, 765 (1987). The California code states that “domestic use is the highest use,” while the Minnesota code states that “first priority (is) domestic water supply, excluding industrial and commercial uses of municipal water supply.” Neither code defines “domestic use.” Clifton states: “Potable water, then, is an essential commodity which every individual requires in order to sustain human existence...residents in urban and suburban areas are dependent upon the agency or institution which supplies potable water...the public trust doctrine applies with equal impact upon the control of our drinking water reserves.” The Court in Waiahole I “prescribes a ‘higher level of scrutiny’ for private commercial uses (emphasis added)” (94 Haw. 97, 142).

We look forward to your comments to the above analyses and responses to the questions posed. We would appreciate receiving a response by December 10, 2004.

If you have any questions, please call Charley Ise of the Commission staff at 587-0251.

Sincerely,

YVONNE Y. IZU
Deputy Director

Cc: Kapua Sproat, Earthjustice
November 4, 2004

To: Attendees of October 28, 2004 Public Hearing on Water Use Permits in the Lao Ground Water Management Area

Dear Attendee:

Clarification of by Hearing Officer Lawrence Miike Regarding Domestic Use

Attached for your perusal is a memo from the hearing officer to those parties in attendance at the public hearing.

If you have any questions, please do not hesitate to call Roy Hardy at 587-0274 or toll-free at 984-2400, extension 70274.

Sincerely,

YVONNE Y. IZU
Deputy Director

RH:ss
Attachments
November 3, 2004

Roy/Charlie:

Could you send this on to the parties as a correction of what I said about the definition of “domestic use” at the public hearing?

At the public hearing, I made a comment that “domestic use” was personal use, relying on the definition in the Water Code (“any use of water for individual personal needs and for household purposes such as drinking, bathing, heating, cooking, noncommercial gardening, and sanitation”).

However, in reviewing the Court’s Waiahole I decision, it refers to “the vital domestic uses of the general public (my emphasis)” as a public trust purpose of the use of the state’s freshwater resources.

The Code defines “municipal use” as “the domestic, industrial, and commercial use of water through public services available to persons of a county for the promotion and protection of their health, comfort, and safety, for the protection of property from fire, and for the purposes listed under the term ‘domestic use.’”

So it could be argued that a municipal water system is a public trust purpose, or at the least, that municipal uses include a public trust purpose or that they collectively have higher priority than other uses because they are being provided “through public services available to persons of a county.”

As for remedies, in Reppun v Board of Water Supply, the Court concluded that “the public use of water, once that use has clearly attached, should be continued in order to avoid the harsh consequences of interruption.” There can be remedies if the water was improperly diverted, but they would not include stopping the diversion (e.g., if the diversion was improper, perhaps monetary damages would be relevant).

[Signature]

Larry Miike

---

1 94 Hawai'i 97, 137; 9 P.3d 409, 449.
2 65 Hawai'i 531, 560; 656 P.2d 57 (1982).
public trust uses of waters in their natural state, courts have recognized the distinct public interest in resource protection. As explained by the California Supreme Court:

"One of the most important public uses of the tidelands -- a use encompassed within the tidelands trust -- is the preservation of those lands in their natural state, so that they may serve as ecological units for scientific study, as open space, and as environments which provide food and habitat for birds and marine life, and which favorably affect the scenery and climate of the area."

National Audubon, 658 P.2d at 719 (quoting Marks v. Whitney, 491 P.2d 374, 380 (Cal. 1971)) (emphasis added). Thus, with respect to the lake ecosystem involved in that case, the court held that the public trust protected values described as "recreational and ecological -- the scenic views of the lake and its shore, the purity of the air, and the use of the lake for nesting and feeding by birds." Id.

This court has likewise acknowledged resource protection, with its numerous derivative public uses, benefits, and values, as an important underlying purpose of the reserved water resources trust. See Robinson, 65 Haw. at 674-76, 658 P.2d at 310-11 (upholding the public interest in the "purity and flow," "continued existence," and "preservation" of the waters of the state). The people of our state have validated resource "protection" by express constitutional decree. See Haw. Const. art. XI, §§ 1 & 7. We thus hold that the maintenance of waters in their natural state constitutes a distinct "use" under the water resources trust. This disposes of any portrayal of retention of waters in their natural state as "waste." See Reppun, 65 Haw. at 560 n.20, 656 P.2d at 76 n.20 (citing article XI, section 1 as an acknowledgment of the public interest in "a free-flowing stream for its own sake").

Whether under riparian or prior appropriation systems, common law or statute, states have uniformly recognized domestic uses, particularly drinking, as among the highest uses of water resources. See, e.g., Restatement (Second) of Torts § 850A cmt.
I "natural," uses under riparian law); Cal. Water Code § 1254 (West 1971) ("domestic use is the highest use"); Minn. Stat. Ann. § 103G.261(a)(1) (West 1997) (domestic use given first priority). This jurisdiction presents no exception. In granting individuals fee simple title to land in the Kuleana Act, the kingdom expressly guaranteed: "The people shall . . . have a right to drinking water, and running water . . . ." Enactment of Further Principles of 1850 § 7, Laws of 1850 at 202 (codified at HRS § 7-1 (1993)). See also McBryde, 54 Haw. at 191-98, 504 P.2d at 1341-44 (comparing section 7 of the Kuleana act with authority in other jurisdictions recognizing riparian rights to water for domestic uses); Carter v. Territory, 24 Haw. 47, 66 (1917) (granting priority to domestic use based on riparian principles and section 7 of the Kuleana Act). And although this provision and others, including the reservation of sovereign prerogatives, evidently originated out of concern for the rights of native tenants in particular, we have no doubt that they apply today, in a broader sense, to the vital domestic uses of the general public. Accordingly, we recognize domestic water use as a purpose of the state water resources trust. Cf. Clifton v. Passaic Valley Water Comm'n, 539 A.2d 760, 765 (N.J. Super. Ct. Law Div. 1987) (holding that the public trust "applies with equal impact upon the control of drinking water reserves").

In acknowledging the general public's need for water, however, we do not lose sight of the trust's "original intent." As noted above, review of the early law of the kingdom reveals the specific objective of preserving the rights of native tenants during the transition to a western system of private property. Before the Māhele, the law "Respecting Water for Irrigation" assured native tenants "their equal proportion" of water. See Laws of 1942, in Fundamental Laws of Hawaii 29 (1904). Subsequently, the aforementioned Kuleana Act provision ensured
The following applications for water use permits to continue uses existing as of July 21, 2003 have received objections and are subject to public hearing. The Commission on Water Resource Management, at its regular meeting on September 22, 2004, approved a hearing now scheduled to begin:

October 28, 2004, 10:00 a.m.
J. Walter Cameron Center
95 Mahalani Street, Wailuku, Hawaii 96793

The hearing will be conducted in two parts: first, applications accepted as complete by the July 21, 2004 one-year filing deadline.

<table>
<thead>
<tr>
<th>Well Name</th>
<th>Well No.</th>
<th>Applicant</th>
<th>WUPA No.</th>
<th>TMK</th>
<th>Requested amount (mgd)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waikouk Shaft 33</td>
<td>5330-05</td>
<td>MOWS</td>
<td>707</td>
<td>3-5-1:1</td>
<td>5.771</td>
</tr>
<tr>
<td>Mokuhau Well 1</td>
<td>5330-09</td>
<td>Kehalani**</td>
<td>700</td>
<td>3-3-2:24</td>
<td>1.994</td>
</tr>
<tr>
<td>Mokuhau Well 3</td>
<td>5330-11</td>
<td>MDWS</td>
<td>701</td>
<td>3-3-2:24</td>
<td>2.221</td>
</tr>
<tr>
<td>Waiehu Heights Well 1</td>
<td>5430-01</td>
<td>MDWS</td>
<td>697</td>
<td>3-3-2:28</td>
<td>0.166</td>
</tr>
<tr>
<td>Waiehu Heights Well 2</td>
<td>5430-02</td>
<td>MDWS</td>
<td>696</td>
<td>3-3-2:28</td>
<td>1.415</td>
</tr>
<tr>
<td>Waiehu Well 1</td>
<td>5430-03</td>
<td>MDWS</td>
<td>695</td>
<td>3-3-17:31</td>
<td>1.480</td>
</tr>
<tr>
<td>Waiehu Well 2</td>
<td>5430-04</td>
<td>MDWS</td>
<td>690</td>
<td>3-3-17:31</td>
<td>2.439</td>
</tr>
<tr>
<td>Waiehu Well 3</td>
<td>5430-05</td>
<td>MDWS</td>
<td>703</td>
<td>3-3-17:31</td>
<td>1.513</td>
</tr>
<tr>
<td>Iao Tunnel</td>
<td>5332-02</td>
<td>MP&amp;R</td>
<td>690</td>
<td>3-3-3:3</td>
<td>1.359</td>
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<tr>
<td>Ke'e Well</td>
<td>5332-05</td>
<td>MP&amp;R</td>
<td>699</td>
<td>3-3-3:5</td>
<td>1.042</td>
</tr>
<tr>
<td>Iao Tunnel</td>
<td>5332-07</td>
<td>MP&amp;R</td>
<td>691</td>
<td>3-4-34:34</td>
<td>0.100</td>
</tr>
<tr>
<td><strong>Total from all sources</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>19.489</td>
</tr>
</tbody>
</table>

Second, the hearing will entertain applications to continue known existing uses that were filed incomplete by the July 21, 2004 one-year filing deadline, and an application for a new use* that was completed by the July 21, 2004 deadline for existing uses:

<table>
<thead>
<tr>
<th>Well Name</th>
<th>Well No.</th>
<th>Applicant</th>
<th>WUPA No.</th>
<th>TMK</th>
<th>Requested amount (mgd)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waikouk Shaft 33</td>
<td>5330-05</td>
<td>MDWS**</td>
<td>702</td>
<td>3-5-1:1</td>
<td>5.771</td>
</tr>
<tr>
<td>War Memorial Stadium</td>
<td>5329-04</td>
<td>MP&amp;R</td>
<td>709</td>
<td>3-8-7:55</td>
<td>0.038</td>
</tr>
<tr>
<td>Baldwin High School</td>
<td>5329-05</td>
<td>MP&amp;R</td>
<td>710</td>
<td>3-8-7:55</td>
<td>0.010</td>
</tr>
<tr>
<td>Maui Stadium</td>
<td>5329-14</td>
<td>MP&amp;R</td>
<td>713</td>
<td>3-8-7:55</td>
<td>0.039</td>
</tr>
<tr>
<td>Papohaku Park</td>
<td>5429-02</td>
<td>MP&amp;R</td>
<td>712</td>
<td>3-2-13:29</td>
<td>0.324</td>
</tr>
<tr>
<td>Waiehu Golf</td>
<td>5529-02</td>
<td>MP&amp;R</td>
<td>711</td>
<td>3-2-13:6</td>
<td>0.039</td>
</tr>
<tr>
<td>Waiehu Golf 1</td>
<td>5530-03</td>
<td>MP&amp;R</td>
<td>708</td>
<td>3-2-13:29</td>
<td>0.324</td>
</tr>
<tr>
<td>Waiehu Golf 2</td>
<td>5530-04</td>
<td>MP&amp;R</td>
<td>714</td>
<td>3-2-13:29</td>
<td>0.324</td>
</tr>
<tr>
<td>Black George Tunnel</td>
<td>5332-01</td>
<td>HC&amp;S</td>
<td>685</td>
<td>3-3-3:3</td>
<td>not identified</td>
</tr>
<tr>
<td>Iao Needle Tunnel 1</td>
<td>5333-01</td>
<td>HC&amp;S</td>
<td>684</td>
<td>3-5-3:1</td>
<td>not identified</td>
</tr>
<tr>
<td>Iao Needle Tunnel 2</td>
<td>5333-02</td>
<td>HC&amp;S</td>
<td>686</td>
<td>3-3-3:3</td>
<td>not identified</td>
</tr>
<tr>
<td>Living Waters #1</td>
<td>5691-01</td>
<td>LWLF</td>
<td>704</td>
<td>3-2-13:15</td>
<td>0.020</td>
</tr>
<tr>
<td><strong>Total from all sources</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>&gt;6.890</td>
</tr>
</tbody>
</table>

**Competing applications – do not double count.

Applicants:
- Maui County Department of Water Supply (MDWS)
- Maui Department of Parks & Recreation (MP&R)
- Hawaiian Commercial & Sugar (HC&S)
- Kehalani Mauna, LLC (Kehalani)
- Living Waters Land Foundation (LWLF)

The hearing may be left open to allow for additional information as may be requested by Commissioners. If, during the course of the hearing, a contested case hearing is requested, the requester will be required to complete a written request, identifying HRS §174C-50(b) for existing uses or §174C-49(a) for new uses as the authority under which the action is to be made. The following may be admitted as a party to a contested case hearing: persons within the Iao Water Management Area with a property interest, who reside on the land, or can otherwise demonstrate that they will be so directly and immediately affected by the proposed water uses that their interest is clearly distinguishable from that of the general public; others who can show a substantial interest in the matter and can substantially assist the Commission in its decision making; agencies whose jurisdiction includes the land or water in question.

COMMISSION ON WATER RESOURCE MANAGEMENT

Dated: October 7, 2004

Publish in: Maui News issue of October 12, 2004
August 25, 2004

Mr. Randy Gentry
County of Maui
Department of Parks and Recreation
700 Hal‘i‘a Nakoa Street, Unit 2
Wailuku, HI 96793

Dear Mr. Gentry:

Supreme Court Directions for Water Use Permit Applications

Thank you for completing your applications to the best of your abilities and the directions provided by staff. We have been advised to alert you to directions of the Supreme Court in adjudicating the Waiahole Contested Case on remand, as they pose additional information requirements for water use permit applications, namely discussion of practicable alternatives and the calculation of per-unit amounts of water ("duties").

As we have received objections to the applications submitted to-date for continuing the existing use of ground water from the lāo Aquifer, please be informed that additional information is advised for the hearing on Maui that is being scheduled tentatively for late October.

The Supreme Court's opinion is summarized as follows:

1. Practicable Alternatives

"Under the public trust doctrine and the Code, permit applicants have the burden of justifying their proposed uses in light of protected public rights in the resource" (Waiahole 1, 94 Hawai‘i at 160, 9 P.3d at 472). The Water Code requires, inter alia, that the applicant prove that the proposed use of water is a "reasonable-beneficial use" and is consistent with the public interest (HRS § 174C-49(a)(2 & 4). "Reasonable-beneficial use" is defined as "the use of water in such a quantity as is necessary for economic and efficient use (sic) for a purpose and in a manner both reasonable and consistent with state and county plans and the public interest" (HRS § 174C-3, emphasis added.

"Furthermore, besides advocating the social and economic utility of their proposed uses, permit applicants must also demonstrate the absence of practicable mitigating measures, including the use of alternative water sources. Such a requirement is ... an essential part of any balancing between competing interests." (Waiahole 1 94 Hawai‘i at 161, 9 P.3d at 473, emphasis added)
2. Calculating per-unit amounts of water ("duties")

The Court found that some calculations done for the Waiahole case were not clearly erroneous while others were erroneous. It is typical for planners to project reasonable ballpark numbers to be used by each household, each business, or each acre of crop, based on experience. The Court has opined that such ballpark numbers are inadequate when public resources are being contested, and that more careful, detailed examination of factors must be specified when projecting need. The court made distinctions between type of crop, location, and other factors, and we surmise the same may be applied to different businesses and households.

We urge you to review the Hawaii Supreme Court's Waiahole I and Waiahole II decisions in formulating your response to this request for additional information.

If you have any questions, please call Charley Ice of the Commission staff at 587-0251 or toll-free at 984-2400, extension 70251.

Sincerely,

YVONNE Y. IZU
Deputy Director

Ci:ss
Roy Hardy/DLNR/StateHiUS
08/23/2004 08:07 AM
To
“Randy Gentry” <Randy.Gentry@co.mauila.hi.us>, Charley F
Ice/DLNR/StateHiUS
cc
bcc
Subject Re: lao Aquifier WUPA

Charley, fyi - and I think you have the hard copies already printed for you. Randy, Charley's email above.

"Randy Gentry” <Randy.Gentry@co.mauila.hi.us>

08/19/2004 07:13 AM
To <Roy.Hardy@hawaii.gov>
cc
Subject lao Aquifier WUPA

Roy: I do not have Charlie's e-mail address, can you forward this to him? Thank You Randy Gentry

Charlie: I had sent the e-mails below to Roy Hardy to try and figure out what I did wrong and the first e-mail below pretty much sums it up. I had put the wrong numbers for the well at War Memorial Stadium (should be 5329-14) 5329-04 is a wrong number and at the Golf Course I had also given a wrong number it should be 55300-04 (5530-03 is in error and not used by us. Randy Gentry- I will review all of the applications again and then give you a call...Thank you for your Patience....Randy Gentry

Roy: I had put the wrong numbers for the wells and needed to correct the information that I had sent you- The War Memorial Stadium Well is 5329-14 (I had given it the wrong number of 5329-04 when I first sent in the applications) the Waiehu Golf Course is the same way the correct number should be 5530-04 and(5530-03 was in error). I will try and find out when these wells started pumping but that may take a few days because it has been at least 20 years ago as the Parks Personell that has been here for years has told me. Sorry that I could not get back to you sooner, my wife has been in hospital since last Thursday and is home now an we are waiting on doctors-I took the days off to be a support to her. I will look into your matters today and keep checking until I come up with the answers. Mahalo...Randy

>>> <Roy.Hardy@hawaii.gov> 8/9/2004 10:28:59 AM >>>

Randy,

Some further follow-up. Please clarify as soon as possible. Thanks

----- Forwarded by Roy Hardy/DLNR/StateHiUS on 08/09/2004 10:25 AM
-----
no problem. Hope your wife has a quick and full recovery.

"Randy Gentry" <Randy.Gentry@co.maui.hi.us>

Roy: I had put the wrong numbers for the wells and needed to correct the information that I had sent you- The War Memorial Stadium Well is 5329-14 (I had given it the wrong number of 5329-04 when I first sent in the applications) the Waiehu Golf Course is the same way the correct number should be 5530-04 and (5530-03 was in error). I will try and find out when these wells started pumping but that may take a few days because it has been at least 20 years ago as the Parks Personell that has been here for years has told me. Sorry that I could not get back to you sooner ,my wife has been in hospital since last Thursday and is home now an we are waiting on doctors- I took the days off to be a support to her. I will look into your matters today and keep checking until I come up with the answers. Mahalo...Randy

>>> <Roy.Hardy@hawaii.gov> 8/9/2004 10:28:59 AM >>>

Randy,

Some further follow-up. Please clarify as soon as possible. Thanks

----- Forwarded by Roy Hardy/DLNR/StateHiUS on 08/09/2004 10:25 AM
-----

Roy Hardy/DLNR/StateHiUS
08/06/2004 09:13 AM

To
Randy.Gentry@co.maui.hi.us
cc
Ice/DLNR/StateHiUS@StateHiUS
Subject
Fw: Maui Parks and Recreation Water Use Permits

Randy, in reviewing for completeness:

1) are the new applications backup wells? Specifically, is Waiehu
Randy,

Some further follow-up. Please clarify as soon as possible. Thanks

maui parks & rec wupas.doc

-----Forwarded by Roy Hardy/DLNR/StateHiUS on 08/09/2004 10:25 AM-----

Randy, in reviewing for completeness:

1) are the new applications backup wells? Specifically, is Waiehu golf course 5530-04 a backup to 5530-03 (requested amount is the same for both)? Is War Memorial Stadium 5329-14 a backup 5329-04 (requested amount is the same for both)? Also, do you know the date when the wells started pumping these amounts?

