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<th>Land</th>
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<td>Peahi</td>
<td>F HANA HWY</td>
<td>O'CONNOR, DONALD G &amp; VALERIE D</td>
<td>1</td>
<td>1</td>
<td>4.95</td>
<td>ac</td>
<td></td>
<td>10/22/1996 DEED</td>
<td>$250,000</td>
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This information has been supplied by third parties and has not been independently verified by Hawaii Information Service and is, therefore, not guaranteed.
Search Results

Copyright ©11/1/2005 by Hawaii Information Service

Assessed Values reflect tax year 2005.

Search criteria: TMK Taxkey 2-2-8-3-44

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<td>4.95 ac</td>
<td>502</td>
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</table>

This information has been supplied by third parties and has not been independently verified by Hawaii Information Service and is, therefore, not guaranteed.
1150 SF SOIL ABSORPTION BED
22 FT WIDE BY 53 FT LONG
4 LINES, 6 FT APART, 2 FT FROM SIDWALLS
3 FT DEEP MAXIMUM (SEE DETAILS).

OR

955 SF SOIL ABSORPTION BED WITH
63 EQ-36 INFILTRATOR CHAMBERS OR
54 H-10 INFILTRATOR CHAMBERS
(INSTALL PER MANUFACTURE SPECS).

DISTRIBUTION BOX

1250 GALLON SEPTEC TANK

FUTURE BUILDING

WELL

STUB OUT AND CAP FOR FUTURE
C.O.T.G. EVERY 50 FT & BENDS (typ)

MANAWAI PLACE
Manawai submittal copies:

Richard Perry  
344 Manawai Place  
Haiku HI 96708  
(573 0793 )

Tom Caltrider  
333 Manawai Place  
Haiku HI 96708  
(572-6543, 0234 )

Charles Laquidara  
345 Manawai Place  
Haiku HI 96708  
(unknown ? )

Ron Richmond  
237 Manawai Place  
Haiku HI 96708  
(unknown ? )

Frank Felton  
4530 Opana Place  
Haiku HI 96708  
(unknown ? )

Rick Strini  
263 Manawai Place  
Haiku HI 96708  
(572-6283 )
July 22, 2010

Mr. Richard Perry
344 Manawai Place
Haiku, HI 96708

Dear Mr. Perry:

Well Reconstruction of Manawai-O’Connor Well (Well No. 5616-09)
Complaint C-10-01

We have received additional information from the licensed driller contracted to
reconstruct the captioned well. We had asked for additional evidence of materials used on the
job to verify the work. We have received copies of receipts and photos of the performed.

Evidently, a drill rig was not used on this project. Mr. O’Connor rented a boom truck,
which would not have been obvious during the day nor present overnight. The receipts show
adequate amounts of materials delivered to the site, and photos show the correct standard
materials being used and installed.

We continued our questioning, as there was more than necessary material supplied.
Additional photos showed use of new gravel and grout on the driveway and adjacent walkway
and garage. We are satisfied that this is a reasonable explanation for the excess materials.

Sincerely,

LENORE N. OHYE
Acting Deputy Director

Cl:ss
Hi Charlie:

Attached are the photos I promised.

Photo #1 left over smaller gravel in the right hand side of driveway
Photo #2 left over gravel @ walkway
Photo #3 left over gravel in front of carport
Photo #4 left over grout on slope with more left over gravel
Photo #5 left over grout on slope (2nd view)

Of course there is some grass growing through since it's been quite awhile. During our construction we have always used a larger gravel (3/4") as it doesn't get pushed away or stuck in tire treads like the gravel used in the well repairs. So it is very apparent the two different types used. Also, had we known the amount of excess grout we would have had some forms set up instead of hastily spreading it down the slope. As you can see it was a waste of good material.

Please let me know what else you may need from us to assist you.
Hi Charley:

We need to update our mailing address with the State, its,

P.O. Box 265
Puunene, Hawaii 96784-0265

If you are not the person we should notify know could you please let me know whom to forward this information to. We are anxiously awaiting the latest report on our well. Could you please send us a copy of your findings to the above address, thx.

Aloha
Charley,

I spoke to Grant Merker from AZ Galvazine and basically he mentioned that from 2001 their pipe has been lead-free. The material they use is called hi-grade zinc which contains no lead. If you wish to speak to him direct, let me know and I will send his information over to you.