----- Forwarded by Roy Hardy/DLNR/StateHiUS on 08/06/2004 09:07AM -----

Randy, got them in yesterday but in my intray today! Thanks

----- Forwarded by Roy Hardy/DLNR/StateHiUS on 08/05/2004 03:18PM -----

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"Randy Gentry" <Randy.Gentry@co.mauhi.us>
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"Randy Gentry" <Randy.Gentry@co.maui.hi.us> 07/28/2004 01:14 PM

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-----

Roy Hardy/DLNR/StateHiUS
08/05/2004 03:19 PM

To
Randy.Gentry@co.mau.i.hi.us
cc
Lenore Y Nakama/DLNR/StateHiUS@StateHiUS, Charley F Ice/DLNR/StateHiUS@StateHiUS
Subject
Fw: Maui Parks and Recreation Water Use Permits

Randy, got them in yesterday but in my intray today! Thanks

----- Forwarded by Roy Hardy/DLNR/StateHiUS on 08/05/2004 03:18 PM 

-----

Roy Hardy/DLNR/StateHiUS
08/03/2004 02:47 PM

To
"Randy Gentry" <Randy.Gentry@co.mau.i.hi.us>
cc
Lenore Y Nakama/DLNR/StateHiUS@StateHiUS
Subject
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To
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5329-02 Alelo Place owned by the county and not in the Iao aquifer system area (but attached map shows 5529-02)

typos?

Roy Hardy
Commission on Water Resource Management
808-587-0274
ok. That 9/17 letter from Peter Young is from us. It was a notice about filing for these water use permits for the wells we have registered to your dept, so it should clear matters up. Don’t need to return Lenore Nakama’s phone call on this, this email string will suffice. Thanks and look forward to the updated applications.

"Randy Gentry" <Randy.Gentry@co.maui.hi.us>

"Randy Gentry" <Randy.Gentry@co.maui.hi.us>

07/28/2004 01:14 PM

To <Roy.Hardy@hawaii.gov>

cc

Subject Re: Maui Parks and Recreation Water Use Permits

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Commission on Water Resource Management
808-587-0274
<table>
<thead>
<tr>
<th>TO:</th>
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<th>TO:</th>
<th>INIT.</th>
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<th>PLEASE:</th>
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<td>YOSHINAGA, M.</td>
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</table>

TO: 

FROM: ROY

DATE: AUG-4

SUSPENSE DATE:

(05/04)

Commission on Water Resource Management

Please check all boxes. Please sign if complete. Then staple then out to:

[Space for comments]

[Space for signatures]
PERMITTEE INFORMATION

1. (a) APPLICANT
   Firm/Name: County of Maui Department of Parks and Recreation
   Contact Person: Randy Gentry
   Address: 700 Hana Nakea Street Unit 2, Wailuku, Hawaii 96793
   Phone (808) 270-5553, Fax (808) 270-7142
   E-mail: Randy.Gentry@co.mau.hi.us

(b) LANDOWNER OF SOURCE
   Firm/Name: County of Maui
   Contact Person: Glenn T. Correa/ Director Parks and Recreation
   Address: 700 Hana Nakea Street Unit 2, Wailuku, Hawaii 96793
   Phone (808) 270-7520, Fax (808) 270-7934
   E-mail: Glenn.Correa@co.mau.hi.us

SOURCE INFORMATION

2. WATER MANAGEMENT AREA: Waihee Aquifer
   ISLAND: Maui

3. (a) EXISTING WELL/STREAM DIVERSION NAME AND STATE NUMBER: Waihehu Golf Course well # 5530-04
   (b) PROPOSED (NEW) WELL/STREAM DIVERSION NAME:

(c) LOCATION: Address: County Property Waihehu, Hawaii
   Tax Map Key: 3-2-13-64-69-25
   (Attach and show source on a USGS map, scale 1:2000, and a property tax map)

4. SOURCE TYPE (check one): □ Stream □ Basal □ Dike-confined □ Perched □ Caprock

5. METHOD OF TAKING WATER (check one): □ Artesian □ Well & Pump □ Diverted Surface □ Other (explain)

USE INFORMATION

6. LOCATION OF PROPOSED WATER USE: (if possible, show on same maps as source location. Otherwise, attach similar maps)
   (a) □ PUC-Regulated Private System □ Interred Dedication to Dept./Board of Water Supply □ Non PUC-Regulated Private System
   (b) Tax Map Key: Please complete table 1 on back of application and shade applicable portion of property tax map.

7. QUANTITY OF WATER REQUESTED: 324,000 gallons per day (averaged over 1 year)

8. METHOD OF MEASUREMENT: □ Flowmeter □ Open-pipe □ Well □ Orifice □ Other (explain)

9. QUALITY OF WATER REQUESTED: □ Fresh □ Brackish □ Salt □ Potable □ Non-Potable

10. PROPOSED USE: □ Municipal (including hotels, stores, etc.) □ Individual Domestic □ Irrigation □ Industrial □ Military □ Other Explain

11. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION: Daily 7:00 A.M. - 1:00 A.M. (daytime hours of operation; example, 7 a.m. to 2 p.m.)

12. APPLICANT MUST ESTABLISH THAT THE PROPOSED USE OF WATER:
   (a) Can be accommodated with the available water source
   (b) Is a reasonable-beneficial use.*
   (c) Will not interfere with any existing legal use
   (d) Is consistent with the public interest.
   (e) Is consistent with state and county general plans and land use designations.
   (f) Is consistent with county land use plans and general policies.
   (g) Will not interfere with the rights of the Department of Hawaiian Homelands.

   * Section 13-171-2 , Hawaii Revised Statutes.
   “Reasonable-beneficial use” means the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is not wasteful and is both reasonable and consistent with the state and county land use plans and the public interest.

13. REMARKS, EXPLANATIONS: This is an irrigation well that is owned and operated by the County of Maui Department of Parks and Recreation. TMK: 3-2-13-69-25-21 (New TMK Numbering System: 232013000000000.9000000000)

   Other information is included in application. Water is pumped from #5530-04 where booster pumps disperse the water into various irrigation main and lateral lines.

NOTE: Signing below indicates that the signatories understand and swear that: 1) the information provided on this application is accurate and true to the best of their knowledge; 2) item 14 is the responsibility of the applicant prior to Commission approval; if necessary, further information may be be requested before the application is considered complete; 4) if a water use permit is granted by the Commission, the permit is subject to prior existing permitted uses, changes in sustainable yields and instream flow standards, reserved uses as defined by the Commission, and Hawaiian Home Lands future uses; and 5) upon permit approval, a water shortage plan must be submitted by the applicant should the Commission require one.

Applicant (print) Parks and Recreation
Signature
Date 6/21/2004

Landowner (print) County of Maui
Signature
Date 6/21/2004

WUPAFORM (4/26/03)
TABLE 1. TMKs TO USE REQUESTED WATER

<table>
<thead>
<tr>
<th>PROJECT NAME &amp; PHASES</th>
<th>EXISTING OR NEW USE</th>
<th>POTABLE OR NONPOTABLE</th>
<th>TMK</th>
<th>STATE LUD</th>
<th>CURRENT COUNTY ZONING CODE</th>
<th>UNITS or NET ACRES</th>
<th>GPD UNIT or GPD/ACRE</th>
<th>4-YEAR CUMULATIVE PROJECTED DEMAND (TO BUILD OUT)</th>
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<td>Wailehu Golf Course- Water Source #5530-04</td>
<td>#5530-03</td>
<td>NONPOTABLE</td>
<td>2-2-13:6-40-00.29</td>
<td>Conservation</td>
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<td>1860.9</td>
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<td>118,260,000</td>
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</tbody>
</table>

TOTAL GPD 324,000

(For Oahu only) DEPARTMENT OF PLANNING AND PERMITTING SIGNATURE _______________________________ DATE ____________

Only for verification that: 1) TMKs listed are consistent with zoning and development plans; and 2) projects listed are allowed with respect to zoning and development plans.

Instructions for completing Table 1: Individual projects and phases must be listed separately and numbered sequentially on Table 1. Copy Table 1 and attach additional sheets if necessary. Please indicate individual projects and phases on TMK maps by clearly delineating project areas and indicating sequential number within delineated areas to coincide with Table 1. Please attach a separate sheet giving the address and a brief description of each project and phase listed above. In addition, if the proposed use is existing, please provide the WUP No. or indicate when the existing use was initiated. Also, the Department of Planning and Permitting (DPP) must sign before application is acceptably complete. Please consult with DPP at 500 South King Street, 7th Floor, Honolulu, HI 96813.
County of Maui
Department of Parks and Recreation
Waiehu Golf Course
Irrigation Well No. 5530-04
To abc@aloha.net, u.guava@verizon.net, randy.gentry@co.mau.hi.us, ellen.kraftsow@co.mau.hi.us, jane.lovell@co.mau.hi.us, lhmiike@hawaii.rr.com, cc Roy Hardy/DLNR/StateHIUS@StateHIUS, Susan G Subia/DLNR/StateHIUS@StateHIUS

Subject follow up meeting

We have set July 11, 2005, a Monday, from 1:00 - 5:00 pm, for our meeting at Cameron Center. All who responded indicated that was an agreeable date. We hope it works for the others. We may not need that much time, but hope to sort things out comprehensively within that time. This will be your only notice. We will still conduct another full session of the public hearing, yet to be determined, which we anticipate would be the last.
March 29, 2007

Mr. Dwight Ho
Beylik Drilling and Pump Service
91-259A Olai Street
Kapolei, HI 96707

Dear Mr. Ho:

Well Completion Report Part II for Well No. 5530-04

We received your Well Completion Report Part II for the Waiehu Golf 2 (Well No. 5530-04) on March 22, 2007 and acknowledge that it is complete.

This completes your obligations under the pump installation permit. A certificate of pump installation completion will be issued to the well operator/landowner and you will receive a copy. The certificate transfers responsibility of all aspects of well usage and maintenance from you to the well operator/landowner.

If you have any questions, please contact Charley Ice of the Commission staff at 587-0251 or toll-free at 984-2400, extension 70251.

Sincerely,

W. ROY HARDY
Hydrologic Program Manager

Cc: County of Maui, Department of Parks and Recreation
Mr. Ron Kubo  
County of Maui  
Department of Parks and Recreation  
700 Hali'a Nakoa Street, Unit2  
Wailuku, HI 96793  

Dear Mr. Kubo:

Certificate of Pump Installation Completion for Well No. 5530-04

We are pleased to inform you that the Pump Installation work permitted for the Waiehu Golf 2 Well (Well No. 5530-04) is complete and acceptable. This certificate of pump installation completion allows you to continue pumping your well for reasonable & beneficial water use.

To protect Hawaii’s natural ground water resources for the benefit of all, the following requirements apply to the use of your well:

1. If the well is not in use it must be properly capped.

2. If the well is to be abandoned then the landowner must cause a licensed contractor to apply for a well abandonment permit in accordance with §13-168-12(f) prior to any well sealing or plugging work.

3. In the event that the well operator and/or landowner changes, the Commission shall be notified of the change prior to the change, and all forms shall be transferred to the new owner.

4. In the event the benchmark in the concrete base of the well is altered in any way, an updated elevation survey (page 5 of the Well Completion Report Part I) shall be submitted to the Commission. The Well Completion Report Part I can be obtained by contacting staff or at www.hawaii.gov/dlnr/cwrm/forms.htm.

5. Your approved pump has a capacity of 300 gpm at a head of 200 ft. In the future, pump replacements of equal or lesser capacity will not require an additional permit from the Commission, but will require the submission of a Well Completion Report Part II by the licensed pump installer. If the pump replacement is greater than the existing pump, you will need to apply for a new pump installation permit.
6. The landowner shall cause the well operator to maintain the installed 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), in accordance with §13-168-7, HAR.

7. 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. The authorization to drill a well and/or install a pump shall not constitute a determination of correlative water rights. The landowner and well operator are notified that the quantity of water taken from the well and/or the pump capacity could be reduced by the Commission in the future.

8. In the event that your installed pump is less than 70 gallons per minute, and no elevation survey has been completed, you may be required to do one in the future.

Because groundwater in Hawaii is a public trust, and adverse effects at one well may affect other water resources, any violation of the above conditions, or any other provision of the Hawaii Administrative Rules, may be subject to fines of up to $5,000/day. The Commission needs your help and asks that you do your part in utilizing this shared resource. We prefer to work with you in meeting the goal of protecting our ground water resources together.

If you have any questions, please contact Charley Ice of the Commission staff at 587-0251 or toll-free at 984-2400, extension 70251.

Sincerely,

W. ROY HARDY
Hydrologic Program Manager

Cl: ss
Encl: Water Use Report Forms

c: Maui Department of Water Supply
   Beylik Well Drilling and Pump Service
Pump Replacement for Well No. 5530-04 (survey to regulation memo)

1. **Pump Tests Check** Roy Hardy (initial)
   - Current Well Transmissivity in database? Yes No
   - Current Well Specific Capacity in database? Yes No
   - Step-Drawdown Test: followed WCPI Stds analysis attached proposed pump cap o.k. Yes No
   - Aquifer Pump Test: followed WCPI Stds T & S analysis attached Yes No
   - Well Interference: estimated Steady-State drawdown at 1-mile radius is ft. analysis attached Yes No
   - Stream Surface Water Impacted: Yes No

2. **Well Log Check** Geology Code for Well Index: Jeremy Kimura (initial) CR

3. **Pump Installation Check** Mitch Ohye (initial)
   - data complete Yes No
   - followed Special Cond & Elev. Yes No well database updated Yes No

4. **Charley/Lenore/Ryan** (initial) take action based on above analysis

   1. WCR2 ACCEPTANCE LETTER
   2. PUMP INST. COMPLETION CERTIFICATE
   3. METER INSTALL. REPORT (if necessary)
   4. WUR FORM (if necessary)
   5. USGS MAP UPDATED
   6. PARCEL CHECK
   7. WELL DATABASE INPUT CHECK
   8. GLENN'S PUMP TEST WORKSHEET
   9. PUMP As-Built CHECK PRINT

5. Roy (initial) check(Entered PICC accept date into database)

6. Susan Hoagbin (initial) finalize

[Signature]

[Dated] 03/22/07
1. State Well No.: 5530-04  
   Well Name: Waiehu Golf Course 2  
   Island: Maui

2. Address: 200 Halewaiu Road, Wailuku, 96793  
   Tax Map Key: 3-2-013:029


4. Date Pump Installed: 1/16/2007

5. PERMANENT PUMP INFORMATION
   Pump Type, Make, Serial No.: Submersible, Goulds, SN: 523261
   Rated Capacity: 300 gpm at head of: 200 ft.
   Motor Type, H.P., Voltage, rpm: Submersible, 25 HP, 460V, 3600 RPM
   Pump type (check one):
   - Deep Well Turbine
   - Rotary
   - Submersible
   - Centrifugal
   - Centrifugal
   - Rotary-Displacement
   - Propeller
   - Rotary-Gear
   - Reciprocating
   - Impulse

6. Method of flow measurement:
   - Flowmeter
   - Manufacturer: McCrometer
   - Model no.: N/A
   - Size: 4"
   - Other, explain and attach schematic

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

8. Attach the rating curve for the installed pump.

9. Attach photograph of well clearly showing the benchmark on the concrete pad, the well head, and the method of flow measurement.

10. Well Owner Company: County of Maui  
    Address: 200 S. High Street  
    Phone: 808-270-7400

11. Land Owner Company: Same As Above  
    Address
    Phone
    Fax

12. Remarks

Pump Installation Contractor (print): Beylik Drilling & Pump Svc, Inc
   License No.: C-57/C-57a/A
   Date: 3/14/2007

Signature: ____________ Date: ____________
7. AS-BUILT PUMP SECTION  (Please attach as-built if different from diagram provided below)

Bench mark elevation surveyed to nearest 0.01 ft. = 76.5 ft. mean sea level

Elevation of top of chase tube 77.5 ft. mean sea level

Pump intake depth = \( \frac{118.5}{\text{ft.}} \) (referenced to bench mark)

Chase tube depth = \( \frac{116.5}{\text{ft.}} \) (referenced to bench mark)

If airline installed, bottom of airline elevation = N/A ft. mean sea level
Pump:
Size: 7WAHC (2 stages)
Type: Lineshaft
Synch speed: 3600 rpm
Curve: E6207WAPCO
Specific Speeds:

Search Criteria:
Flow: 300 US gpm
Head: 200 ft

Fluid:
Water
Temperature: 60 °F

Motor:
Standard: NEMA
Size: 25 hp
Speed: 3600 rpm

Pump Notes for Standard Sizes:
Suction Size-4" Discharge Sizes-4",5",6"

Material: 7WAHC (2 stages)

Vertical Turbine:
Bowl size: 7.13 in
Max lateral: 0.5 in
Thrust K factor: 2.63 lb/ft

Pump Limits for Standard Construction:
Temperature: 120 °F
Pressure: 365 psi g

Performance Evaluation:

<table>
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<tr>
<th>Flow US gpm</th>
<th>Speed rpm</th>
<th>Head ft</th>
<th>Pump %eff</th>
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<th>NPSHr ft</th>
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Turbine Pump Selection 2004e
Selected from catalog: Goulds Lineshaft 60HZ Vers: 3.03
65530-04 WAIKUI GOLF COURSE 2
TO
COMMISSION ON WATER RESOURCE MGMT

PO BOX 621

HONOLULU, HI 96809

WE ARE SENDING YOU ☑ Attached □ Under separate cover via the following items:

- Shop drawings
- Prints
- Plans
- Samples
- Specifications
- Copy of letter
- Change order

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THESE ARE TRANSMITTED as checked below:

☑ For approval ☐ Approved as submitted ☐ Resubmit ______ copies for approval
☐ For your use ☐ Approved as noted ☐ Submit ______ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return ______ corrected prints
☐ For review and comment
☐ FOR BIDS DUE ____________________________________________________________________ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
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______________________________________________________________________________
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______________________________________________________________________________
______________________________________________________________________________

COPY TO 1482T / C FILE

SIGNED: ____________________________

FOR TONI GONSALVES

If enclosures are not as noted, kindly notify us at once.
State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources

FAX: Transmitting 4 pages, including this one; call 587-0251 with any reception problems.

TO: Toni Gonzales
FROM: Charles Lee

Date: 09 January 07

Transmitting WCR 2 and datafile into Wahiawa Golf Course
Well 52 (5530-04)
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Hi Charlie,

Can you please fax over the Well Completion Report for:

State Well No. 5530-04
Well Name: Waiehu Golf Course 2
TMK: 3-2-013:029.

We’ll be replacing the unit next week and need information on the well.