Attached is the final well pad picture of Mr. O'Connor's well. Please let me know if I can provide you with any additional information.

Cynthia

Cynthia Moreira  
Derrick's Well Drilling & Pump Services LLC  
P.O. Box 2187  
Keaau, HI 96749  
(808) 982-7627 Office  
(808) 982-7698 Fax  
e-mail: moreira_ds@yahoo.com  
www.hawaiiwelldrilling.com
**Grouting Requirement Calculations**  
*By: Roy Hardy  Last Update: 6/15/2010*

Only need to enter green amounts into spreadsheet

<table>
<thead>
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<th>INPUT</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Well Number &amp; Name</td>
<td>5616 09 Oconnor</td>
</tr>
<tr>
<td>Ground Elevation</td>
<td>200.00 ft</td>
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<tr>
<td>Initial Water Elevation</td>
<td>6.00 ft</td>
</tr>
<tr>
<td>Casing Diameter</td>
<td>4.00 in</td>
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</table>

<table>
<thead>
<tr>
<th>OUTPUT</th>
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<tbody>
<tr>
<td>Required grouting depth (70% or 500 ft, whichever is less)</td>
<td>135.80 ft</td>
</tr>
<tr>
<td>Installed casing cross-sectional area</td>
<td>0.09 ft²</td>
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<tr>
<td>Required hole cross-sectional area (Section 2.6(d))</td>
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</tr>
<tr>
<td>Positive Displacement (1.5-inch annulus)</td>
<td>0.27 ft²</td>
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<tr>
<td>Non-positive Displacement (2-inch annulus)</td>
<td>0.35 ft²</td>
</tr>
<tr>
<td>Public System Non-positive Displacement (3-inch annulus)</td>
<td>0.55 ft²</td>
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<tr>
<td>Minimum required grout</td>
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<tr>
<td></td>
<td>24.44 ft³</td>
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<tr>
<td></td>
<td>35.55 ft³</td>
</tr>
<tr>
<td></td>
<td>62.22 ft³</td>
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<tr>
<td>Minimum required grout</td>
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<tr>
<td></td>
<td>0.91 yd³</td>
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<tr>
<td></td>
<td>1.32 yd³</td>
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<tr>
<td></td>
<td>2.30 yd³</td>
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</table>

Pre-mix concrete comes in 60 lb. and 80 lb. Bags. A 60 lb. bag provides 0.45 cubic feet of cured concrete and an 80 lb. bag provides 0.6 cubic feet of cured concrete. SEE http://ezinearticles.com/?How-Much-Concrete-Do-I-Need-For-My-Project?-Concrete-Calculator&id=316198

<table>
<thead>
<tr>
<th># bags</th>
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<tr>
<td>60 lb bag</td>
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<tr>
<td>80 lb bag</td>
<td>40.74</td>
<td>59.25</td>
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</table>
CHAPTER II. STANDARDS

Section 12. Casing.

A. Casing Material. Requirements pertaining to well casing are to insure that the casing will perform the functions for which it is designed, i.e., to maintain the hole by preventing its walls from collapsing, to provide a channel for the conveyance of the water, and to provide a measure of protection for the quality of the water pumped.

1. Well casing shall be strong and tough enough to resist the force imposed on it during installation and those forces which can normally be expected after installation.

2. Steel is the material most frequently used for well casing, especially in drilled wells. The thickness of steel used for well casing shall be selected in accordance with good design practices applied with due consideration to conditions at the site of the well. There are three principal classifications of steel materials used for water well casing, and all are acceptable for use so long as they meet the following conditions.

   a. Standard and line pipe. This material shall meet one of the following specifications, including the latest revision thereof:

      (1) API Std. 5L, "Specification for Line Pipe".

      (2) API Std. 5LX, "Specification for High-Test Line Pipe".

      (3) ASTM A53, "Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated Welded and Seamless".

      (4) ASTM A120, "Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated (Galvanized) Welded and Seamless, for Ordinary Uses".

      (5) ASTM A134, "Standard Specification for Electric-Fusion (Arc)-Welded Steel Pipe (sizes NPS 16 and over)".


      (7) ASTM A139, "Standard Specification for Electric-Fusion (Arc)-Welded Steel Pipe (sizes 4 inches and over)".