Thanks in advance,

Toni Gonsalves
Project Manager
Mr. Henry Oliva, Director  
Maui Department of Parks and Recreation  
200 South High Street  
Wailuku, Hawaii 96793

Dear Mr. Oliva:

Pump Installation Report  
Waiehu Golf Course Well 2  
(Well No. 5530-04)

Thank you for transmitting a satisfactorily completed Pump Installation Report for the captioned well. We received it May 14, 1997.

Enclosed is your Water Use Report form for your compliance with permit condition #3. Please make copies for your monthly use.

If you have any questions, please call Charley Ice at 587-0251 or toll-free at 984-2400, extension 70251.

Sincerely,

RAE M. LOUI
Deputy Director

Enclosure
PART II.  (PERMANENT) PUMP INSTALLATION REPORT

20. Pump Installation Company:  Roscoe Moss Hawaii, Inc.
21. Name of person performing work:  John Mole
22. Date Pump Installation Completed:  April 3, 1997
23. PUMP INSTALLATION:
   Pump Type, Make, Serial No.:  Submersible/Layne/8G6-18074  Capacity: 320 gpm
   Motor type, H.P., Voltage, rpm:  Sub/25/460/3600
   Depth of Pump Intake Setting 118 ft. below Grade, which elevation is 76.5 ft.
   Depth to bottom of airline 111 ft. below Grade, which elevation is 76.5 ft.
   Pumping Head is 200 ft. Type of flow meter:  Turbine which measures in GPM
24. As-built drawings attached?  X  Yes  No
25. Other remarks/comments:  (See below)

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<th>Roscoe Moss Hawaii, Inc.  C-57 Lic. No.</th>
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<tr>
<td>Signature</td>
<td>William C. Moore</td>
<td>4/9/97</td>
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<tr>
<td>Applicant (print)</td>
<td>Henry Oliva, Director of Parks &amp; Rec.</td>
<td>5/7/97</td>
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8.(cont'd)  DRILLER’S LOG (cont’d):

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State of Hawaii  
COMMISSION ON WATER RESOURCE MANAGEMENT  
Department of Land and Natural Resources  

WELL COMPLETION REPORT

(3/20/96 WCR Form)

Instructions: Please print or type and submit completed report within 30 days after well completion to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. An as-built drawing of the well and chemical analysis should also be submitted. For assistance call the Commission Regulation Branch at 587-0225, or 1-800-468-4644 Extension 70225.

1. State Well No.: 5530-04  
   Well Name: Waiehu Golf Course  
   Island: Maui

2. Location/Address: Waiehu Golf Course/Wailuku Maui HI  
   Tax Map Key: 3-2-13:06 & 29

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<th>PART I. WELL CONSTRUCTION REPORT</th>
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<tr>
<td>3. Drilling Company:</td>
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<tr>
<td>4. Name of driller who performed work:</td>
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<tr>
<td>5. Type of rig/construction:</td>
</tr>
<tr>
<td>6. Date(s) Well Construction and pump tests (if any) completed:</td>
</tr>
</tbody>
</table>
| 7. GROUND ELEVATION (referenced to mean sea level, msl): ft.  
| 8. DRILLER'S LOG: Please attach geologic log (if available or if required by permit) |
| Depths (ft.) Rock Description, Water Level, Dates, etc. |
| to to (If more space is needed, continue on back.) |
| 9. Total depth of well below ground: ft. |
| 10. Hole size: inch dia. from ft. to ft. below ground  
    inch dia. from ft. to ft. below ground  
    inch dia. from ft. to ft. below ground |
| 11. Casing installed: in. I.D. x in. wall solid section to ft. below ground  
    in. I.D. x in. wall perforated section to ft. below ground  
    Casing Material/Slot Size: |
| 12. Annulus: Grouted from ft. below ground to ft. below ground  
    Gravel packed from ft. below ground to ft. below ground |
| 13. Initial water level: ft. below ground. Date and time of measurement:  
  Initial chloride: ppm Date and time of sampling:  
  Initial temperature: °F Date and time of measurement: |
| 14. PUMPING TESTS: Reference Point (R.P.) used: ft. which elevation is ft.  
  (1) Step-Drawdown Test Date  
  Start water level ft. below R.P.  
  End water level ft. below R.P.  
  (2) Long-term Aquifer Test Date  
  Start water level ft. below R.P.  
  End water level ft. below R.P.  
| 17. Aquifer Pump Test Procedures data & graphs (1/96 LTAT Form) attached? _Yes _No |
| 18. As-built drawings attached? _Yes _No |
| 19. Other remarks/comments: (On back of this form) |

Well Drilling Contractor (print) C-57 Lic. No.  
Signature Date  
Surveyor (print) Lic. No.  
Signature Date  
Applicant (print)  
Signature Date
MODEL: TCL-3
FABRICATED STL. SURFACE PLATE

AS BUILT

SUBMERSIBLE PUMP

7" G TO FACE OF FLANGE

9" BASE TO G OF DISCHARGE

1/16" Dia. SURFACE PLATE FABRICATED STEEL

3/16" Dia. OF HOLES
4" STD. 125 8
NO. OF HOLES
5/16" BOLT CIRCLE

5 1/2" O.D. OF COUPLING

11" I.D. OF WELL

4" COLUMN (CALC. INSIDE AND OUT)

#8-3 POWER CONDUCTOR

BOWL UNIT: LAYNE

TCL ASSEMBLY

3 STAGE

7 1/2" O.D. OF BOWL UNIT

INCL. CABLE GUARD

MOTOR: FRANKLIN MFG. 5 3/8" O.D.

25 HP. 20 CY. 460 VOLTS

2/3 HP. R.P.M. 3 PH. 26 FRAME

7 1/8" DIA. 4 HOLES

ON 17" B.C.

AS SHOWN

TOP VIEW

PUMP RATING

G.R.M. 320

FT. FIELD HD. 200

AS BUILT

SO. NO.

SOLD TO:

ORDER NO.

USER

ITEM NO.

PUMP IDENTIFICATION

1/19/96

APPROVED BY

C. TAKAHASHI, ENGINEER

1979/96

WAUCHU GOLF COURSE (9930-04)

IRRIGATION WELL PUMP

DRN. BY: CHK'D BY: DATE: PUMP NO.
LETTER OF TRANSMITTAL

TO: Commission on Water Resource Management
    Department of Land & Natural Resources
    State of Hawaii
    P.O. Box 621
    Honolulu, HI 96809

DATE: May 13, 1997

JOB NO. CPK-9601

ATTN: ________________________________

SUBJECT: WAIEHU GOLF COURSE IRRIGATION WELL & PUMP
          WAILUKU, MAUI, HAWAII  TMK: 3-2-13: 06 & 29  JOB NO. P96/010

We are sending you  X  Attached  _____ Under separate cover the following:

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<th>DESCRIPTION</th>
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<tbody>
<tr>
<td>1</td>
<td>Well Completion Report with Print for Permanent Pump Installation.</td>
</tr>
</tbody>
</table>

THESE ARE TRANSMITTED (AS CHECKED BELOW):

   For Approval/Signature  X For Information/Use
   For Review & Comment    X  As Requested

REMARKS: __________________________________________________________

____________________________________________________________________

C. TAKUMI ENGINEERING, INC.

Carl K. Takumi, P.E.

CC: Dan Lum - Water Resource Associates
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<th>INIT.</th>
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PLEASE: Type Draft
Type Final
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Xerox copies
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### Water Info

| USE      | USE_YR | DRAFT_MG | DRAFT_YR | MAX_CHL | MAX_CHL_Y | INIT_WAT | INIT_CHL | AQUIFER | OLD_AQUI | INIT_CL | CUR_CL | CUR_TEMP | MIN_CL | MIN_CL_Y | CUR_HEAD | HEAD_YR | OLD_AQUI |
|----------|--------|----------|----------|---------|-----------|----------|----------|---------|---------|---------|--------|---------|---------|--------|---------|---------|---------|---------|
| UNU      | 1995   |          |          |         |           |          |          |         |         |         |        |         |         |        |         |         |         |         |

---

**Driller's Notes:**
- Driller's No. 11912
- Unsuitable well - No casing installed. Well started in QD.
### State of Hawaii Well Index

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**Driller's Note:** Driller's Lic. # ABC-11912. Well started in QD.
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The document contains a table with names and initials, followed by a note that might be a comment or instruction. The note seems to mention reviewing and commenting on the document with various other names listed.
TO Commission on Water Resource Management  
P.O. Box 621  
Honolulu, Hi. 96809

WE ARE SENDING YOU □ Attached □ Under separate cover via ___________________ the following items:

☐ Shop drawings  ☐ Prints  ☐ Plans  ☐ Samples  ☐ Specifications
☐ Copy of letter  ☐ Change order  ☐ ___________________

<table>
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THESE ARE TRANSMITTED as checked below:

☐ For approval  ☐ Approved as submitted  ☐ Resubmit_____ copies for approval
☐ For your use  ☐ Approved as noted  ☐ Submit_____ copies for distribution
☐ As requested  ☐ Returned for corrections  ☐ Return_____ corrected prints
☐ For review and comment  ☐ ___________________
☐ FOR BIDS DUE_________________19____  ☐ PRINTS Returned AFTER LOAN TO US

REMARKS
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
Wayne T. Arakaki, P.E.
## WELL CONSTRUCTION REPORT

### PART I

1. **State Well No.:** 5530-03  
   **Well Name:** Well 1  
   **Island:** Maui

2. **Location/Address:** Waiehu Golf Course

3. **Drilling Company:** David Pico Cesspool Digging

4. **Name of driller who performed work:** David Pico/Wayne I. Arakaki

5. **Type of rig/construction:** Rotary

6. **Date(s) Well Construction and pump tests (if any) completed:** July 1995

7. **GROUND ELEVATION (referenced to mean sea level, msl):** 120 ft.
   - **Well Bench Mark (description/location):** top of casing
   - **Elevation(msl):** 121.5 ft.

8. **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 60**
     - dune sand
   - **60 to 120**
     - sand mix with clay
   - **120 to 150**
     - brown clay
   - **150 to 210**
     - brown clay with pebbles

9. **Total depth of well below ground:** 210 ft.

10. **Hole size:**
    - **14 inch dia. from**
    - **0 ft. to 210 ft. below ground**

11. **Casing installed:**
    - **N. A. in. I.D. x**
    - **wall solid section to**
    - **ft. below ground**
    - **in. I.D. x**
    - **wall perforated section to**
    - **ft. below ground**

12. **Annulus:**
    - **Grouted from**
    - **N. A. ft. below ground to**
    - **Gravel packed from**
    - **N. A. ft. below ground to**

13. **Initial water level:**
    - **None ft. below ground. Date and time of measurement:**

14. **Initial chloride:**
    - **N. A. ppm Date and time of sampling:**

15. **Initial temperature:**
    - **N. A. °F Date and time of measurement:**

16. **PUMPING TESTS:**
    - **Reference Point (R.P.) used:**
    - **N. A. which elevation is**
    - **ft.**
    - **Start-Drawdown Test Date**
    - **N. A.**
    - **(1) Step-Drawdown Test Date**
    - **N. A.**
    - **(2) Long-term Aquifer Test Date**

17. **Aquifer Pump Test Procedures data & graphs (1/96 LTAT Form) attached?**
    - **Yes X No**

18. **As-built drawings attached?**
    - **Yes X No**

19. **Other remarks/comments:**
    - **(On back of this form)** Well to be dry, capped and not in use.

---

**Well Drilling Contractor (print):** Wayne I. Arakaki  
**C-57 Lic. No.** ABC-11912

**Signature:**

**Surveyor (print):** None

**Signature:**

**Applicant (print):**

**Signature:**

**Date:** December 10, 1996
Pat Matsui  
Maui Department of Parks and Recreation  
200 South High Street  
Wailuku, Hawai‘i 96793

Dear Mr. Matsui:

Well Completion Reports  
Waiehu Golf Course Wells  
(Well Nos. 5530-03 & 04, 5529-03 & 04)

Thank you for your cooperation during a visit from our staff, Glenn Bauer, on November 8, 1996. He inspected and reported on progress of the golf course wells.

He notes that the wells are all in place, with pumps in various stages of installation:

- Well 1 (5530-03) drilled  not in use, capped
- 2 (5530-04) drilled  pump not installed
- 3 (5529-03) drilled  not in use, disconnected
- 4 (5529-04) dug, w/sump  currently in use

To date, we have no well completion reports for these wells, excepting the construction portion for Well 2 (5530-04). Standard permit conditions require filing well completion reports within 30 days of completed work. Forms were enclosed with the permit transmitted to you. We look forward to receiving them.

Mr. Bauer also noted two test holes that remain open. One is identified adjacent to Well 2, the other on a fairway. These need to be capped or sealed. An earlier letter provided a form for use in these cases.

If you have any questions, please call Charley Ice at 587-0251, or toll-free at 984-2400 ext 70251.

Sincerely,

RAE M. LOUI  
Deputy Director
Dear Mr. Matsui:

Disposition of Well No. 5529-02

Your pump installation permit for Well No. 5529-02 was approved by the Commission on Water Resource Management on July 17, 1996, as a replacement for the captioned well, whose deepening to improve capacity resulted in greater salinity.

At the July 17, 1996 Commission meeting, you indicated that you would be sealing Well 1 (Well No. 5529-02), as it will no longer be used. We are enclosing an application for well modification or sealing for your use. Please let us know your plans for sealing the well by submitting a completed application or by informing us otherwise by letter by September 30, 1996.

If you have any questions, please call Charley Ice at 587-0251 or toll free at 984-2400 x 70251.

Sincerely,

RAE M. LOUI
Deputy Director
November 12, 1996

MEMORANDUM FOR THE RECORD

FROM: Glenn Bauer

SUBJECT: Waiehu Golf Course Wells, Maui

I visited Maui’s Waiehu Municipal Golf Course on November 8, 1996 to check existing wells and the new well that was recently drilled. Two previously unrecorded test holes were also examined. Mr. Doug Meyers, of the golf course maintenance staff, was very helpful in showing me their system.

Well 5529-03 is not being used. The well has a 5-stage 25 (?) HP pump, but has been disconnected from the discharge line. Well 5529-04 is actually a large unlined pond that skims the top of the caprock water table. A wet well is connected to the pond. Three pumps (25, 50, and 75 HP) pull from the wet well while two booster pumps are used to pressurize the irrigation line. Irrigation is done at night. At 0915, the electronic meter displayed a reading of 185145000.

An unrecorded test hole is located on side of the road leading down to the maintenance building, and above Fairway No. 1. The 8-inch PVC casing is sheared off at ground level which is assumed to be about 50 feet msl. A GPS reading produced the following position:

\[
\begin{align*}
20° 55′ 55.9″ N \\
156° 30′ 4.7″ W
\end{align*}
\]

The well bore is clear.

Well 5530-04 is a new well that will pump down to their pond at 5529-04. The pump has yet to be installed. The GPS position for this well is:

\[
\begin{align*}
20° 55′ 43.9″ N \\
156° 30′ 9.2″ W
\end{align*}
\]

About 7 feet east is another unrecorded 6-inch test hole. This hole is uncased except for about 2 feet of surface PVC casing. The hole is drilled at an angle so that a visual examination does not indicate the water surface or even if the hole reaches water. I dropped a small rock down the hole but was unable to hear a splash.

Well 5530-03 is a capped 8-inch PVC well. Its GPS position is:

\[
\begin{align*}
20° 55′ 29.8″ N \\
156° 30′ 4.0″ W
\end{align*}
\]
To: State of Hawaii-Dept of Land & Natural Resources-Commission on Water Resource Management

Honolulu, Hawaii 96809

WE ARE SENDING YOU ☒ Attached  ☐ Under separate cover via __________________________ the following items:
☐ Shop Drawings  ☐ Prints  ☐ Plans  ☐ Samples  ☐ Specifications
☐ Copy of Letter  ☐ Change Order  ☐

<table>
<thead>
<tr>
<th>COPIES</th>
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<td>Pump Installation Permit-Waiehu Golf Course Well #2, Well No. 5530-04</td>
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THESE ARE TRANSMITTED as checked below:
☐ For approval  ☐ Approved as submitted  ☐ Resubmit _____ copies for approval
☒ For your use  ☐ Approved as noted  ☐ Submit _____ copies for distribution
☐ As requested  ☐ Returned for corrections  ☐ Return _____ corrected prints
☐ FOR BIDS DUE  ☐ 19  ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS: Signed by this department and returned for your use.
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

COPY TO ____________________________________________________________

SIGNED: Martha L. Ferris, Parks Planning & Development

If enclosures are not as noted, kindly notify us at once
PUMP INSTALLATION PERMIT

Waiehu Golf Course Well 2, Well No. 5530-04

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”, your application to install a pump in Waiehu Golf Course Well 2, (Well No. 5530-04) at Waiehu, Maui, TMK 3-2-13-29, is approved subject to the following conditions:

STANDARD PERMIT CONDITIONS

1. The Commission on Water Resource Management, 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.

2. The pump installation permit shall be for installation of a 320 gpm capacity, or less, pump in the well.

3. The permittee 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 Commission (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 is 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 applicant shall complete and submit as-built drawings and Part II - (Permanent) Pump Installation Report of the Well Completion Report (attached) to the Commission within thirty (30) days after completion of work.

6. The applicant shall comply with all applicable laws, rules, and ordinances.

7. The pump installation permit application and staff submittal approved by the Commission at its July 17, 1996 meeting are incorporated into the permit by reference.

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 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 Commission if a showing of good cause and good-faith performance is demonstrated. A request to extend the permit shall be submitted to the Commission no later than three (3) months prior to the date the permit expires. If the commencement or completion date is not met, the Commission may revoke the permit after giving the permittee notice of the proposed action and an opportunity to be heard.

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

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

Date of Approval: July 17, 1996
Expiration Date: July 17, 1998

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.

Applicant’s Signature: Patrick T. Matsui
Date: 8/20/96

Printed Name: Patrick T. Matsui
Firm or Title: Chief of Parks Planning & Development

Please sign both copies and return one copy of this permit to the Commission and retain a copy for your record.

Attachment cc:
USGS
Department of Health/ Safe Drinking Water & Wastewater Branches
Maui Department of Water Supply
Mr. Pat Matsui  
Maui Department of Parks and Recreation  
200 South High Street  
Wailuku, Hawaii 96793  

Dear Mr. Matsui:  

Pump Replacement  
Waiehu Golf Course Well 2 (Well No. 5530-04)  

The Commission on Water Resource Management approved your request to replace the approved 175 gpm pump in this well with a 320 gpm pump at its July 17, 1996 meeting. There are no special conditions.  

Please sign the permit copies and return one for our files. Also, copies of the well completion report and your water use report form are enclosed for your use.  

If you have any questions, please call Rae M. Loui, Deputy Director, at 587-0214 or toll-free at 984-2400.  

Aloha,  

MICHAEL D. WILSON  
Chairperson  

Enclosures
PUMP INSTALLATION PERMIT

Waiehu Golf Course Well 2, Well No. 5530-04

In accordance with the 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," your application to install a pump in Waiehu Golf Course Well 2, (Well No. 5530-04) at Waiehu, Maui, TMK 3-2-13.29, is approved subject to the following conditions:

STANDARD PERMIT CONDITIONS

1. The Commission on Water Resource Management, 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.

2. The pump installation permit shall be for installation of a 320 gpm capacity, or less, pump in the well.

3. The permittee 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 Commission (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 is 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 applicant shall complete and submit as-built drawings and Part II - (Permanent) Pump Installation Report of the Well Completion Report (attached) to the Commission within thirty (30) days after completion of work.