      (8) ASTM A211, "Standard Specification for Spiral-Welded Steel or Iron Pipe".

COMMISSION ON WATER RESOURCE MANAGEMENT

FROM: ROY HARDY
DATE: JUN - 8 2010
SUSPENSE DATE: __________

TO: CHENG, C. _____ INIT. _____ TO: KAWAHARA, K. ______
CHONG, R. _____ INIT. _____ TO: KIMURA, J. ______
DANBARA, S. _____ INIT. _____ TO: KUNIMURA, I. ______
FUJI, N. _____ INIT. _____ TO: OHYE, L. ______
HARDY, R. _____ INIT. _____ TO: OSHIRO, K. ______
HOAGBIN, S. _____ INIT. _____ TO: UYENO, D. ______
ICE, C. _____ INIT. _____ TO: YODA, K. ______
IMATA, R. _____ INIT. _____ TO: YOSHINAGA, M. ______

FOR: Approval _____ Signature _____ Information _____

PLEASE: See Me _____ Review & Comment _____ Take Action _____
Type Draft _____ Type Final _____ File _____
Xerox ___ copies
June 1, 2010

Ken Kawahara
State of Hawaii
Department of Land and Natural Resources
Commission on Water Resource Management
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Kawahara:

Complaint of Improper Reconstruction of Well
Manawai-O’Connor Well (Well No. 5616-09)

Enclosed are photos and receipts of materials used to support our completion report for the Manawai-O’Connor well, Well No. 5616-09.

Services provided to the Manawai-O’Connor Well by Derrick’s Well Drilling & Pump Services in June 2008, are as follows: We extracted the existing PVC casing without any breakage and installed 210’ of new 4” x .237 galvanized schedule 40 blank casing and 42’ of new 4” x .237 galvanized schedule 40 perforated casing. The well was then gravel packed and grouted. A pump and motor unit was installed, with 210’ of new 1-1/4” galvanized column pipe, finished off with a 2’ x 2’ x 3’ well pad. No testing was required.

Should you have any further questions, please do not hesitate to contact our office at

Sincerely,

Derrick Moreira

Enclosures

c: Charlie Ice
SALES ORDER

SALESPERSON:  RICK BECKWITH
SHIP VIA: TRUCK
CUST P.O.#:  DONALD

#26019  08/24/2007

SHIP TO: KAHULUI HARBOR

SOLD TO: DONALD O'CONNOR
425 MANAWAI PLACE
HAiku. HAWAIi 96708

101 PIPE & CASING, INC
30101 AGOURA COURT #201
AGOURA, CA 91301
(818) 707-9101

LINE  QTY  ITEM ID/NAME  WIDTH  LENGTH  WEIGHT  PRICE  TOTAL
1  210.00 FT  S01  4.500 X .237 SCH 40 GALV T&C 3/4" TAPER X 21'
2  42.00 FT  S01  4.500 X .237 WALL X 21" T&C 3/4" TAPER STD PERF

Donald O'Connor
Valerie Lacy-O'Connor
P.O. Box 93
Puunene, HI 96784

Pay to the order of: 101 PIPE & CASING
3.024.00

American Savings Bank, F.S.B.
275 Kauhalea Avenue
Kahului, HI 96732

PHONE #: 908-573-4992  FAX #:

TAX ID: OUT OF STATE TOTAL: 2.719.08 LBS SUB:TOTAL 3.024.00

REC'D BY: __________________

STOCK COSTS: PURCHASE ORDERS:

G.P.: __________________

[END ORDER]
CUSTOMER READY MIX DELIVERY TAG

**CUSTOMER:** CUSTOMER READY MIX

**TAG:** R 195181

**AMERON HAWAII-OAHU**
P.O. BOX 39089
HONOLULU, HAWAII 96820
PHONE: (808) 832-0286

**AMERON HAWAII-MAUI**
P.O. BOX 88
PUIUENOE, HAWAII 96784
PHONE: (808) 562-6484

**STATE OF HAWAII**

**CERTIFICATE OF WEIGHTS AND MEASURES**
DIVISION OF WEIGHS AND MEASURES

**THIS IS TO CERTIFY THAT THE FOLLOWING MERCHANDISE WAS WEIGHED, MEASURED, OR COUNTED BY A PUBLIC WEIGHMASTER, AND HIS SIGNATURE AND SEAL ARE A RECOGNIZED AUTHORITY OF ACCURACY, AS PRESCRIBED BY CHAPTER 485, H.R.S., AMENDED AND RULE 27-001-485-71**