6. The applicant shall comply with all applicable laws, rules, and ordinances.

7. The pump installation permit application and staff submittal approved by the Commission at its July 17, 1996 meeting are incorporated into the permit by reference.

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 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 Commission upon a showing of good cause and good-faith performance. A request to extend the permit shall be submitted to the Commission no later than three (3) months prior to the date the permit expires. If the commencement or completion date is not met, the Commission may revoke the permit after giving the permittee notice of the proposed action and an opportunity to be heard.

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

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

Date of Approval: July 17, 1996
Expiration Date: July 17, 1998

MICHAEL D. WILSON, 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.

Applicant's Signature: ___________________________ Date: __________

Printed Name: ___________________________ Firm or Title: ___________________________

Please sign both copies and return one copy of this permit to the Commission and retain a copy for your record.

Attachment
CC: USGS
Department of Health/ Safe Drinking Water & Wastewater Branches
Maui Department of Water Supply
PRESENTATION OF SUBMITTAL: Mr. Roy Hardy

STAFF RECOMMENDATION:

That the Commission on Water Resource Management approve a stream channel alteration permit for the widening of Waikae Bridge, Waikae Stream (TMK 4-5-05), Kapaa, Kauai. The permit shall be valid for a period of two (2) years and subject to the following conditions:

1. The Permit application and staff submittal approved by the Commission at its meeting on July 17, 1996, shall be incorporated herein by reference.

2. The applicant shall comply with all other applicable statutes, ordinances, and regulations of the Federal, State and County of Kauai governments.

3. The applicant, his successors, assigns, officers, employees, contractors, agents, and representatives, shall indemnify, defend, and hold the State of Hawaii harmless from and against any claim or demand for loss, liability, or damage including claims for property damage, personal injury, or death arising out of any act or omission of the applicant or his successors, assigns, officers, employees, contractors, and agents under this permit or related to the granting of this permit.

4. The applicant shall notify the Commission, by letter, of the actual dates of project initiation and completion. The applicant shall submit a set of as-built...
MAUI DEPARTMENT OF PARKS AND RECREATION, APPLICATION FOR PUMP REPLACEMENT, WAIEHU GOLF COURSE WELL 2 (WELL NO. 5530-04), PUMP INSTALLATION: 320-GPM PUMP FOR GOLF COURSE IRRIGATION, TMK 3-2-13:29 WAIEHU, WAILUKU, MAUI

(Due to a request from the applicant, Item #9 was heard first.)

PRESENTATION OF SUBMITTAL: Charley Ice

STAFF PRESENTATION:

That the Commission approve a pump installation permit for a 320 gpm pump in Waiehu Golf Course Well 2, subject to the standard conditions in Exhibit 3.

TESTIMONIES:

Pat Matsui, of Maui Dept. of Parks and Recreation, was present to answer questions. He indicated they will be submitting an application to abandon Well #1.

MOTION: (NOBRIGA/GIRALD)

To approve staff's recommendation.

UNANIMOUSLY APPROVED.
Commission approved well construction/pump installation permits for exploratory Waiehu Golf Course Wells "1"-4 (Well Nos. 5530-03 & 04, 5529-03 & 04), for pumps of 175 gpm or less capacity. The applicant sought to replace the amounts withdrawn from existing Golf Course Well 1 (Well No. 5529-02), which had been deepened but yielded excessive salinity. Proposed withdrawal was for a maximum of 250,000 gpd for each proven well.

The Well Completion Report from Well No. 5530-04 was filed with the driller's log and pump test results.

The applicant submitted this new application to increase the pump capacity in 5530-04 from its originally approved 175 gpm to 320 gpm.

**ISSUES/ANALYSIS:**

Staff Review: The well taps alluvial fresh water. Alluvial ground water was excluded from calculations of sustainable yield for the Iao Aquifer System, and withdrawals from this source were noted but not made part of management considerations in the January 1996 Findings of Fact concerning proposed designation of the Iao Aquifer System as a water management area. The Findings of Fact estimated use from alluvial wells at 0.3 mgd, but this does not include the average use from the applicant's pre-existing Well #1 (5529-01), unused since 1993. No sustainable yield estimate has been made for the alluvial ground water. Current pumpage from the alluvial system is estimated to be about 0.13 mgd. Given these facts, pumpage from the alluvial aquifer should have little or no impact on the existing sustainable yield estimate for the Iao Aquifer System.

The well will be used for golf course irrigation. It is replacing the pumpage from the 1967 Well #1 (5529-02), which has not been used since 1993, due to unacceptably high chloride levels. Since 1993, the golf course has relied solely on a spring-fed pond. It finds that the pond does not refill fast enough to meet the peak demand nor therefore the long-term demand of the golf course. The initial expectation of withdrawing brackish water has been corrected by pump tests showing initial chlorides in the range of 200 ppm but freshening to the range of 150 ppm with continued pumping.

The applicant states that the total golf course demand is about 0.64 mgd. The applicant also believes that the long-term average well withdrawal for existing Well 1 was about 0.34 mgd; staff's records show only a single January 1992 report of 0.136 mgd. No other data has been recorded by the applicant. The alluvial spring-fed pond on site yielding is estimated to yield about 0.3 mgd, although staff's records show only a February 1996 report of 0.234 mgd. Pump test results indicate that the proposed level of pumping is sustainable at this location and the increased pumpage rate will meet the pond refilling needs for the golf course distribution system.
STAFF SUBMITTAL

for the meeting of the
COMMISSION ON WATER RESOURCE MANAGEMENT

July 17, 1996
Honolulu, Oahu

Maui Department of Parks and Recreation
APPLICATION FOR PUMP REPLACEMENT
Waiehu Golf Course Well 2 (Well No. 5530-04)
Pump Installation: 320-gpm Pump
for golf course irrigation,
TMK 3-2-13:29 Waiehu, Wailuku, Maui

APPLICANT:
Maui Department of Parks and Recreation
200 South High Street
Wailuku, Hawaii 96793

LANDOWNER:
Same

DESCRIPTION: Location: (See Exhibit 1) Dimensions: (See Exhibit 2)

WATER AVAILABILITY:

Alluvium makai of Iao Aquifer System of Wailuku Sector. Estimated Sustainable Yield: NA.
Proposed Use: 0.34 mgd (12-MAV).
Anticipated pump capacity: 320 gpm.

BACKGROUND:

January 16, 1992 Commission approved well construction/pump installation modification
to Well #1 (Well No. 5529-02) to correct plumbness problem as well
as increase pump size, but not to increase average pumpage. Purpose
was to refill existing spring pond which fills slowly.
Despite the lack of record, the applicant states that, like their earlier attempt with Well 1 to speed refilling the spring pond, the change from a 175 gpm pump to a 320 gpm pump is solely to meet peak demand needs and there is no new use or increases to the existing golf course water demands.

**RECOMMENDATION:**

That the Commission approve a pump installation permit for a 320 gpm pump in Waiehu Golf Course Well 2, subject to the standard conditions in Exhibit 3.

Respectfully submitted,

RAE M. LOUI
Deputy Director

Exhibit(s): 1 (Location Map)  
2 (Well Diagram)  
3 (Standard Pump Installation Permit Conditions)  
4 (Well Completion Report Form)  
5 (Water Use Report Form)

APPROVED FOR SUBMITTAL:

MICHAEL D. WILSON, Chairperson
As-built
PROPOSED SECTION OF WELL
Waiehu GC x 2
5530-04

Elevation at top of casing 74.8 ft., masl.
Cement Grout 70 ft.
Hole Dia. 17 in.
Total Depth 150 ft.
Rock Packing 70 ft.

Ground Elev. ft., masl.

Solid Casing:
Material PVC
Length 80 ft.
Diameter 12 in.
Wall thickness in.

Casing: 1/8/Perforated / /Screen
Material PVC
Length 60 ft
Diameter 12 in.
Wall thickness in.
Openings sq. in./L.F.

Open Hole:
Length 10 feet
Diameter 12 in.

Source: John H. Kish, Engineer
STANDARD PUMP INSTALLATION PERMIT CONDITIONS

1. The Commission on Water Resource Management (Commission), P.O. Box 621, Honolulu, HI 96809, shall be notified, in writing, before any work covered by this permit commences.

2. The pump installation permit shall be for installation of a 320 gpm capacity, or less, pump in the well.

3. The permittee 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 and report to the Commission on a monthly basis, on forms provided by the Commission (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 in-stream flow standards. This permit or the authorization to pump water from a well shall not constitute a determination of correlative water rights. The permittee is 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 shall complete and submit as-built drawings and Part II (Permanent) Pump Installation Report of the Well Completion Report (attached) to the Commission within thirty (30) days after completion of work.

6. The applicant shall comply with all applicable laws, rules, and ordinances.

7. The pump installation permit application and staff submittal approved by the Commission at its July 17, 1996 meeting are incorporated into the permit by reference.

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 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 Commission upon a showing of good cause and good-faith performance. A request to extend the permit shall be submitted to the Commission no later than three (3) months prior to the date the permit expires. If the commencement or completion date is not met, the Commission may revoke the permit after giving the permittee notice of the proposed action and an opportunity to be heard.

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

10. Special conditions in the attached cover transmittal letter are incorporated herein by reference.
WELL COMPLETION REPORT

(State of Hawaii)

COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources

WELL COMPLETION REPORT

(state)

WELL COMPLETION REPORT

(Check Appropriate Box) □ Well Construction □ (Permanent) Pump Installation

Instructions: Please print or type and submit completed report within 30 days after well completion to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. An as-built drawing of the well and chemical analysis should also be submitted. For assistance call the Commission Regulation Branch at 587-0225, or 1-800-468-4644 Extension 70225.

1. State Well No.: Well Name: Island:

2. Location/Address: Tax Map Key:

PART I.

WELL CONSTRUCTION REPORT

3. Drilling Company:

4. Name of driller who performed work:

5. Type of rig/construction:

6. Date(s) Well Construction and pump tests (if any) completed:

7. GROUND ELEVATION (referenced to mean sea level, msl):_________ ft. Well Benche Mark (description/location):_________ Elevation(msl):_______ ft.

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

9. Total depth of well below ground:

10. Hole size:_________ inch dia. from_______ ft. to_______ ft. below ground.

11. Casing installed:_________ in. I.D. x _______ in. wall solid section to_______ ft. below ground

12. Annulus: Grouted from_______ ft. below ground to_______ ft. below ground

13. Initial water level:_______ ft. below ground. Date and time of measurement:

14. Initial chloride:_______ ppm Date and time of sampling:

15. Initial temperature:_______ °F Date and time of measurement:

16. PUMPING TESTS: Reference Point (R.P.) used:_______ which elevation is_______ ft.

17. Aquifer Pump Test Procedures data & graphs (1/96 LTAT Form) attached?__Yes__No

18. As-built drawings attached?__Yes__No

19. Other remarks/comments: (On back of this form)

Well Drilling Contractor (print)________________________ C-57 Lic. No.________________________

Signature________________________________________ Date________________________

Surveyor (print)________________________ Lic. No.________________________

Signature________________________________________ Date________________________

Applicant (print)________________________

Signature________________________________________ Date________________________
PART II. (PERMANENT) PUMP INSTALLATION REPORT

20. Pump Installation Company:

21. Name of person performing work:

22. Date Pump Installation Completed:

23. PUMP INSTALLATION:
   - Pump Type, Make, Serial No.: ____________________________
   - Capacity: _______ gpm
   - Motor type, H.P., Voltage, rpm: ____________________________
   - Depth of Pump Intake Setting: _______ ft. below _______ ft., which elevation is _______ ft.
   - Depth to bottom of airline: _______ ft. below _______ ft., which elevation is _______ ft.
   - 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-57 Lic. No. ____________________________

Signature ____________________________ Date ____________________________

Applicant (print) ____________________________

Signature ____________________________ Date ____________________________

8.(cont'd) DRILLER'S LOG (cont'd):

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<th>Rock Description, Remarks,</th>
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</table>

19. & 25. Remarks:

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

(continued on the next page)
### Monthly Ground Water Use Report for

**Maui Department of Parks and Recreation**  
200 South High Street  
Wailuku, Hawaii 96793

Month of __________ 19__

**Instructions:** Please type or print clearly. Complete this form to report total monthly ground water use, and, if required, other information from each of your well sources. Mail to: Commission on Water Resource Management, P.O. Box 621, Honolulu HI 96809. For assistance, please call 587-0265 (Oahu only) or 1-800-468-2644 (Neighbor Islands).

<table>
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<tr>
<th>State Well No.</th>
<th>Well Name</th>
<th>Measurement End Date (mm/dd/yy)</th>
<th>Quantity Pumped (gallons)</th>
<th>Method of Measurement*</th>
<th>Chloride (mg/l)**</th>
<th>Temp. (°F)</th>
<th>Lowest Pumping Water Level (ft. above msl)</th>
<th>Highest Non-pumping Water Level (ft. above msl)</th>
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<tbody>
<tr>
<td>5530-04</td>
<td>Waiehu Golf Course Well 2</td>
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<td></td>
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</table>

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* - flow meter, electrical consumption, weir or flume, not metered (estimated)  
** - indicate how long pump was on or off when chloride sample taken  
*** - minimum time between pump/well turned off and water level measurement must be at least 24 hours; if pumping schedule did not allow for at least 24 hour rest during the month please indicate amount of hours pump was off before this measurement

Other comments or additional information (e.g. - date and method of chloride measurement; how pumped amounts are estimated; etc...):

Submitted by (print) ___________________________  
Signature ___________________________  
Title ___________________________  
Date ___________________________  

EXHIBIT 5
Although this is an existing use and in addition, we have been counting such withdrawals as part of the SY, we can recommend continued use, but may still need to be consistent in assuring overall system pumpage within the SY, thus perhaps to incorporate the amount in the milestone program for compliance (reduction/replacement).

As of 6/14/96, we are not counting significant withdrawals as part of the SY. (This is still included and we are submitting on left column.)
June 3, 1996

Ms. Rae Loui, Deputy  
Commission on Water Resource Management  
Department of Land & Natural Resources  
P. O. Box 621  
Honolulu, Hawaii 96809

Dear Ms Loui:

SUBJECT: APPLICATION FOR PUMP REPLACEMENT  
WAIEHU GOLF COURSE WELL 2, MAUI

Thank you for the opportunity to meet with you recently regarding Maui Parks and Recreation's Application for Pump Replacement for Waiehu Golf Course Well 2 (5530-04).

As we discussed with you and your staff, Well 2 (5530-04) was drilled for the purpose of replacing our existing Well 1 (5529-02) which became too brackish to use after it was deepened in 1992. No increase in water use for the golf course is contemplated.

Existing Sources of Supply - The existing sources of brackish water includes a brackish caprock water pond (enhanced from an existing natural pond) and a brackish caprock well located next to the pond. Both sources are located approximately 600 feet inland of the shoreline. The pond has, for many years, served as storage and source of supply. It continues to do so because it effectively skims water from the freshest part of the existing thin basal lens which occurs in coralline coastal sediments. The salinity of the pond in 1967 tested at approximately 100 mg/l chlorides (by electrical conductivity measurements by Dan Lum).

In July 1967, Well 1 was drilled to provide an additional water supply for the 18-hole golf course. The well was drilled to a depth of 76 ft (-66 ft, msl) with an approximate head of 3 feet and an initial chloride content of approximately 60 mg/l (by electrical conductivity measurements) and 32 mg/l (by Department of Health titration; memo for the record by Dan Lum in CWRM files). The irrigation system consists of a pump station (1800 gpm capacity) which takes water from a pipeline and an intake set in the lower portion of the pond. Well 1 was designed to discharge directly into the pond.
Ms. Rae Loui, Deputy
Page 2
June 3, 1996

In 1992, some 24 years later, Well 1 (5529-02) in accordance with permits issued, was modified with a 10-inch casing, a perforated production zone set approximately 25 ft. deeper, and outfitted with a larger pump (390 gpm). The purpose of the increased well capacity was to be able to maintain a minimum pond level for aesthetic purposes (the pond level draws down significantly when the pump station is operating continuously to meet maximum demands during dry periods).

Beginning late in 1993, use of Well 1 ceased due to unacceptable levels of salinity (estimated 1,650 mg/l chlorides) and the pond (estimated 185 mg/l chlorides) became the sole source of supply, which has meant self-imposed restriction of water use and resultant impairment of the golf course. Besides localized upconing, the increase in salinity at the golf course probably is due in part to the gradual decrease in groundwater recharge over the years following the cessation of sugar cane irrigation on the slopes mauka of the golf course.

In April 1994, we retained Water Resource Associates to assist us in locating a replacement for Well 1, which resulted in the successful drilling and testing of Well 2. Although Well 2 produces water with less than 250 mg/l chlorides, the alluvial aquifer should be considered nonpotable because the aquifer is shallow and subject to contamination with respect to the nearby Hawaiian Homes subdivision.

We now seek permission to install a 320 gpm pump in Well 2 (present permit is for 175 gpm) which is needed to meet the maximum water demand during the dry months of the year. No increase in average annual water use is contemplated.

*Estimated Water Use* - As we indicated, water use from the pump station is not recorded but can be estimated from hours of pumping. In conferring with Mr. Bob Shouse, Golf Course Superintendent, the average annual water use under normal conditions is 0.64 mgd. As shown on the enclosed graph, water use from the pump station is greatest during the months of May through October (0.75 mgd) and least during the winter months of December to February (0.45 mgd), with an estimated average of 0.64 mgd.

According to Mr. Shouse, the pond is capable of yielding only an 0.30 mgd without excessive drawdown of the pond. Consequently, a well source with a pump capacity of 0.45 mgd (approximately 320 gpm) is needed to make up the difference. The average annual water use for the golf course is estimated to be 0.64 mgd, with an average annual of 0.30 mgd provided by Well 2.
Ms. Rae Loui, Deputy  
Page 3  
June 3, 1996  

Your favorable consideration of our request would be appreciated. Should you or your staff have any questions, please call me at 243-7387.