**CAUTION:** FRESHLY MIXED CEMENT, MORTAR, CONCRETE OR AGGREGATE MAY CAUSE SEVERE SKIN OR EYE INJURY. AVOID CONTACT WITH SKIN AND EYES. WASH EXPOSED SKIN AREAS PROMPTLY WITH WATER. IF ANY CEMENT MIXTURES GET INTO EYES, RINSE IMMEDIATELY AND REPEATEDLY WITH WATER AND GET PROMPT MEDICAL ATTENTION. KEEP OUT OF REACH OF CHILDREN.

**AMERON IS NOT RESPONSIBLE FOR STRENGTH OR QUALITY OF ANY CONCRETE TO WHICH WATER HAS BEEN ADDED TO EXCEED THE SPECIFIED SLUMP OR FOR THE ADDITION OF ANY UNAPPROVED MATERIAL.**

**AMERON IS NOT RESPONSIBLE FOR DAMAGE CAUSED BY DELIVERY BEYOND CURBLINE.**

**NOTE BEFORE SIGNING THIS DELIVERY IS SUBJECT TO CONDITIONS ON REVERSE SIDE.**

**SOLD TO:** DONA’D OCEAN

**DELIVERED TO:** UH’MAULU, MANAWAI

**LOAD RECEIVED BY:** MAHALO

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<th>PROJECT</th>
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<th>ORDER</th>
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<th>QTY</th>
<th>UNIT</th>
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<td>6256</td>
<td>540 GRJ17</td>
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**BOTTOM OF MANAWAI, ON LEFT**

**COD ORDER TOTAL:** 1,325.00

**SUB-TOTAL:** 1,272.00

**% TAX:** 6.00

**TOTAL:** 1,325.00
**CUSTOMER READY MIX DELIVERY TAG**

**R 195178**

---

**AMERICAN HAWAI'I-MAUI**
P.O. BOX 86
PUUENOE, HAWAII 96784
PHONE: (808) 877-5055

---

**AMERICAN HAWAI'I-OAHU**
P.O. BOX 29968
HONOLULU, HAWAII 96820
PHONE: (808) 532-9298

---

**CAUTION:** FRESHLY MIXED CEMENT, MORTAR, CONCRETE OR DIRT MAY CAUSE SEVERE SKIN OR EYE INJURY, AVOID CONTACT WITH EYES AND EYES. WASH EXPOSED SKIN AREAS PROMPTLY WITH WATER. IF ANY CEMENT MIXTURES GET INTO EYES, RINSE IMMEDIATELY AND REPLACED WITH WATER AND GET PROMPT MEDICAL ATTENTION. KEEP OUT OF REACH OF CHILDREN.

**AMERICAN IS NOT RESPONSIBLE FOR STRENGTH OR QUALITY OF ANY CONCRETE TO WHICH WATER HAS BEEN ADDED TO EXCEED THE SPECIFIED SLUMP OR FOR THE ADDITION OF ANY UNAPPROVED MATERIAL.**

**AMERICAN IS NOT RESPONSIBLE FOR DAMAGE CAUSED BY DELIVERY BEYOND CURBLINE.**

---

**NOTE BEFORE SIGNING: THIS DELIVERY IS SUBJECT TO CONDITIONS ON REVERSE SIDE.**

---

**SALE TO:** DONALD CONNER
**DELIVERED TO:** ULUMALU, MANAWAI

---

**QUANTITY** | **UNIT** | **PRODUCT CODE** | **DESCRIPTION** | **UNIT PRICE** | **EXTENDED AMOUNT**
---|---|---|---|---|---
6.00 | CY | MAC002 | L.C. ROCK | 124.00 | 744.00