Sincerely,

Patrick T. Matsui  
Chief of Parks Planning and Development

PTM:mlf

Enclosure

c: Henry Oliva, Director of Dept. of Parks and Recreation  
   Robert Shouse, Waiehu Golf Course Superintendent  
   Carl Takumi Engineering, Inc.  
   Dan Lum, Water Resource Associates
ESTIMATED MONTHLY WATER USE
Waiehu Golf Course
Maui Department of Parks & Recreation

Water Use, mgd

Jan 0.45 0.45 0.6 0.6 0.75 0.75 0.75 0.75 0.75 0.75 0.75 0.6 0.45

Source of Data: Bob Shouse, G.C. Mgr., 5/86

Water Use

Ave. Annual=0.64 mgd

Water Resource Associates
080MonthWU
120/ Westman 6.3.  9/30/76

- Carl Tomin, Fred Arron, Pan Lien, Lee.
- Westman 6.3. used to be 18 holes, Spring used to be source. 9/9 automation of holes. Existing well blanket permits values as rely on ponds, need extra.
- Looked at alternatives (horizontal wells, wells, etc.) Old pond
- Old well - C.L. gisr put in bigger pump up permit. Separate issue need to check
- Chicken water supply catch is going in the pond. Pond level in pond dropped. 10'5' case went out.
  [Underlined] Distilled P is important [Overlined] (need to check based on info for this period)
- Check file about original (the one other new one) Charlie to do.
- Future 80 acres Dec 97 out to bid
- 20 4.5' radius, aluminium.
STAFF SUBMITTAL

for the meeting of the
COMMISSION ON WATER RESOURCE MANAGEMENT

April 19, 1996
Lanai City, Lanai

Maui Department of Parks and Recreation
APPLICATION FOR PUMP REPLACEMENT
Waiehu Golf Course Well 2 (Well No. 5530-04)
Pump Installation: 320-gpm Pump
for golf course irrigation,
TMK 3-2-13:29 Waiheu, Wailuku, Maui

APPLICANT:
Maui Department of Parks and Recreation
200 South High Street
Wailuku, Hawaii 96793

LANDOWNER:
Same

DESCRIPTION: Location: (see Exhibit 1) Dimensions: (see Exhibit 2)

WATER AVAILABILITY:
Proposed Use: 460,000 gpd. Existing Use: 20.5 mgd.
Anticipated pump capacity: 320 gpm.

BACKGROUND:
November 1, 1994    Commission approved well construction/pump installation permits for Waiehu Golf Course Wells 1 & 2 (Well Nos. 5530-03 & 04), for pumps of 175 gpm or less capacity. Proposed withdrawal was 250,000 gpd for each well.

January 17, 1996    The Well Completion Report was filed with driller's log and pump test results.
January 24, 1996  The Commission approved staff Findings of Fact Report on the Iao Aquifer System, which includes, in part, that evidence does not justify changing the current estimate of sustainable yield, that evidence shows a rising transition zone and localized upconing, and that the aquifer meets two criteria for designating a ground water management area. The Commission also approved a schedule outlining action milestones to show cause why the aquifer should not be designated a ground-water management area and a ground-water shortage declared.

January 26, 1996  The applicant submitted this new application to increase the pump capacity.

ISSUES/ANALYSIS:

Staff review: The well taps alluvial fresh water. The initial expectation of withdrawing brackish water has been corrected by pump tests showing initial chlorides in the range of 200 ppm, freshening to the range of 150 ppm with continued pumping which is within the acceptable range of potable water.

The well will be used for golf course irrigation. Maui County Ordinance 19.615.050 provides that golf courses should be irrigated with non-potable water unless authorized by the Council.

Alluvial ground water is counted against the aquifer sustainable yield and, while it is believed that the proposed level of pumping may be sustainable at this location, the overall issue of pumping beyond the sustainable yield has not yet been adequately addressed. The approved permits will add another 0.5 mgd to the exceedance of the sustainable yield.

RECOMMENDATION:

That the Commission deny without prejudice a pump installation permit for greater capacity than already approved. If the schedule of milestones is successfully completed, and if the County is able to demonstrate, in addition, that the additional pumpage from the two approved wells can be accommodated without harming the ground water resources, the Commission would entertain consideration of a new application.

Respectfully submitted,

[Signature]

RAE M. LOUI
Deputy Director

Exhibits:  1 (Location Map)
           2 (Well Cross-section)

APPROVED FOR SUBMITTAL:

[Signature]

MICHAEL D. WILSON, Chairperson
TO: Ms. Rae Loui  
Commission on Water Resource Management  
Fax: 587-0219

FROM: Dan Lum  
Total sheets transmitted: 1

SUBJECT: Waiehu G.C. Well 2 (Well No. 5530-04) Pump  
Installation: 320-gpm Pump for golf course irrigation

Message:

As discussed with Mr. Roy Hardy of your staff, we request, on behalf of the Maui Department of Parks and Recreation, that action on Item 4, "Application for Pump Replacement, Waiehu Golf Course Well 2 (Well No. 5530-04), Pump Installation: 320-gpm Pump for golf course irrigation, TMK 3-2-13:29 Waiehu, Wailuku, Maui," of the CWRM's agenda for its April 19, 1996 meeting on Lanai be deferred to a later date.

fc: Pat Matsui  
Carl Takumi
THEIS DRAWDOWN CALCULATION

by Glenn Bauer & Roy Hardy with numerical approximations by Huntoon (1980)

FILE NAME = "" WAIEHU GOLF COURSE WELL 5530-04
TEST NAME = STEP-DRAWDOWN TEST
DATE = OCT. 12, 1995

INPUT PARAMETERS GREEN VALUES

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<td>Storage Coeff. S</td>
<td>0.100 dimensionless</td>
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<tr>
<td>Time t</td>
<td>100 days</td>
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<tr>
<td>Pumping Rate Q</td>
<td>33,689.84 cubic ft./day</td>
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Aquifer thickness b = 85 ft.
Hydraulic Conductivity K = 54.1 ft./day
Pumping rate Q = 0.252 mgd

Radial distance from well r ft. u | Drawdown s W(u) ft.
---------------------------------|----------------|
1                                | 0.000000 16.151 9.411 |
10                               | 0.000005 11.546 6.728 |
50                               | 0.000136 8.327 4.852 |
100                              | 0.000543 6.941 4.044 |
250                              | 0.003396 5.111 2.978 |
500                              | 0.013584 3.735 2.176 |
1000                             | 0.054336 2.389 1.392 |
1500                             | 0.122256 1.643 0.957 |
2000                             | 0.217344 1.155 0.673 |
2500                             | 0.339600 0.816 0.475 |
3000                             | 0.489024 0.573 0.334 |
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OBSERVATION WELL

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THEIS DRAWDOWN CALCULATION
by Glenn Bauer & Roy Hardy with numerical approximations by Huntoon (1980)

FILE NAME = WAIEHU GOLF COURSE WELL 5530-04
TEST NAME = STEP-DRAWDOWN TEST
DATE = OCT. 12, 1995

INPUT PARAMETERS GREEN VALUES

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OBSERVATION WELL
Radial distance r from pumping well 2000 ft.

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<th>Time, t (days, year)</th>
<th>Drawdown s</th>
<th>W(u)</th>
<th>ft.</th>
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THEIS DRAWDOWN CALCULATION

by Glenn Bauer & Roy Hardy with numerical approximations by Huntoon (1980)

FILE NAME = WAIEHU GOLF COURSE WELL 5530-04
TEST NAME = STEP-DRAWDOWN TEST
DATE = OCT. 12, 1995

INPUT PARAMETERS GREEN VALUES

Transmissivity T = 4,601.00 ft.^2/day
Storage Coeff. S = 0.050 dimensionless
Time t = 100 days
Pumping Rate Q = 72,192.51 cubic ft./day

Aquifer thickness b = 85 ft.
Hydraulic Conductivit K = 54.1 ft./day
Pumping rate Q = 0.540 mgd

Radial distance from well r ft. | Drawdown s ft.
---|---
1 | 16.844 | 21.032
10 | 12.239 | 15.263
50 | 9.020 | 11.263
100 | 7.634 | 9.532
250 | 5.803 | 7.245
500 | 4.422 | 5.521
1000 | 3.055 | 3.815
1500 | 2.278 | 2.844
2000 | 1.748 | 2.183
2500 | 1.359 | 1.697
3000 | 1.062 | 1.326
5000 | 0.389 | 0.486
10000 | 0.019 | 0.023

OBSERVATION WELL

Radial distance r from pumping well = 2000 ft.

Time, t (days, year) | u | Drawdown s ft.
---|---|---
0.1 | 0.00 | 0.000 | 0.000
1 | 0.00 | 10.867203 | 0.000 | 0.000
2 | 0.01 | 5.433601 | 0.001 | 0.001
3 | 0.01 | 3.622401 | 0.006 | 0.007
4 | 0.01 | 2.716801 | 0.019 | 0.023
5 | 0.01 | 2.173441 | 0.039 | 0.048
6 | 0.02 | 1.811200 | 0.064 | 0.080
7 | 0.02 | 1.552458 | 0.093 | 0.116
8 | 0.02 | 1.358400 | 0.124 | 0.155
10 | 0.03 | 1.086720 | 0.190 | 0.237
100 | 0.27 | 0.108672 | 1.748 | 2.183
200 | 0.55 | 0.054336 | 2.389 | 2.983
500 | 1.37 | 0.021734 | 3.273 | 4.067
1,000 | 2.74 | 0.010867 | 3.956 | 4.939
2,000 | 5.48 | 0.005434 | 4.843 | 5.798
5,000 | 13.70 | 0.002173 | 5.556 | 6.938
10,000 | 27.40 | 0.001087 | 6.248 | 7.802
20,000 | 54.79 | 0.000543 | 6.941 | 8.667
50,000 | 136.99 | 0.000217 | 7.857 | 9.810
100,000 | 273.97 | 0.000109 | 8.550 | 10.676
200,000 | 547.95 | 0.000054 | 9.243 | 11.541
THEIS DRAWDOWN CALCULATION  

by Glenn Bauer & Roy Hardy with numerical approximations by Huntoon (1980)

FILE NAME = WAIEHU GOLF COURSE WELL 5530-04
TEST NAME = STEP-DRAWDOWN TEST
DATE = OCT. 12, 1995

INPUT PARAMETERS

GREEN VALUES

Transmissivity  
Storage Coeff.  
Time  
Pumping Rate  
Aquifer thickness  
Hydraulic Conductivity  
Pumping rate

Radial distance from well r ft.  
Drawdown s

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OBSERVATION WELL

Radial distance r from pumping well 2000 ft.

Time, t (days, year)  
Drawdown s

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</table>
Please:
See Me
Review & Comment
Take Action
Type Draft
Type Final
File
Xerox ______ copies

FROM: Charly
DATE: 14 Mar 96
SUSPENSE DATE:

TO: BAUER, G.
CHING, F.
FUJII, N.
HARDY, R.
HIGA, D.
HIRANO, E.
ICE, C.
JINNAI, R.
KUNIMURA, I.
LOUI, R.
MIZUNO, L.
NAKAMA, L.
OHYE, M.
SAKODA, E.
SUBIA, S.
SWANSON, S.
UWAINÉ, J.
YODA, K.

Approval
Signature
Information

Cops! forgot to specify the question: does this data support replacing a 175-gpm pump with a 320-gpm pump?

I don't see a problem.
Assumed material

\[ T = \frac{4.2 \times 10^4 \text{ ft}^2/\text{d}}{K} \]

Assume 852 kg/m/s saturation air agita.

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<th>D (ft)</th>
<th>A (ft²)</th>
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</thead>
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<td>12.96</td>
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<tr>
<td>3.15</td>
<td>21.87</td>
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</table>

\[ \delta (7.0) + 6 \times (7.0)^2 = 3.7 \]
\[ \delta (3.15) + 6 \times (3.15)^2 = 21.87 \]

\[ \delta (7.2) + 6 \times (5.184) = 3.7 \]
\[ \delta (3.15) + 6 \times (9.922) = 21.87 \]

\[ a = 0.046 \]
\[ b = 7.4 \times 10^{-5} \]

\[ 0.046 \times (7.2) + 7.4 \times 10^{-5} \times (5.184) = 3.7 \]
\[ 3.31 + 0.38 = 3.70 \]

\[ 0.046 \times (3.15) + 7.4 \times 10^{-5} \times (9.922) = 21.87 \]
\[ 14.49 + 7.36 = 21.85 \]

\[ T = \frac{Q}{2 \pi A a} \]

\[ = \frac{60642 \text{ ft}^2/\text{d}}{2 \pi \times 14.49} \times \frac{1000}{1} \]

\[ = 4601 \text{ ft}^2/\text{d} \]
FROM: Charley  DATE: 5 May 96  SUSPENSE DATE

TO:         INIT.  TO:         INIT.  FOR:         PLEASE:
---------------  -------  --------------  -------  -------------------
BAUER, G.      ____  LOUI, R.      ____  Approval  ____ See Me
CHING, F.      ____  MIZUNO, L.    ____  Signature  ____ Review & Comment
FUJII, N.      ____  NAKAMA, L.    ____  Information  ____ Take Action
HARDY, R.      ____  OHYE, M.     ____  Type Draft  ____ Type Final
HIGA, D.       ____  SAKODA, E.    ____  File  ____ Xerox ___ copies
HIRANO, E.     ____  SUBIA, S.     ____
ICE, C.        ____  SWANSON, S.   ____
JINNAI, R.     ____  UWAINE, J.   ____
KUNIMURA, I.   ____  YODA, K.     ____

Gotta bug you about finding time to review these data: the applicants are eager to go ahead to the Commission for action. Thanks for your help!
MEMORANDUM

TO: Mr. Dan Lum  
WATER RESOURCE ASSOCIATES  
1188 Bishop Street, Suite 607  
Honolulu, Hawaii 96813-3302  

FROM: Wade Shimabukuro  

DATE: February 21, 1996  

SUBJECT: WAIEHU GOLF COURSE IRRIGATION WELL AND PUMP

This morning Carl and I went out to the well to verify the depth of the water. The depth from the top of the casing to the water was 68.34’. If you weren’t aware, we had A & B go out and locate and measure the elevation of the well. The elevation that they measured was 76.77’ MSL. Therefore, the water level we calculate is 8.43’ MSL (76.77-68.34) and not at 0’ MSL as originally thought.

We plan on placing the screen for the pump at -40’ MSL, and the monitor tube at -35’ MSL. Do you see any problems with these values.

If you have any further questions please give me a call.
Date: February 20, 1996

To: Glen Bauer
Co./Fax #: CWRM/
From: Dan Lum
Pages: 3
Subject: Step Test Analysis, Waiehu G.C. Well I (5530-04), Pump Installation Permit

Message:

As requested, enclosed is the s/Q Curve and computation sheet for step test analysis. Note that well loss is 34.3% of measured drawdown and hydraulic conductivity is 50 ft/day. Call me if you any questions.

fc w/o encl.: Carl Takumi
s/Q Curve
Waiehu-G.C. Well I (5530-04)
Date: Oct.12, 1995

\[ s/Q \]

Pumping Rate, in gpm

\[ B = 0.0455 \]

\[ \frac{0.0713 - 0.0555}{350} = \frac{0.0258}{350} = 7.37 \times 10^{-6} \]
WATERGC I (5530-02), MAUI

from step test on 10/12/95

\[ Q = 12.96 \text{ ft}^3/\text{min}, \quad T = 0.514 \text{ ft} \]

from graphical plot:

\[ b = 0.0455, \quad c = 73.7 \times 10^{-6} \]

\[ a_{\text{total}} = a_{\text{well}} + a_{\text{qwell}} = BQ + CQ^2 \]

value for well, for \( Q = 3.15 \text{ gpm} \):

\[ a_{\text{well}} = CQ^2 = 73.7 \times 10^{-6} \times 3.15^2 = 7.49 \]

\[ a_{\text{qwell}} = BQ = 0.0455 \times 3.15 = 1.45 \]

\[ a_{\text{total}} = 14.33 + 7.49 = 21.82 \text{ ft} \]

will lose in 34.3% of measured drawdown:

\[ n_D = \frac{1}{2} \ln \left( \frac{D}{h} \right) = 0.5 \text{ ft} \]

\[ n_h = \frac{24}{D} \ln \left( \frac{D}{h} \right) \]

\[ D = 69.7 \text{ ft} \]

\[ h = 6.7 \text{ ft,} \quad L = 6.7 \text{ ft} \]

\[ K = \frac{24}{245,428} \times \frac{3.57 \times 1.449 \times 12.81}{1.154 \times 10^{-3}} = 52.5 \text{ ft/d} \]

say, \( 50 \text{ ft/d} \)

Dated

[Signature]
TO: Charlie Ice
Commission on Water Resource Management
Fax: 587-0219

FROM: Dan Lum
Total sheets transmitted: 4

SUBJECT: Permit Application for Waiehu Golf Course Well I
for Maui Parks & Recreation

Message:

Here is the constant rate pump test data for Waiehu G.C. Well I performed by Wayne Arakaki, Engineer.

Please call us if you need more information.
PUMPING TEST RECORD

Test No. 19

Well Name: WALEHU G.C. MAUIKA State Well No. ___
Project: WALEHU GOLF COURSE Island: MAUI

DEPT (Below Ground Surface):
- Solid Csg: 60
- Perfored Csg: 60
- Total Depth: 150
- Depth to Water: ___

*Remarks: ___

TEST PUMP:
- Type: _____ Intake Eley: _____

DISCHARGE MEASUREME: [Flowmeter
- Drawdown Measurement: [Manometer
  [Pressure Gage
  [Electric Probe

<table>
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<tr>
<th>Elapsed Time</th>
<th>Date &amp; Time</th>
<th>Pumping Rate (gpm)</th>
<th>[Airflow</th>
<th>[Discharge</th>
<th>Adjusted Drawdown (ft.)</th>
<th>Sample No.</th>
<th>Chlorides (ppm)</th>
<th>Temp. (°F)</th>
<th>Cond. (pssm at 25°C)</th>
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CONSTANT RATE TEST

START PUMP - ADJUST RATE TO ___

| 0            | 0.20        | 75                   | 75        | 74          |
| 5            |             |                      | 74        |
| 10           |             |                      | 74        |
| 15           |             |                      | 74-11     |
| 20           |             |                      | 74-11     |
| 25           |             |                      | 74-11     |
| 30           |             |                      | 74-11     |
| 35           |             |                      | 74-11     |
| 40           |             |                      | 74-11     |
| 50           |             |                      | 74-11     |
| 60           |             |                      | 74-11     |
| 70           |             |                      | 74-11     |
| 80           |             |                      | 74-11     |
| 90           |             |                      | 74-11     |
| 100          |             |                      | 74-11     |

Sheet 1 of ___
## Pumping Test Record (Cont'd)

**Well Name:** WHICH GOLF COURSE  
**State Well No:**  
**Test No:**  

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### Pumping Test Record (Cont'd)

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<th>Date &amp; Time</th>
<th>Pumping Rate (gpm)</th>
<th>Ob Jetive to SWR Reading</th>
<th>Observed Drawdown (ft)</th>
<th>Adjusted Drawdown (ft)</th>
<th>Sample No.</th>
<th>Chlorides (ppm)</th>
<th>Temp. (°F)</th>
<th>Cond. (specific gravity)</th>
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</table>

**CONSTANT RATE TEST (Cont'd)**

**STOP PUMP AND OF TEST - MAKE RECOVERY TO STATIC WATER LEVEL**

Sheet 2 of ___

TOTAL P.04
COMM. AON ON WATER RESOURCE MANAGEMENT

FROM: ____________________________ DATE: 7/26/95 SUSPENSE DATE ____________________________

INIT. File

TO: LOUI, R. MIZUNO, L. NAKAMA, L. OHYE, M. SAKODA, E. SUBIA, S. SWANSON, S. UWAIHE, J. YODA, K.
INIT. File

FOR: Approval Signature Information

PLEASE: See Me Review & Comment Take Action Type Draft Type Final File Xerox copies

___ Do pump tests support requested withdrawal?

They only did a step-drawdown test on the long-term test. Pump was off for 36 minutes, not a step test. We should request another test from them.

09/96
Ms. Rae Loui, Deputy
Commission on Water Resource Management
Department of Land & Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Dear Ms. Loui:

Application for Pump Installation Permit
for Waiehu-GC Well I (5530-04), Maui

We submit herewith on behalf of the Maui Department of Parks and Recreation (MDPR) a new application for a permit to install a 320 gpm capacity pump in Waiehu Golf Course Well 1 (5530-04) for irrigation purposes.

A permit to install a 175 gpm capacity pump in the well was issued by the Commission on November 1, 1994. However, we understand that a new application is required because MDPR is requesting permission to install a larger capacity pump, i.e., 320 gpm (460,000 gpd).

Based upon the data in Well Completion Report submitted earlier by Water Resource Associates, Waiehu-GC Well 1 taps a shallow alluvial (clay and basaltic sand and gravel) aquifer which is separate and down gradient from the Iao basalt aquifer, has a head of 6.5 feet, and has a variable chloride content that ranges from 30 to 250 mg/l under pumping conditions.

If you or your staff have any questions, please do not hesitate to call me or Mr. Pat Matsui, Chief Engineer, MDPR.

Sincerely,

DAN LUM

Enc.

C: Mr. Pat Matsui
   Mr. Carl Takumi
STATE OF HAWAII
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources

APPLICATION FOR PERMIT

☐ Well Construction or ☐ Pump Installation

1. APPLICANT: (may be a, b, or c, but all must be filled in)
   (a) WELL OWNER
   Firm/Name: Maui Dept of Parks & Rec
   Contact Person: Pat Natsui
   Address: 200 S. High St., Wailuku, Maui 96793
   Phone: 242-0934

   (b) LANDOWNER
   Firm/Name: same as well owner
   Contact Person: Ph
   Address: Ph

   (c) CONTRACTOR
   Firm/Name: not available
   Ph: Ph
   Contractor’s C-87 License No:
   Address:

2. WELL LOCATION/NAMESPACE: Waiehu-GC I (5530-04)
   Island: Maui
   Address: Waiehu, Maui
   Tax Map Key: 3-2-13:29
   (Attach a USGS map, scale 1" = 2000', and a property tax map showing well location referenced to established property boundaries.)

3. (a) PROPOSED WORK:
   - [ ] Drill New Well
   - [ ] Modify Existing Well
   - [ ] Install New Pump
   - [ ] * Alter Location
   - [ ] * Abandon/Seal
   - [ ] Radial
   - [ ] Deepen
   - [ ] Radial
   - [ ] Radial
   - [ ] Bore
   - [ ] Drilled
   * Be sure to complete and submit well abandonment report upon completion of work.

(b) WELL TYPE:
   - [ ] Bore
   - [ ] Drilled
   - [ ] Radial
   - [ ] Is this well a part of a battery of wells? [ ] Yes [ ] No
   (Briefly describe and fill in the diagram on the back of this form.)

4. PROPOSED PUMP INFORMATION:
   Rated Pump Capacity: 320 gallons per minute
   Pump Type:
   - [ ] Deep Well Turbine
   - [ ] Submersible
   - [ ] Centrifugal
   - [ ] *rotary
   - [ ] Rotary-Displacement
   - [ ] Reciprocating
   - [ ] Impulse
   - [ ] Other
   - [ ] Gear
   - [ ] Electric, rated horsepower or
   - [ ] 25

5. PROPOSED USE:
   - [ ] Municipal (including hotels, stores, etc.)
   - [ ] Domestic (individual, noncommercial water sys.)
   - [ ] Irrigation (crop)
   - [ ] State Land Use District:
     - [ ] Urban
     - [ ] Agriculture
     - [ ] Rural
     - [ ] Conservation
   - [ ] Other (explain)
   (If more space is needed, continue below under remarks, explanations.)

6. (a) PROPOSED AMOUNT OF WITHDRAWAL:
   - [ ] 460,000 gallons per day (max.)
   - [ ] (b) METHOD OF FLOW MEASUREMENT:
     - [ ] Flow-meter
     - [ ] Open-pipe
     - [ ] Orifice Plate
     - [ ] Weir

7. PENDING ACTIONS:
   - [ ] CDUA
   - [ ] SMA
   - [ ] EIS
   - [ ] EA
   - [ ] NONE
   - [ ] Other (explain)

8. REMARKS, EXPLANATIONS:
   - Well taps an alluvial aquifer which is separate from
   - the basal basalt aquifer and consequently will have no adverse effects on
   - the basal aquifer.
   (If more space is needed, continue on back)

NOTE: Signing below indicates that the applicant understands that, if the permit requested is granted by the Commission on Water Resource Management, the proposed work is to be completed within two (2) years of the approval date. In addition, the contractor shall submit to the Commission a well completion report, well abandonment report, or both, within 30 days after the completion date of the permitted work. The applicant also understands that monthly water use data shall be submitted to the Commission. The applicant further understands that approval of the proposed permit 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: Maui Dept of Parks & Rec
Signature: ____________________________
Date: 1-24-96

Landowner: Maui Dept of Parks & Rec
Signature: ____________________________
Date: 1-24-96

Contractor: ____________________________
Signature: ____________________________
Date: ____________________________

For Official Use Only:
Date Received ______________________
Date Accepted _____________________
Field Checked By: ___________________ Date: _____________________
Longitude: ___________________________ Aquifer System Name: __________________
Latitude: ____________________________ State Well No.: __________________________
6/24/92 WCR For: ___________________
Remarks, Explanations (cont'd):

AS-BUILT
9. PROPOSED WELL SECTION

Elevation at top of casing
74.8 ft., msl.

Cement Grout: 70 ft.

Rock Packing: 70 ft.

Hole Diameter: 17 in.

Total Depth: 150 ft.

Ground Elevation: 73.5 ft., msl*

Solid Casing:
Material: PVC
Length: 60 ft.
Diameter: 12 in.
Wall Thickness: in.

Casing: □ Perforated □ Screen
Material: PVC
Length: 60 ft.
Diameter: 12 in.
Wall thickness: in.
Openings: sq. in./L.F.

Open Hole:
Length: 10 ft.
Diameter: 12 in.

*Approximate elevation at time of filing application. Ground elevation above mean sea level (msl) by a surveyor licensed by the State must be submitted at start of construction. Final elevations of well components shall be submitted in the well completion/well abandonment reports.
Ms. Rae Loui  
Deputy Director  
Commission on Water Resource Management  
Department of Land & Natural Resources  
P.O. Box 621  
Honolulu, Hawaii 96809

Dear Ms. Loui:

Well Completion Report  
Waiehu GC I Well (5530-04), Maui

The well completion report for Waiehu GC I Well (5530-04) is enclosed for your information and files.

Sincerely,

DAN LUM

Enc.  
cc: Mr. Pat Matsui  
    Mr. Carl Takumi
# WELL COMPLETION REPORT

**State of Hawaii**
**COMMISSION ON WATER RESOURCE MANAGEMENT**
**Department of Land and Natural Resources**

**WELL NAME**: Waiehu G.C. 2  
**ISLAND**: Maui

### 1. STATE WELL NO. 5530-04
**WELL NAME**: Waiehu G.C. 2  
**ISLAND**: Maui

### 2. LOCATION: Address adjacent to 13th fairway, Waiehu Golf Course, Map Key 3-2-13:29

**DRILLING OR PUMP INSTALLATION CONTRACTOR**: David Pico Oceanside Service

**DRILLER'S LICENSE NUMBER**: ABC-02291

**NAME OF DRILLER WHO PERFORMED WORK**: David Pico

**TYPE OF RIG/CONSTRUCTION**: Rotary

### 3. DATE OF WELL DRILLING COMPLETION: Sept. 1995

### 4. GROUND ELEVATION (msl): 73.6 ft. Top of 6" casing = 74.8 ft., msl

Top of Drilling Platform (msl) __________ ft.

Height of Drilling Platform above Ground surface __________ ft.

Bench Mark and Method Used to Determine Ground Elevation __________ ft.

### 9. DRILLER'S LOG:

<table>
<thead>
<tr>
<th>Depth (ft.)</th>
<th>Rock Description, Remarks, Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>to 105</td>
<td>Alluvium Basalt Pebbles (50%) up to 1 1/2&quot; in clay and sand</td>
</tr>
<tr>
<td>to 110</td>
<td></td>
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<tr>
<td>to 115</td>
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<td>to 120</td>
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<td>to 130</td>
<td></td>
</tr>
</tbody>
</table>


### 10. TOTAL DEPTH OF WELL BELOW GROUND: 150 ft.

<table>
<thead>
<tr>
<th>HOLE SIZE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>17 inch dia. from 0 to 140 ft. below ground</td>
</tr>
<tr>
<td>12 inch dia. from 140 to 150 ft. below ground</td>
</tr>
</tbody>
</table>

### 11. CASING INSTALLED:

<table>
<thead>
<tr>
<th>CASING INSTALLED:</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>12 in. I.D. xPVC Sched 40</td>
<td>wall solid section up to 80 ft. below ground</td>
</tr>
<tr>
<td>12 in. I.D. xPVC in. wall perforated section up to 140 ft. below ground</td>
<td></td>
</tr>
</tbody>
</table>

### 12. ANNULUS:

Gravel packed from 70 ft. below ground to 70 ft. below ground

### 13. INICIAL WATER LEVEL: 74.1 ft.

### 14. INITIAL CHLORIDE: 80 ppm

### 15. INITIAL TEMPERATURE: 74.1 °F

### 16. DATE OF PUMP INSTALLATION: _____

### 17. PUMP INSTALLATION:

**Pump Type, Make, Serial No.**

**Capacity** ______ gpm

**Motor type, H.P., Voltage, rpm**

**Depth of Pump Intake Setting** ______ ft. below ground, which elevation is ______ ft.

**Depth of bottom of airline** ______ ft. below ground, which elevation is ______ ft.

**Pumping Head is** ______ ft.

### 18. PUMPING TESTS:

<table>
<thead>
<tr>
<th>Date 9/20-21/95 - 24 hr. test</th>
<th>Date 10/12/95 Step test</th>
</tr>
</thead>
<tbody>
<tr>
<td>Start water level ft. below R.P.</td>
<td>Start water level 68.30 ft. below R.P.</td>
</tr>
<tr>
<td>End water level ft. below R.P.</td>
<td>End water level 69.55 ft. below R.P.</td>
</tr>
<tr>
<td>Depth of well ft. below R.P.</td>
<td>Depth of well 150 ft. below R.P.</td>
</tr>
</tbody>
</table>

**Test by Driller**

**Reference Point (R.P.) used: T.O.C., which elevation is 74.8 ft.**

### Remarks:

Data compiled by Water Resource Associates.

---

**Contractor (print):** Water Resource Associates  
**Title:** Consultant

**Signature**: 

**Date**: 1/11/96

---

For Driller’s Use:

**Job Name**: Job No.

---

For Official Use:

**Well No.:** 5530-04  
**Date**: 1/11/96  
**Location**: 15.6 30 11  
**Latitude**: 20 55 44
Geologic Log by Dan Lym

Depth (ft.) Formation

0 - 25 DUNE SAND: Gray/tan mixture of basalt and carbonate grains.

25 - 95 BROWN COARSE ALLUVIUM: Basaltic fragments and water-worn pebbles at 30 to 40 ft. Drill samples consist of a mixture of brown clay and basaltic fragments less than 1/4 inch.

Attachments:
As-built section
Step Test data
Chloride data
Location map
As-built
PROPOSED SECTION OF WELL
Waiehu GC # 7
5530-04

Elevation at top of casing 74.8 ft., mas.

Ground Elev. ft., mas.

Cement Grout 70 ft.

Solid Casing:
Material PVC
Length 80 ft.
Diameter 12 in.
Wall thickness in.

Hole Dia. 17 in.

Casing: 1/2/Perforated / /Screen
Material PVC
Length 60 ft.
Diameter 12 in.
Wall thickness in.
Openings sq. in./L.F.

Total Depth 150 ft.

Open Hole:
Length 10 feet
Diameter 12 in.

Rock Packing 70 ft.

Source: Name: Antonio, Engineer
WELL COMPLETION REPORT

STATE WELL NO. 5530-04 WELL NAME Waiehu G.C. I ISLAND Maui

LOCATION: Address adjacent to 13th fairway, Waiehu Golf Course, Map Key 3-2-13:29

DRILLING OR PUMP INSTALLATION CONTRACTOR: David Pico Cesspool Service

CONTRACTOR'S C-57 LICENSE NUMBER: ABC-02291

NAME OF DRILLER WHO PERFORMED WORK: David Pico

TYPE OF RIG/CONSTRUCTION: Rotary

DATE OF WELL DRILLING COMPLETION: Sept. 1995

GROUND ELEVATION (msl) 73.6 ft. Top of 6" casing = 74.8 ft., msl

Height of Drilling Platform above Ground surface __ ft.

Bench Mark and Method Used to Determine Ground Elevation __ ft.

DRILLER'S LOG:*

<table>
<thead>
<tr>
<th>Depth (ft.)</th>
<th>Rock Description, Remarks, Dates (ft.)</th>
<th>Water Level (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>to 105</td>
<td>Alluvium Basalt Pebbles (50%) up to 1 1/2&quot; in clay and sand</td>
<td>105</td>
</tr>
<tr>
<td>to 115</td>
<td></td>
<td>115</td>
</tr>
<tr>
<td>to 120</td>
<td></td>
<td>120</td>
</tr>
<tr>
<td>to 130</td>
<td></td>
<td>130</td>
</tr>
</tbody>
</table>


HOLE SIZE: 17 inch dia. from 0 ft. to 140 ft. below ground

12. CASING INSTALLED:

12 in. I.D. x PVC Schedule 40, wall solid section to 80 ft. below ground

12 in. I.D. x PVC, wall perforated section to 140 ft. below ground

13. ANNULUS:

Grouted from 0 ft. below ground to 70 ft. below ground

Gravel packed from 70 ft. below ground to 140 ft. below ground

Pumping Head Is __ ft.

PUMPING TESTS:

Reference Point (R.P.) used: T.O.C., which elevation is 74.8 ft.

Date 9/20-21/95 - 24 hr. test

Start water level ft. below R.P. 68.30 ft. below R.P.

End water level ft. below R.P. 69.55 ft. below R.P.

19. DEPTH OF WELL BELOW GROUND = 150 ft.

Depth of water ft. below R.P. 150 ft. below R.P.

Date 10/12/95 Step test

Pump Type, Make, Serial No. Capacity gpm

Motor type, H.P., Voltage, rpm

Depth of Pump intake Setting ft. below, which elevation is __ ft.

Depth of Bottom of Airline ft. below, which elevation is __ ft.

Pumping Head Is __ ft.

Test by Driller

(See attached test by WRA)


Contractor (print) Water Resource Associates Title / Consultant

Signature Date 1/11/96
0 - 25 DUNE SAND: Gray/tan mixture of basalt and carbonate grains.

25 - 95 BROWN COARSE ALLUVIUM: Basaltic fragments and water-worn pebbles at 30 to 40 ft. Drill samples consist of a mixture of brown clay and basaltic fragments less than 1/4 inch.

Attachments:
As-built section
Step Test data
Chloride data
Location map
As-built

PROPOSED SECTION OF WELL
Waiehu GC 1 #2
5530-04

Elevation at top of casing 74.8 ft., mal.

Ground Elev. ft., mal.

Cement Grout 70 ft.

Solid Casing:
- Material: PVC
- Length: 80 ft.
- Diameter: 12 in.
- Wall thickness: ________ in.

Casing: /X/Perforated / /Screen
- Material: PVC
- Length: 60 ft.
- Diameter: 12 in.
- Wall thickness: ________ in.
- Openings ________ sq. in./L.F.

Open Hole:
- Length: 10 feet
- Diameter: 12 in.

Source of data: "Hona" Antoni, Engineer
## PUMPING TEST RECORD

**Well Name:** WAIHEU-GC 1

**Project:** WAIHEU GOLF COURSE

**DEPTH (Below Ground Surface):**
- Solid Casing: 80′
- Perforated Casing: 60′
- Total Depth: 150′
- Depth to Water: 68.30′

**ELEVATIONS (Mean Sea Level):**
- Ground Surface: 73.6 ft.
- Top of Casing: 74.2 ft.
- Rotary Table: 77.0 ft.
- Bottom of Solid Casing: -5.2 ft.
- Bottom of Perforated Casing: -6.5 ft.
- Bottom of Well: -76.1 ft.
- Static Water Level: 6.5 ft.

**TEST PUMP:**
- Type: **Submersible**
- Intake Elev: ______

**DISCHARGE MEASUREMENT:**
- □ Flowmeter
- □ Other

<table>
<thead>
<tr>
<th>Elapsed Time (min.)</th>
<th>Date &amp; Time</th>
<th>Pumping Rate (gpm)</th>
<th>□ Airline DTW Reading</th>
<th>Observed Drawdown (feet)</th>
<th>Adjusted Drawdown (feet)</th>
<th>Sample No.</th>
<th>Chlorides (ppm)</th>
<th>Temp. (°F)</th>
<th>Cond. (mhos)</th>
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</thead>
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<td>0</td>
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*Chlorides estd to nearest 5 ppm from Elect Conductivity*

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Water Resource Associates
Form P1-m2

Sheet 1 of 2
## Pumping Test Record (Cont'd)

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**State Well No.:** 5530-04  
**Test No.:** STEEP TEST  
**Date:** 10.12-95

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* Chlorides estd to nearest 5 ppm.
**PUMPING TEST RECORD**

### STEADY TEST

**Test No.** 10-12-95

**State Well No.** 5530-04

**Island** MAUI

### DEPTH (Below Ground Surface):

- **Solid Csg:** 80'
- **Perforated Csg:** 60'
- **Total Depth:** 150'
- **Depth to Water:** 68.30'

### ELEVATIONS (Mean Sea Level):

- **Ground Surface:** 73.6 ft.
- **Top of Casing:** 74.8 ft.
- **Rotary Table:** ft.
- **Bot. of Solid Csg:** 65'
- **Bot. of Perf. Csg:** -5.2'
- **Bot. of Well:** -76'
- **Static Water Level:** 6.5'

### TEST PUMP:

- **Type:** Submersible
- **Intake Elev.:**
- **Remarks:** Below T.o.C. 70 ft. above msl.