---

**SIGNATURE**

---

**BOTTOM OF MANAWAI ON LEFT**

---

**SLUMP:**
**WATER**
**CEMENT**
**ADDITIONAL:**
**TRUCK:** 511
**DRIVER:** JON CRAWFORD, JEFFREY
**CUM. QTY. DELIVERED:** 6.00
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<tr>
<td>02/09/09</td>
<td>DONALD OMODY</td>
<td>CALL BEFORE HANDING OFF THE NAME</td>
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<th>VENDOR P.O. NO.</th>
<th>SHIP VIA</th>
<th>GT. OUR TRUCK</th>
<th>POS</th>
<th>BAGS</th>
<th>BOXES</th>
<th>DATES</th>
<th>LENGTHS</th>
<th>BUNDLES</th>
<th>ROUTE NO.</th>
<th>RN#</th>
<th>DEPART TIME</th>
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<td>CUSTOMER COPY</td>
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| TOTAL WEIGHT OF ORDER: | 465.950 lbs |

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<td>2.886 EA</td>
<td>31.7%</td>
<td>228.0 lb</td>
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<td>2</td>
<td>1/4 GALV TAG 833A 1/2 PIPE</td>
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No Returns allowed without proper authorization. Returned materials subject to handling charges. See reverse side for important terms and conditions of sale and limitations of warranty.
CASE NUMBER: MA#05-1051

CLASSIFICATION: UNPERMITTED WATER WELL CONSTRUCTION

SCENE: 425 MANAWAI PLACE

DATE/TIME TAKEN: 042105

PHOTO TAKEN BY: OFC. R. DECAMBRA #204

DESCRIPTION OF PHOTOS:

Below photographs depict a rectangle box positioned in the ground containing plumbing and electrical items.
<table>
<thead>
<tr>
<th>FROM: ROY</th>
<th>INIT. TO: CHENG, C.</th>
<th>INIT: KUNIMURA, I.</th>
<th>FOR: Approval</th>
<th>PLEASE: See Me</th>
</tr>
</thead>
<tbody>
<tr>
<td>INIT. TO: CHING, F.</td>
<td>MILLS, D.</td>
<td>Signature</td>
<td>Review &amp; Comment</td>
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</tr>
<tr>
<td>CHONG, R.</td>
<td>OHYE, L.</td>
<td>Information</td>
<td>Take Action</td>
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<tr>
<td>DANBARA, S.</td>
<td>OHYE, M.</td>
<td>Type Draft</td>
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<tr>
<td>ENGLAND, D.</td>
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<td>FUJI, N.</td>
<td>SAKODA, E.</td>
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<td>HARDY, R.</td>
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<td>ICE, C.</td>
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<td>YODA, K.</td>
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<tr>
<td>KIMURA, J.</td>
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</tbody>
</table>
June 29, 2009

Mr. Roy Hardy  
State of Hawaii  
Department of Land and Natural Resources  
Commission on Water Resource Management  
P. O. Box 621  
Honolulu, HI 96809

Dear Mr. Hardy:

RE: Complaint Filed Against  
Donald W. Wilbourn  
Case No. CLB 2006-147-O

The investigation of the complaint filed against Mr. Wilbourn has been completed with the following determination:

Based on a review of the information compiled in the investigation, it appears that at the instruction of Donald O'Connor, sometime in March 2005, Mr. Wilbourn constructed an irrigation well on Mr. O'Connor's property, situated at 425 Manawai Place, in Maui. According to the Professional and Vocational Licensing Division's records, Mr. Wilbourn was not licensed as a contractor at the time of the construction. As such, it appears that Mr. Wilbourn may have acted as an unlicensed contractor.

Since it appears that Mr. Wilbourn died on February 23, 2008, we will be inactivating this case and no further action will be taken by our office.
Thank you for sharing your concern with us. If you have any questions, please call me at [redacted]

Very truly yours,

Sean J. Kinilau
Investigations Manager

SJK/fn
August 5, 2008

Mr. Donald O'Connor
425 Manawai Place
Haiku, HI 96708

Dear Mr. O'Connor:

Certificate of Pump Installation Completion for Manawai-O'Connor Well
Well No. 5616-09 (TMK 2-8-003:044)

We are pleased to inform you that the Pump Installation work permitted for the Manawai-O'Connor Well (Well No. 5616-09) is complete and acceptable and welcome you as a new member to the community of well owners and groundwater users in Hawaii. This certificate of pump installation completion allows you to commence 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 prior to the change.