### DISCHARGE MEASUREMENT:

- **Flowmeter**
- **Other**

### DRAWDOWN MEASUREMENT:

- **YSI**
- **Manometer**
- **Pressure Gage**
- **Sieet. Probe**

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*Chlorides estd to nearest 5 ppm from Elect. Conductivity*

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Water Resource Associates
FormPum2

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*Chlorides estd to nearest 5 ppm Sheet 2 of 7

Water Resource Associates
FormPum2

From Elect Conductivity

Dan Loh
COUNTY OF MAUI
DEPARTMENT OF WATER SUPPLY
WATER QUALITY LAB
614 PALAPALA DRIVE
KAHULUI, MAUI, HAWAII 96732

REPORT DATE: SEPTEMBER 25, 1995

CLIENT: WAYNE I. ARAKAKI ENGINEER
1129 LOWER MAIN STREET SUITE 301
WAILEA, MAUI, HAWAII 96793

MATRIX: WATER

EPA METHOD: 4500 D **

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<tr>
<td>Waiehu GC I - 5530-04</td>
<td>6:30 AM</td>
<td>13 ?</td>
</tr>
<tr>
<td>WAIEHU GOLF COURSE - 9/20/95</td>
<td>6:30 AM</td>
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<tr>
<td>WAIEHU GOLF COURSE - 9/20/95</td>
<td>6:30 PM</td>
<td>13 ?</td>
</tr>
<tr>
<td>WAIEHU GOLF COURSE - 9/21/95</td>
<td>6:30 AM</td>
<td>12 ?</td>
</tr>
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</table>

** METHODOLOGY HAS CHANGED SINCE 6/10/95 SAMPLES SUBMITTED

ANALYST: K. KUBA

APPROVED BY: C. Carizo
Chemist
REPORT DATE: SEPTEMBER 25, 1995

CLIENT: WAYNE I. ARAKAKI ENGINEER
1129 LOWER MAIN STREET SUITE 301
WAILUKU, MAUI, HAWAII 96793

MATRIX: WATER

EPA METHOD: 4500 D **

<table>
<thead>
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** METHODOLOGY HAS CHANGED SINCE 6/10/95 SAMPLES SUBMITTED

ANALYST: K. KUBA

APPROVED BY: C. Cerio
Chemist
June 19, 1995

To: Wayne Arakaki

From: Carl Cerizo

Subject: WAIEHU GOLF COURSE WATER SAMPLES - Waiehu GC 1 - 5530-04

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</tr>
<tr>
<td>6/11/95</td>
<td>2000-B</td>
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</tr>
</tbody>
</table>

Potable Water Chloride: 250 mg/L Secondary Maximum Contaminant Level

If you have any questions, do not hesitate to call me at 243-7560.
June 19, 1995

To: Wayne Arakaki

From: Carl Cerizo

Subject: WAIEHU GOLF COURSE WATER SAMPLES - Waiehu GC I - 5530-04

<table>
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<td>40</td>
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Potable Water Chloride: 250 mg/L Secondary Maximum Contaminant Level

If you have any questions, do not hesitate to call me at 243-7650.
COMMISSION ON WATER RESOURCE MANAGEMENT

FROM: [Signature]

TO: INIT.

DATE: 5/19

TO INIT.

FOR:

PLEASE:

See Me
Review & Comment
Take Action
Type Draft
Type Final
File
Xerox copies

REGULATION BRANCH

R. LOUI
J. UWAI NE
F. CHING
S. SUBIA
K. YODA

X

E. SAKODA
D. HIGA
L. NAKAMA
C. ICE
R. JINNAI
S. SWANSON

APPROVAL
SIGNATURE
INFORMATION

PLANING BRANCH

E. HIRANO
G. BAUER
R. HARDY
N. FUJI
M. OHYE
I. KUNIMURA

S. EDMUNDS
L. MIZUNO

SURVEY BRANCH

G. BAUER
R. HARDY
N. FUJI
M. OHYE
I. KUNIMURA

APPROVAL
SIGNATURE
INFORMATION

File
Xerox copies

SUSPENSE DATE: ________
May 11, 1995

Mr. Patrick Matsui  
Department of Parks and Recreation  
1580 Ka’ahumanu Avenue  
Wailuku, Hawaii 96793

Dear Mr. Matsui:

Re: Special Management Area (SMA) Assessment Application for the Installation of a Horizontal Water Well with a Pump House to Service the Waiehu Golf Course, TMK: 3-2-20:71

Please be advised that we are unable to process the above-referenced project until the following comments and concerns are addressed:

1. That a Well Construction Permit and a Pump Installation Permit be obtained from the Department of Land and Natural Resources (DLNR), Water Commission. They can be reached at: P. O. Box 621, Honolulu, Hawaii 96809. For further information on their permitting procedures, please contact Charles Ice at 587-0251.

2. The project description states that the existing well for the Waiehu Golf Course has been over pumped during dry periods, and therefore, has caused the salinity content of the well to rise to the point at which it is no longer suitable for golf course irrigation. The Environmental Assessment dated March, 1995, does not address how this will be prevented from happening again.
3. Given the limited water resources on the Island of Maui, alternatives other than "no action" should be considered. The following alternatives are recommended for consideration:

1) Soil preparation to increase the ability of the soil to retain moisture, and therefore, reduce water usage;

2) Use of Seashore Paspallum or other salt tolerant grasses; or

3) Restoration of existing well.

Should you require further clarification, please contact Mr. Joseph Alueta of this office.

Yours truly,

BRIAN MISKA
Director of Planning

BWM:JWA:osy
cc: Colleen Suyama, Planning Department Land Use Program Manager
    Charles Ice
    Joseph Alueta
    Project File
    g:\planning\a\joe\golf-course.ltr
TO: Maui Parks & Recreation
1580-C Kaahumanu Avenue
Wailuku, HI 96793

In accordance with the Department of Land and Natural Resources Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", your application to construct, test, and install 175 gpm pumps in Waiehu Golf Course Wells 1 & 2, Well Nos. 5530-03 & 04, is approved subject to the following conditions:

STANDARD WELL CONSTRUCTION/PUMP INSTALLATION PERMIT CONDITIONS

1. The Commission on Water Resource Management (Commission), P.O. Box 621, Honolulu, HI 96809, shall be notified, in writing, before any work authorized by this permit commences.

2. The well construction/pump installation permits shall be for construction, testing, and installation of 175 gpm capacity, or less, pumps in the wells, as determined by the pumping test results. The applicant shall submit to the Commission the test results and proposed permanent pump information, based on the tests, for approval by the Chairperson.

3. The proposed use(s) shall not adversely affect existing or future legal uses of water in the area, including any surface water or established instream flow standards. These permits or the authorization to construct and pump water from the wells shall not constitute a determination of correlative water rights. The permittee is notified and by this provision understands that the quantity of water taken from the wells could be reduced by the Commission in the future. These permits are not a commitment that the pump capacities permitted here or even some lesser amounts are guaranteed in the future.

4. The applicant shall provide and maintain approved meters or other appropriate devices or means for measuring and reporting total water usage. Water usage shall be measured on a monthly basis and reported to the Commission.

5. The following shall be submitted to the Commission within thirty (30) days after completion of work:
   a. Well completion reports.
   b. Elevation (referenced to mean sea level, msl) survey by a Hawaii-licensed surveyor.
   c. As-built sectional drawings of the wells.
   d. Plot plans and map showing the exact locations of the wells.
Well No. 5530-03 & 04

6. The applicant shall comply with all applicable laws, rules, and ordinances.

7. The well construction/pump installation permit applications and staff submittal approved by the Commission at its October 19, 1994 meeting are incorporated into the permits by reference.

8. The well construction/pump installation permits may be revoked if work is not started within six (6) months after the date of issuance or if work is suspended or abandoned for six months. The work proposed in the well construction/pump installation permit applications shall be completed within two years from the date of permit approval.

SPECIAL CONDITIONS

1. Test drilling at all four well sites will be monitored by a professional archaeologist.

2. If one or more of the test sites is selected for a permanent well, an archaeological subsurface survey will be conducted within the proposed well site area (c. 100 sq. ft.), in order to determine the presence or absence of cultural features.

3. A report on the inventory survey shall be submitted to the State Historic Preservation Division for review and approval prior to initiation of well construction. If needed, a mitigation plan (data recovery or burial treatment plan shall be implemented prior to initiation of well construction.

4. Complete pumping test records, including time, pumping rate, drawdown, chloride content, and other water quality data.

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.

Applicant's Signature: [Signature] Date: 11/4/94

Printed Name: Charmaine Tavares, Director

Firm or Title: Department of Parks and Recreation - County of Maui

Please sign both copies and return one copy of this permit to the Commission and retain a copy for your record.

cc: USGS
   State Historic Preservation Division
   Department of Health
   Safe Drinking Water Branch
   Ground Water Protection Program
   Wastewater Branch
   Maui Department of Water Supply
WELL CONSTRUCTION AND PUMP INSTALLATION PERMIT

for

Waiehu Golf Course Wells 1 & 2
(Well Nos. 5530-03 & 04)
Waiehu, Maui

TO: Maui Parks & Recreation
1580-C Kaahumanu Avenue
Wailuku, HI 96793

In accordance with the Department of Land and Natural Resources Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", your application to construct, test, and install 175 gpm pumps in Waiehu Golf Course Wells 1 & 2, Well Nos. 5530-03 & 04, is approved subject to the following conditions:

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3. The proposed use(s) shall not adversely affect existing or future legal uses of water in the area, including any surface water or established instream flow standards. These permits or the authorization to construct and pump water from the wells shall not constitute a determination of correlative water rights. The permittee is notified and by this provision understands that the quantity of water taken from the wells could be reduced by the Commission in the future. These permits are not a commitment that the pump capacities permitted here or even some lesser amounts are guaranteed in the future.

4. The applicant shall provide and maintain approved meters or other appropriate devices or means for measuring and reporting total water usage. Water usage shall be measured on a monthly basis and reported to the Commission.

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   a. Well completion reports.
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   d. Plot plans and map showing the exact locations of the wells.
Well No. 5530-03 & 04

6. The applicant shall comply with all applicable laws, rules, and ordinances.

7. The well construction/pump installation permit applications and staff submittal approved by the Commission at its October 19, 1994 meeting are incorporated into the permits by reference.

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2. If one or more of the test sites is selected for a permanent well, an archaeological subsurface survey will be conducted within the proposed well site area (c. 100 sq. ft.), in order to determine the presence or absence of cultural features.

3. A report on the inventory survey shall be submitted to the State Historic Preservation Division for review and approval prior to initiation of well construction. If needed, a mitigation plan (data recovery or burial treatment plan) shall be implemented prior to initiation of well construction.

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.

Applicant's Signature: __________________________ Date: ______________

Printed Name: __________________________

Firm or Title: __________________________

Please sign both copies and return one copy of this permit to the Commission and retain a copy for your record.

cc: USGS
State Historic Preservation Division
Department of Health
  Safe Drinking Water Branch
  Ground Water Protection Program
  Wastewater Branch
Maui Department of Water Supply

KEITH W. AHUE, Chairperson
Commission on Water Resource Management
NOV. 1, 1994

Date of Issuance
State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources
Honolulu, Hawaii

October 19, 1994

Chairperson and Members
Commission on Water Resource Management
State of Hawaii
Honolulu, Hawaii

Gentlemen:

Maui Parks & Recreation
Applications for
Well Construction/Pump installation Permits
Waiehu Golf Course Wells 1 to 4
(Well Nos. 5530-03, 04 and 5529-03, 04)
Waiehu, Maui

Applicant: Maui Parks & Recreation
1580-C Kahumanu Avenue
Wailuku, HI 96793

Landowner: Same

Action Requested: Permission to construct, test, and install 175 gallons per minute (gpm) pumps in Waiehu Golf Course Wells 1 to 4 (Well Nos. 5530-03, 04 and 5529-03, 04) for golf course irrigation use. The proposed amount of use is 250,000 gallons per day (0.250 mgd) per well.

Well Location/Tax Map Key: The proposed wells will be located at Waiehu Golf Course, Waiehu, Maui at Tax Map Keys: 3-2-13: 29 (Wells 1 and 2), 3-2-13: 19 (Well 3), and 3-2-13: 6 (Well 4) (see attached).

Well Descriptions:

<table>
<thead>
<tr>
<th>Well</th>
<th>Well 1</th>
<th>Well 2</th>
<th>Well 3</th>
<th>Well 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground elevation</td>
<td>120 ft.</td>
<td>75 ft.</td>
<td>14 ft.</td>
<td>18.5 ft.</td>
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<tr>
<td>Casing diameter</td>
<td>8 in.</td>
<td>8 in.</td>
<td>18 in.</td>
<td>18 in.</td>
</tr>
<tr>
<td>Solid casing depth</td>
<td>110 ft.</td>
<td>65 ft.</td>
<td>15 ft.</td>
<td>15 ft.</td>
</tr>
<tr>
<td>Perf. casing depth</td>
<td>210 ft.</td>
<td>165 ft.</td>
<td>30 ft.</td>
<td>30 ft.</td>
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<tr>
<td>Total depth</td>
<td>210 ft.</td>
<td>165 ft.</td>
<td>30 ft.</td>
<td>30 ft.</td>
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<tr>
<td>Grouted annulus</td>
<td>0-100 ft.</td>
<td>0-25 ft.</td>
<td>0-10 ft.</td>
<td>0-10 ft.</td>
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<td>Pump capacity</td>
<td>175 gpm</td>
<td>175 gpm</td>
<td>175 gpm</td>
<td>175 gpm</td>
</tr>
</tbody>
</table>

Agency Review: The applications have been sent to the Maui Department of Water Supply, the State Historic Preservation Division, the Office of Hawaiian Affairs, and to the State Departments of Health and Hawaiian Home Lands for review. The State Historic Preservation Division has expressed some concerns and has recommended several conditions to be added to the permits. The Department of Hawaiian Home Lands stated, "Waiehu Wells may affect DHHL rights; standard permit conditions apply". There have been no objections to the project.

Analysis: The wells are expected to develop nonpotable brackish water. No adverse effects are expected.

Water Availability: The wells will be located in the alluvial aquifer of the Wailuku Sector, Iao Aquifer System of Maui. The alluvial aquifer is a separate aquifer from the basal aquifer. Since the wells will develop water from the alluvial aquifer, they will have no adverse effects on the basal aquifer.
RECOMMENDATION:

That the Commission on Water Resource Management (Commission) approve the issuance of well construction/pump installation permits for the Waiehu Golf Course Wells, subject to the conditions listed below.

STANDARD WELL CONSTRUCTION/PUMP INSTALLATION PERMIT CONDITIONS

1. The Commission shall be notified before work commences.

2. The well construction/pump installation permits shall be for construction, testing, and installation of 175 gpm capacity, or less, pumps in the wells, as determined by the pumping test results. The applicant shall submit to the Commission the test results and proposed permanent pump information, based on the tests, for approval by the Chairperson.

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SPECIAL CONDITIONS

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Chairperson and Members
Commission on Water Resource Management

October 19, 1994

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3. A report on the inventory survey shall be submitted to the State Historic Preservation Division for review and approval prior to initiation of well construction. If needed, a mitigation plan (data recovery or burial treatment plan shall be implemented prior to initiation of well construction.

Respectfully submitted,

[Signature]

RAE M. LOUI
Deputy Director

Attach.

APPROVED FOR SUBMITTAL:

[Signature]

KEITH W. AHUE, Chairperson
From: PARKS PLANNING & DEVELOPMENT

a very important fax.

Date: October 10, 1994

Pages to follow: 1

To: DLNR, Commission on Water Resource Management

Ms. Rae M. Loui, Deputy Attention: Ed Sakoda

From: Patrick T. Matsui, Chief-Parks Planning & Development

Comments:

RE TEST WELL DRILLING AT WAIEHU GOLF COURSE

Martha Farris, FAX (808)243-7934
If you do not receive all of these pages, please call (808)243-7931.
October 10, 1994

Ms. Rae M. Loui, Deputy
Commission on Water Resource Management
Department of Land & Natural Resources
P. O. Box 621
Honolulu, Hawaii 96809

Attention: Ed Sakoda

SUBJECT: TEST WELL DRILLING PERMITS FOR WAIHEU GOLF COURSE
DEPARTMENT OF PARKS AND RECREATION, COUNTY OF MAUI

Dear Mr. Sakoda:

Please be advised that we anticipate yields of approximately 150 gallons per minute from the above referenced test wells.

We are, therefore, requesting pump installation permits for 150 gpm pumps for the above referenced wells.

Please feel free to contact me at 243-7931 or Mr. Dan Lum at 528-0074 should you have any questions on this matter.

Very truly yours,

Patrick T. Matsui
Chief-Parks Planning & Development

cc: Dan Lum, Water Resource Associates
MEMORANDUM

TO: Rae M. Loui, Deputy Director
Commission on Water Resources

FROM: Don Hibbard, Administrator
State Historic Preservation Division

SUBJECT: Historic Preservation Review of Four Well Drilling Permits for the County of Maui, Parks & Recreation Well Nos. 5529-03 and 04; 5530-03 and 04 Waiehu, Wailuku District, Island of Maui TMK: 3-2-13: 6, 19 and 29

The County of Maui, Department of Parks and Recreation proposes to drill four exploratory wells within the Waiehu Golf Course area, in order to locate a nonpotable water source for irrigation.

Proposed Well #1 is located near the 15th tee of the golf course, along the crest of a prominent pleistocene dune formation. Well #2 is located near the maintenance area, along the lower slope of the high dune. Wells #3 and #4 are located makai of the high dune, on a more recent coastal dune formation.

Wells #3 and #4 are located in the immediate area of two known historic sites (50-04-1186 and 1189), both of which contain documented human burials. Site 1189 also contains cultural deposits and features indicative of 17th to 18th century Hawaiian habitation. The proposed wells are not within the area of known habitation deposits, however, they are within the area of high probability for human burials. Wells #1 and #2 are also located within areas of high probability for human burials.

The proposed test well sites are all in areas currently accessible by vehicle. Impacts at the test sites will be limited to an 8 inch diameter coring. Additional impacts will occur only if the sites are selected for permanent well locations.
In order for the well coring activities to have "no adverse effect" on historic sites, we recommend that the following conditions be attached to the drilling permits:

1) Test drilling at all four well sites will be monitored by a professional archaeologist.

2) If one or more of the test sites is selected for a permanent well, an archaeological subsurface survey will be conducted within the proposed well site area (c. 100 sq ft), in order to determine the presence or absence of cultural features.

3) A report on the inventory survey shall be submitted to the State Historic Preservation Division for review and approval prior to initiation of well construction. If needed, a mitigation plan (data recovery or burial treatment plan) shall be submitted for review and approval, and shall be implemented prior to initiation of well construction.

KD:jen
Mr. Thomas Arizumi, Chief
Environmental Management Division
State Department of Health
Five Waterfront Plaza
500 Ala Moana Blvd., Suite 250.
Honolulu, Hawaii 96813

Attn: Mr. Dennis Tulang

Dear Mr. Arizumi:

Well Construction and Pump Installation Permit Applications

Please review the following permit applications pursuant to your area of concern and submit your comments to us by SEP 30 1994.

<table>
<thead>
<tr>
<th>Island</th>
<th>Well Name</th>
<th>Well No.</th>
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<td>Well and Pump</td>
</tr>
<tr>
<td>Maui</td>
<td>Maalaea Power Plant M-17</td>
<td>4829-04</td>
<td>Well and Pump</td>
</tr>
<tr>
<td>Lanai</td>
<td>Lanai Well 5</td>
<td>4852-02</td>
<td>Well</td>
</tr>
</tbody>
</table>

Should you have any questions, please contact the Commission on Water Resource Management staff at 587-0225.

Sincerely,

RAE M. LOUI
Deputy Director

Response:
- We have no objections
- Not subject to our regulatory authority and permit
- Comments attached
- Additional information requested
- Extended review period requested

Contact Person: Lori Kajiwara

Phone: 586-4290
Date: 9-13-94
COUNTY OF MAUI

DATA PROFILE

OWNER: MAALAEA POWER PLANT
LOT LOCATION: N KIHEI RD MAALAEA

********** DATES **********
SUBMIT DATE: 10/19/90      PLAN APPROVAL DATE: 02/26/92
REVIEWED BY: TK            INSPECTION DATE: 03/22/92
SYSTEM APP'D DATE: 04/06/92

***** TECHNICAL DATA *****
TREATMENT TYPE: SEPTIC TANK
USE FOR: COMMERCIAL
PERCOLATION: 0 min/in
TANK DISPOSAL Via: FILTER
DESIGNED BY: STONE & WEBSTER
CAPACITY: 0 gal.

PRESS ANY KEY TO CONTINUE.

COUNTY OF MAUI

DATA PROFILE

OWNER: LANAI LAND FILL /SOLID WASTE DIV.
LOT LOCATION: KAUMALAPAU HWY LANAI

********** DATES **********
SUBMIT DATE: 06/01/93      PLAN APPROVAL DATE: 06/25/93
REVIEWED BY: RT            INSPECTION DATE: / / 
SYSTEM APP'D DATE: / / 

***** TECHNICAL DATA *****
TREATMENT TYPE: SEPTIC TANK
USE FOR: C/O FELIX         DESIGNED BY: HARDING LAWSON ASS
PERCOLATION: 0 min/in      CAPACITY: 0 gal.

PRESS ANY KEY TO CONTINUE.
TO: Honorable Hoaliku L. Drake, Director
    Department of Hawaiian Home Lands
    Mr. Clayton H.W. Hee, Chairman and Trustee At Large
    Office of Hawaiian Affairs

FROM: Keith W. Ahue, Chairperson
    Commission on Water Resource Management

SUBJECT: Well Construction and Pump Installation Permit Applications

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<tr>
<td>Lanai</td>
<td>Lanai Wells 4852-02</td>
<td>Well</td>
<td></td>
</tr>
</tbody>
</table>

Should you have any questions, please contact the Commission on Water Resource Management staff at 587-0225.

Enc.

Response:

We have no objections
Not subject to our regulatory authority and permit
Comments attached
Additional information requested
Extended review period requested

Contact Person: Luis A. Monrivel
Phone: 594-1935
Signed: Luis A. Monrivel
Date: 09/27/94
Mr. Thomas Arizumi, Chief  
Environmental Management Division  
State Department of Health  
Five Waterfront Plaza  
500 Ala Moana Blvd., Suite 250  
Honolulu, Hawaii 96813  

Attn: Mr. William Wong  

Dear Mr. Arizumi:  

Well Construction and Pump Installation Permit Applications  

Please review the following permit applications pursuant to your area of concern and submit your comments to us by SEP 30 1994.  

<table>
<thead>
<tr>
<th>Island</th>
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<tr>
<td>Lanai</td>
<td>Lanai Well 5</td>
<td>4852-02</td>
<td>Well</td>
</tr>
</tbody>
</table>

Should you have any questions, please contact the Commission on Water Resource Management staff at 587-0225.  

Sincerely,  

RAE M. LOUI  
Deputy Director  

Response:  

☐ We have no objections  
☐ Not subject to our regulatory authority and permit  
☐ Comments attached  
☐ Additional information requested  
☐ Extended review period requested  

Contact Person: Bill Wong  
Phone: 587-0225  
Signed: Bill Wong  
Date: 9/9/94
TO: Honorable Hoaliku L. Drake, Director  
Department of Hawaiian Home Lands  
Mr. Clayton H.W. Hee, Chairman and Trustee At Large  
Office of Hawaiian Affairs

FROM: Keith W. Ahue, Chairperson  
Commission on Water Resource Management

SUBJECT: Well Construction and Pump Installation Permit Applications

Please review the following permit applications pursuant to your area of concern and submit your comments to us by SEP 30 1994.

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Should you have any questions, please contact the Commission on Water Resource Management staff at 587-0225.

Enc.

Response:

(3) We have no objections  
(3) Not subject to our regulatory authority and permit  
(3) Comments attached (see comments to your right)  
(3) Additional information requested  
(3) Extended review period requested  

Comments: Waiehu Wells may affect DHHL rights; standard permit conditions apply.

Contact Person: Darrell Yagodich, Administrator, Planning Office  
Phone: 586-3837  
Date: 9/1/94  
Signed: Darrell Yagodich
TO: Dr. Don Hibbard, Director
     Historic Preservation Program

     Mr. Henry M. Sakuda, Administrator
     Division of Aquatic Resources

FROM: Rae M. Loui, Deputy Director
      Commission on Water Resource Management

SUBJECT: Well Construction and Pump Installation Permit Applications

Please review the following permit applications pursuant to your area of concern and submit your comments to us by SEP 15 1994.

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Should you have any questions, please contact the Commission on Water Resource Management staff at 587-0225.

Response:

- [ ] We have no objections
- ( ) Not subject to our regulatory authority and permit
- ( ) Comments attached
- ( ) Additional information requested
- ( ) Extended review period requested

Contact Person: ____________________________ Phone: ______________

Signed: ____________________________ Date: 9/4/94
Mr. Pat Matsui  
County of Maui  
Department of Parks and Recreation  
1580 Kaahumanu Avenue  
Wailuku, Hawaii 96793

Dear Mr. Matsui:

We have received your applications for permits to construct and install pumps in Waiehu Golf Course Wells 1 to 4 (Well Nos. 5530-03, 04 and 5529-03, 04) at Waiehu, Maui, (TMK: 3-2-13:29). We are reviewing the applications for completeness.

Should you have any questions, please call the Commission on Water Resource Management staff at 587-0225.

Sincerely,

RAE M. LOU!  
Deputy Director
Mr. Thomas Arizumi, Chief
Environmental Management Division
State Department of Health
Five Waterfront Plaza
500 Ala Moana Blvd., Suite 250
Honolulu, Hawaii 96813

Attn: Mr. Dennis Tulang

Dear Mr. Arizumi:

Well Construction and Pump Installation Permit Applications

Please review the following permit applications pursuant to your area of concern and submit your comments to us by SEP 30 1994.

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Should you have any questions, please contact the Commission on Water Resource Management staff at 587-0225.

Sincerely,

[Signature]

RAE M. LOUI
Deputy Director

---

Response:

( ) We have no objections
( ) Not subject to our regulatory authority and permit
( ) Comments attached
( ) Additional information requested
( ) Extended review period requested

Contact Person: ____________________________ Phone: ____________________________
Signed: ____________________________ Date: ____________________________
Mr. Thomas Arizumi, Chief  
Environmental Management Division  
State Department of Health  
Five Waterfront Plaza  
500 Ala Moana Blvd., Suite 250  
Honolulu, Hawaii 96813  

Attn: Mr. William Wong

Dear Mr. Arizumi:

Well Construction and Pump Installation Permit Applications

Please review the following permit applications pursuant to your area of concern and submit your comments to us by SEP 30 1994.

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Should you have any questions, please contact the Commission on Water Resource Management staff at 587-0225.

Sincerely,

RAE M. LOUI  
Deputy Director

Response:

( ) We have no objections  
( ) Not subject to our regulatory authority and permit  
( ) Comments attached  
( ) Additional information requested  
( ) Extended review period requested

Contact Person: ___________________________  Phone: ___________________________

Signed: ___________________________  Date: ___________________________
TO: Honorable Hoaliku L. Drake, Director  
Department of Hawaiian Home Lands  
Mr. Clayton H.W. Hee, Chairman and Trustee At Large  
Office of Hawaiian Affairs

FROM: Keith W. Ahue, Chairperson

SUBJECT: Well Construction and Pump Installation Permit Applications

Please review the following permit applications pursuant to your area of concern and submit your comments to us by SEP 30 1994.

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Should you have any questions, please contact the Commission on Water Resource Management staff at 587-0225.

Enc.

Response:

( ) We have no objections
( ) Not subject to our regulatory authority and permit
( ) Comments attached
( ) Additional information requested
( ) Extended review period requested

Contact Person: ________________________________ Phone: ________________

Signed: ________________________________ Date: ________________
TO:  Dr. Don Hibbard, Director  
Historic Preservation Program

Mr. Henry M. Sakuda, Administrator  
Division of Aquatic Resources

FROM:  Rae M. Loui, Deputy Director  
Commission on Water Resource Management

SUBJECT:  Well Construction and Pump Installation Permit Applications

Please review the following permit applications pursuant to your area of concern and submit your comments to us by SEP 15, 1994.

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Should you have any questions, please contact the Commission on Water Resource Management staff at 587-0225.

Response:

( ) We have no objections
( ) Not subject to our regulatory authority and permit
( ) Comments attached
( ) Additional information requested
( ) Extended review period requested

Contact Person: ___________________________ Phone: ___________________________

Signed: ___________________________ Date: ___________________________
Ms. Marjorie Ziegler  
Sierra Club Legal Defense Fund, Inc.  
223 South King Street, Suite 400  
Honolulu, Hawaii  96813  

Dear Ms. Ziegler:

Well Construction and Pump Installation Permit Applications

Please review the following permit applications pursuant to your area of concern and submit your comments to us by SEP 30 1994.

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Should you have any questions, please contact the Commission on Water Resource Management staff at 587-0225.

Sincerely,

[Signature]

RAE M. LOUI  
Deputy Director

Response:

( ) We have no objections  
( ) Not subject to our regulatory authority and permit  
( ) Comments attached  
( ) Additional information requested  
( ) Extended review period requested

Contact Person: ________________________________ Phone: ________________
Signed: ________________________________ Date: ________________

Enc.
Mr. David Craddick, Director  
Department of Water Supply  
County of Maui  
200 South High Street  
Wailuku, Hawaii 96793  

Dear Mr. Craddick:  

Well Construction and Pump Installation Permit Applications  

Please review the following permit applications pursuant to your area of concern and submit your comments to us by SEP 30, 1994.

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Should you have any questions, please contact the Commission on Water Resource Management staff at 587-0225.

Sincerely,

RAE M. LOUI  
Deputy Director

Response:

( ) We have no objections  
( ) Not subject to our regulatory authority and permit  
( ) Comments attached  
( ) Additional information requested  
( ) Extended review period requested

Contact Person: ____________________________  
Phone: ________________

Signed: ____________________________  
Date: __________________
TO  

Dept. Land & Natural Resources  
P.O. Box 373  
Honolulu, Hawaii 96809

WE ARE SENDING YOU □ Attached □ Under separate cover via __________________ the following items:

□ Shop drawings □ Prints □ Plans □ Samples □ Specifications  
□ Copy of letter □ Change order □

<table>
<thead>
<tr>
<th>COPIES</th>
<th>DATE</th>
<th>NO.</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Well Drilling Permit Applications for Waiehu Golf Course</td>
</tr>
</tbody>
</table>

THESE ARE TRANSMITTED as checked below:

□ For approval □ Approved as submitted □ Resubmit ______ copies for approval  
□ For your use □ Approved as noted □ Submit ______ copies for distribution  
□ As requested □ Returned for corrections □ Return ______ corrected prints  
□ For review and comment □

□ FOR BIDS DUE ____________________ 19 □ PRINTS RETURNED AFTER LOAN TO US

REMARKS


COPY TO

SIGNED: Wayne I. Arakaki, P.E.
APPLICATION FOR (check one)

☐ WELL DRILLING PERMIT  ☐ WELL MODIFICATION PERMIT

Instructions: Send completed application and attachments to Department of Land and Natural Resources, P.O. Box 373, Honolulu, Hawaii 96808.

Reference: Regulation 9, Dept. of Land & Natural Resources.

Is the well located in a Designated Ground Water Control Area? Yes ☐ No ☐

If "yes", application must be accompanied by a Water Use and/or Water Supply Permit and a non-refundable filing fee of $100 payable to the Department of Land & Natural Resources. However, if application is for minor modification of well, filing fee may be waived. If "no", no filing fee is required. Filing fee is waived for federal, state, and county government agencies.

1. WELL LOCATION: Island MAUI Tax Map Key (2) 3-2-13:29. Attach a plot plan showing well location referenced to established property boundaries. MR. PAT MATSUI

2. WATER USER COUNTY OF MAUI-PARKS & RECREATION Telephone 243-7382

Address 1580 Kaahumanu Avenue, Wailuku, Maui, Hawaii Zip Code 96793

3. PROPOSED DRILLING COMPANY: TO DATE PROJECT HAS NOT BEEN AWARDED.

4. PROPOSED WORK: ☐ Drill new well ☐ Deepen ☐ Redrill ☐ Alter ☐ Seal ☐ Abandon ☐ Install new pump ☐ Replace pump ☐ Modify pump

Fill in the diagram and briefly describe the proposed work (use back of form if necessary):

Drilling an exploratory well to locate nonpotable irrigation water supply in caprock formation (alluvium and limestone).

<table>
<thead>
<tr>
<th>PROPOSED SECTION OF WELL</th>
<th>Elevation at top of casing 76.7 ft. masl</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cement</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Grout</td>
<td></td>
</tr>
<tr>
<td>Hole Dis.</td>
<td></td>
</tr>
<tr>
<td>Total Depth</td>
<td>165 ft.</td>
</tr>
<tr>
<td>Rock Packing</td>
<td>110 ft.</td>
</tr>
<tr>
<td>Ground Elev.</td>
<td>75.2 ft. masl</td>
</tr>
<tr>
<td>Solid casing:</td>
<td>ASTM A-53 TYPE E OR GRADE B</td>
</tr>
<tr>
<td>Material</td>
<td></td>
</tr>
<tr>
<td>Length</td>
<td>90 ft.</td>
</tr>
<tr>
<td>Diameter</td>
<td>8 in.</td>
</tr>
<tr>
<td>Wall thickness</td>
<td>0.3125 in.</td>
</tr>
<tr>
<td>Casing:</td>
<td>ASTM A-53 TYPE E OR GRADE B</td>
</tr>
<tr>
<td>Material</td>
<td></td>
</tr>
<tr>
<td>Length</td>
<td>100 ft.</td>
</tr>
<tr>
<td>Diameter</td>
<td>8 in.</td>
</tr>
<tr>
<td>Wall thickness</td>
<td>0.3125 in.</td>
</tr>
<tr>
<td>Openings</td>
<td>38 sq. in./L.F.</td>
</tr>
</tbody>
</table>

5. PROPOSED USE: ☐ Municipal ☐ Military ☐ Agriculture ☐ Industrial ☐ Domestic ☐ Disposal ☐ Other (specify) Golf Course Irrigation

6. PROPOSED AMOUNT OF WITHDRAWAL: Check most appropriate box and fill in amount.

☐ Daily 250,000 gallons ☐ Monthly gallons ☐ Yearly gallons

7. PROPOSED PUMP OR FLOW CAPACITY: 175.0 gallons per minute

Signature: [Signature]

Date: 1/19/94

Water User DEPARTMENT OF PARKS & RECREATION

Signature: [Signature]

For Official Use: Well #2

State Well No. 55-30-04

DLNR Permit No.

DLNR Application No.
APPLICATION FOR (check one)

☐ WELL DRILLING PERMIT  ☐ WELL MODIFICATION PERMIT

Instructions: Send completed application and attachments to Department of Land and Natural Resources, P.O. Box 373, Honolulu, Hawaii 96809.
Reference: Regulation 9, Dept. of Land & Natural Resources.

Is the well located in a Designated Ground Water Control Area? ☐ Yes  ☑ No
If "Yes", application must be accompanied by a Water Use and/or Water Supply Permit and a non-refundable filing fee of $100 payable to the Department of Land & Natural Resources. However, if application is for minor modification of well, filing fee may be waived. If "No", no filing fee is required. Filing fee is waived for federal, state, and county government agencies.

1. WELL LOCATION: Island MAUI Tax Map Key (2) 3-2-13:29. Attach a plot plan showing well location referenced to established property boundaries.
2. WATER USER COUNTY OF MAUI - DEPT. OF PARKS & RECREATION Telephone 243-7382
Address 1580 Kaahumanu Avenue, Wailuku, Maui, Hawaii Zip Code 96793
3. PROPOSED DRILLING COMPANY: TO DATE PROJECT HAS NOT BEEN AWARDED.
4. PROPOSED WORK: ☐ Drill new well ☐ Deepen ☐ Redrill ☐ Alter ☐ Seal ☐ Abandon ☐ Install new pump ☐ Replace pump ☐ Modify pump

Fill in the diagram and briefly describe the proposed work (use back of form if necessary): Drilling of an exploratory well at Waiehu Golf Course to locate nonpotable irrigation water supply in caprock formation (alluvium and limestone).

PROPOSED SECTION OF WELL

<table>
<thead>
<tr>
<th>Depth</th>
<th>Opening</th>
</tr>
</thead>
<tbody>
<tr>
<td>121.5 ft.</td>
<td>38 in./L.F.</td>
</tr>
<tr>
<td>210 ft.</td>
<td>N.A.</td>
</tr>
</tbody>
</table>

PROPOSED USE: ☐ Municipal ☐ Military ☐ Agriculture ☐ Industrial ☐ Domestic ☐ Disposal ☐ Other (specify) ☐ Golf Course Irrigation

PROPOSED AMOUNT OF WITHDRAWAL: Check most appropriate box and fill in amount.
☑ Daily 250,000 gallons ☐ Monthly gallons ☐ Yearly gallons

PROPOSED PUMP OR FLOW CAPACITY: 175.0 gallons per minute

Signature: [Signature]
Date: 10/27/94
Water User DEPARTMENT OF PARKS & RECREATION

Signature: [Signature]
Date: 10/27/94
Landowner of Well Site COUNTY OF MAUI

For Official Use:
State Well No. 5530-03
DLNR Permit No.
DLNR Application No.
**CHECKLIST**

- Well Construction Permit
- Water Use Permit Required Also
- Pump Installation Permit

Well No. 5780-884 Was 1 + 4 Island Maui

Applicant: Maui Parks & Recreation  Landowner: Same
Consultant: Wayne Ann. Engineer

| Date application received | __________ |
| Date acknowledged receipt/request more info | 8/22/94 |
| Date filing fee deposited | __________ |

| Application sent to following: | Date sent | Comments received |
| Dept. of Health | 8/30/94 |
| Office of Hawaiian Affairs | 8/30/94 |
| Dept. of Hawaiian Home Lands | 8/30/94 |
| State Historic Preservation Div. | 8/30/94 |
| Sierra Club Legal Defense Fund | 8/30/94 |
| Honolulu Board of Water Supply | 8/30/94 |
| Maui Dept. of Water Supply | 8/30/94 |
| Kauai Dept. of Water Supply | 8/30/94 |
| Hawaii Dept. of Water Supply | 8/30/94 |
| Hawaii Dept. of Public Works | 8/30/94 |
| Koolauloa NB 128 (Oahu) | 8/30/94 |
| Additional List (Molokai) | 8/30/94 |
| Eric Hirane/Lyann Misuno | 8/30/94 |
| DIV. OF AQUATIC RES. | 8/30/94 |
| HISTORIC PRESERVATION DIVISION | 8/30/94 |

Date agenda due: 8/30/94
Date submittal due: 8/30/94
Date submittal sent to applicant: 8/30/94
Date application approved OR disapproved: 11/17/94
Date applicant notified of decision: __________

Remarks: Map assign well no. (Pencil in INDEX/summary) 
Log in logbook (manual) 
Log in computer (WELL PERMITS)