4. In the event the benchmark in the concrete base of the well is altered in any way, an updated version of the Well Elevation page of the Well Completion Report Part I shall be submitted to the Commission. If a licensed surveyor had estimated the original benchmark elevation then a licensed surveyor must establish the new benchmark elevation. The Well Elevation portion of the Well Completion Report Part I can be obtained by contacting Commission staff or at www.hawaii.gov/dlnr/cwrm/forms.htm.
5. Your approved pump has a capacity of 13 gpm at a head of 240 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 an annual basis, on forms provided by the Chairperson (attached), in accordance with §13-168-7, HAR. Blank water use report forms are also available at www.hawaii.gov/dlnr/cwrm/resources_permits.htm

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.

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 [redacted] or toll-free at [redacted] (Maui), extension 70218.

Sincerely,

KEN C. KAWAHARA, P.E.
Deputy Director

Encl: Water Use Report Forms

C: Maui Department of Water Supply
Derrick’s Well Drilling and Pump Services, LLC.
August 5, 2008

Mr. Donald O'Connor
425 Manawai Place
Haiku, HI 96708

Dear Mr. O'Connor:

Certificate of Well Construction Completion for Well No. 5616-09 (TMK 2-8-003:044)

We are pleased to inform you that the Well Construction work permitted for the Manawai-O'Connor Well (Well No. 5616-09) is complete and acceptable and welcome you as a new member to the community of well owners and groundwater users in Hawaii.

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

1. Before this well can be pumped on a regular basis, a certificate of pump installation completion must be obtained.
2. If the well is not in use it must be properly capped.
3. 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.
4. In the event that the well operator and/or landowner changes, the Commission shall be notified prior to the change.
5. In the event the benchmark in the concrete base of the well is altered in any way, an updated version of the Well Elevation page of the Well Completion Report Part I shall be submitted to the Commission. If a licensed surveyor had estimated the original benchmark elevation then a licensed surveyor must establish the new benchmark elevation. The Well Elevation portion of the Well Completion Report Part I can be obtained by contacting Commission staff or at www.hawaii.gov/dlnr/cwrm/forms.htm.

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 or toll-free at (Hawaii) or (Maui), extension 70218.

Sincerely,

KEN C. KAWAHARA, P.E.
Deputy Director

Cl:ss

c: Maui Department of Water Supply
Derrick’s Drilling and Pump Services, LLC
August 5, 2008

Mr. Derrick Moreira
Derrick's Well Drilling and Pump Services, LLC
P.O. Box 2187
Keaau, HI 96749

Dear Mr. Moreira:

Well Completion Report Part II for Well No. 5616-09

We received your Well Completion Report Part II for the Manawai-O'Connor Well (Well No. 5616-09) on July 11, 2008 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 [phone number] or toll-free at [phone number] (Hawaii) or [phone number] (Maui), extension 70218.

Sincerely,

KEN C. KAWAHARA, P.E.
Deputy Director

cc: Donald O'Connor
August 5, 2008

Mr. Derrick Moreira
Derrick’s Well Drilling and Pump Services, LLC
P.O. Box 2187
Keaau, HI 96749

Dear Mr. Moreira:

Well Completion Report Part I for Well No. 5616-09

We received your Well Completion Report Part I for the Manawai-O’Connor Well (Well No. 5616-09) on July 11, 2008 and acknowledge that it is complete.

This completes your obligation under the well construction permit. A certificate of well construction completion will be issued to the well operator/landowner and you will receive a copy. This certificate transfers responsibility of specific 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 [redacted] or toll-free at [redacted] (Hawaii) or [redacted] (Maui), extension 70218.

Sincerely,

KEN C. KAWAHARA, P.E.
Deputy Director

C: ss

C: Donald O’Connor
**WCR 2 Check for Well No. 5616-09** (survey to regulation memo)

1. **Pump Tests Check** (special condition of PIP? Yes/No)  
   D. England  
   Yes | No | **If no, describe deficiency**  
   --- | --- | ---  
   | |  
   **Step-Drawdown Test:**  
   followed WCPI Stds analysis attached ☐ | ☐ | ☐  
   | |  
   Aquifer Pump Test:  
   followed WCPI Stds T & S analysis attached ☐ | ☐ | ☐<70 gpm no test required  
   | |  
   Potential Well Interference: ☐ | ☐ |  
   | |  
   Potential Stream Impacts: ☐ | ☐ | stream names:  
   | |  
   Additional Testing or Data Required: ☐ | ☐ |  
   | |  
   Pump Test Comments Attached: ☐ | ☐ |  
   | |  
   Proposed Pump Capacity is OK.: ☐ | ☐ |  

2. **Pump Installation Check**  
   Mitch Ohye  
   R. Torres  
   Yes | No | **If no, describe deficiency**  
   --- | --- | ---  
   | |  
   data complete followed Special Cond & Elev. well database updated ☐ | ☐ | ☐  
   | |  

3. Charley/ Denise/Ryan (initial) take action based on above analysis  
   ATTACHMENTS FOR ACCEPTANCE:  
   1WCR2 ACCEPTANCE LETTER ☑  
   2PUMP INST. COMPLETION CERTIFICATE ☑  
   3METER INSTALL. REPORT (IF NECESSARY) ☑  
   4WUR FORM(if necessary) ☑  
   5USGS MAP UPDATED ☑  
   6PARCEL CHECK ☑  
   7WELL DATABASE INPUT CHECK ☑  
   8GLENIN'S PUMP TEST WORKSHEET ☑  
   9PUMP ALL-BUILT CHECK PRINT. ☑  
   | |  
   To be sent to driller  
   To be sent to landowner/operator  
   Staff internal checks  

4. Roy (initial) check(Entered WCR 2/PICC accept date into database)  

5. Susan Hoagbin (initial) finalize  

6. Ken (initial) signature  

7. Faith Ching (initial) enter into WUR database  

8. Charley/ Denise/Ryan File
1. State Well No.: 5616-09 Well Name: O'Connor Well Island: Maui
2. Address: 425 Manawai Place, Haiku, Maui Tax Map Key: 2-8-003:044
3. Pump Installation Company: Derrick's Well Drilling & Pump Services, LLC
4. Date Pump Installed: June 24, 2008
5. PERMANENT PUMP INFORMATION
   - Pump Type, Make, Serial No.: Goulds, 13GS10412L, M0408502
   - Rated Capacity: 13 gpm at head of: 240 ft.
   - Motor Type, H.P., Voltage, rpm: Franklin, 1 HP, 230V, 3450RPM
   - Pump type (check one): [ ] Deep Well Turbine [ ] Rotary
   [ ] Rotary-Displacement [ ] Propeller [ ] Reciprocating
   [ ] Rotary-Gear [ ] Impulse
6. Method of flow measurement:
   - [ ] Flowmeter Manufacturer: DLJ Model no.: 005708 Size: 1 ½"
   - [ ] 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: Donald O'Connor Contact: Donald O'Connor
    Address: P.O. Box 93 Puunene, HI 96784 Phone: [ ] Fax: 808-573-4992
11. Land Owner Company: Same Contact: Same
    Address: Same Phone: Same Fax: Same
12. Remarks

Pump Installation Contractor (print): Derrick Moreira C-57/C-57a/A Lic. No.: C-28001
Signature: [Signature] Date: 6/27/08
Bench mark elevation surveyed to nearest 0.01 ft. = 200.6 ft. mean sea level

Chase tube depth = 210 ft. (referenced to bench mark)

Pump intake depth = 211.1 ft.

If airline installed, bottom of airline elevation = 210 ft. mean sea level
Attach photos of completed well and concrete pad

NAD83:
Latitude: degrees 16 min 703 sec
Longitude: 20 degrees 56 min 223 sec

SKETCH OF WELL LOCATION
(Referenced to permanent landmark, i.e. building, road, fence, etc.)
Provide Latitude and Longitude of well referenced to NAD83 to nearest second
MEMO and ROUTE SLIP (ver. 07/03/2008) 07/21/08

WCR 1 Check for Well No. 5616-09 (survey to regulation memo)

1. **Pump Tests Check**
   - Diane England (initial)
   - Check for Well No. 5616-09
   - Analysis attached
   - <70 gpm no test required

<table>
<thead>
<tr>
<th>Step-Drawdown Test: followed WCPI Stds</th>
<th>Yes</th>
<th>No</th>
</tr>
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<tbody>
<tr>
<td>&lt;70 gpm no test required</td>
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</table>

<table>
<thead>
<tr>
<th>Constant Rate Test: followed WCPI Stds</th>
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<th>No</th>
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<tbody>
<tr>
<td>&lt;50 gpm no test required</td>
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<tr>
<th>Potential Well Interference:</th>
<th>Yes</th>
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<tr>
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<table>
<thead>
<tr>
<th>Potential Stream Impacts:</th>
<th>Yes</th>
<th>No</th>
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<tr>
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</table>

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<tr>
<th>Additional Testing or Data Required:</th>
<th>Yes</th>
<th>No</th>
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<tr>
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<tr>
<th>Pump Test Comments Attached:</th>
<th>Yes</th>
<th>No</th>
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<table>
<thead>
<tr>
<th>Proposed Pump Capacity is OK:</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>

2. **Well Log Check**
   - Geology Code for Well index:
   - Fm Name: 
   - D. England (initial)

3. **Construction Check**
   - Mitch Ohye (initial)
   - R. Torres (initial)

<table>
<thead>
<tr>
<th>data complete</th>
<th>Yes</th>
<th>No</th>
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</thead>
<tbody>
<tr>
<td>followed Special Cond &amp; elevations</td>
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<tr>
<td>well database updated</td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>If no, describe deficiency</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Latitude</td>
<td></td>
</tr>
<tr>
<td>Longitdue</td>
<td></td>
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</tbody>
</table>

   | NAD27 | Latitude |
   | NAD83 | Longitude |

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

   ATTACHMENTS FOR PUMP INSTALLATION PERMIT (2x):
   - COVER LETTER
   - COUNTY COMMENTS (DWS/SMA)
   - DOH COMMENTS
   - DLNR COMMENTS (LD/OCC/DPH)
   - WCR 1 Accept
   - 6WELL CONST. COMPLETION CERTIFICATE
   - USGS MAP UPDATED
   - PARCEL CHECK
   - SWELL DATABASE INPUT CHECK
   - GLENN'S PUMP TEST WORKSHEET
   - WELL BASED CHECK PRINT

   not necessary – only WCP or BOTH.

   To be sent to driller/pump installer

   To Landowner

   Staff internal checks

5. Roy (initial) check (Entered WCR 1/WCCC accept date into database)
6. Susan Hoagbin (initial) finalize
7. Ken (initial) signature
8. Mitch (initial) signature (Entered PIP issue date if attached/required)
9. Charley/Denise/Ryan File
State of Hawaii  
COMMISSION ON WATER RESOURCE MANAGEMENT  
Department of Land and Natural Resources  
WELL COMPLETION REPORT - PART I  
Well Construction

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

1. State Well No.: 5619-09  
2. Well Name: O'Connor Well  
3. Island: Maui

4. Tax Map Key: 2-8-003-044

5. Drilling Company: Derrick's Well Drilling & Pump Services LLC

6. Drilling method used during construction:  
   - ☐ Rotary  
   - ☐ Percussion  
   - ☐ Other (describe)

7. Date Well Construction (drilled, cased, grouted) completed:  

8. Was the subject well cored?  
   - ☑ Yes  
   - ☐ No

9. Step-Drawdown Test completed?  
   - ☐ No  
   - ☑ Yes  

10. Constant Rate Aquifer Test completed?  
    - ☐ No  
    - ☑ Yes

11. Water Level Data:

<table>
<thead>
<tr>
<th>Reference point elevation</th>
<th>Depth to water (feet)</th>
<th>Water Level ft. above mean sea level (see note below)</th>
<th>Date/time of measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground = 200 ft. msl</td>
<td>165</td>
<td>35</td>
<td>6/24 12:43p</td>
</tr>
<tr>
<td>Ground = 200 ft. msl</td>
<td>165</td>
<td>35</td>
<td>6/24 2:35p</td>
</tr>
</tbody>
</table>

12. As-built section filled in completely  
   - ☑

13. Photograph of well and concrete pad showing benchmark on concrete pad attached  
   - ☑

14. GPS coordinates provided in degrees, minutes, seconds  
   - ☑

15. If a pump is not planned to be installed, please describe (below in the remarks section) how well is secured to prevent unauthorized access (example: lockable cover, threaded coupling, etc.)

   Well drilled by another contractor. We removed the old casing and installed new steel

16. Remarks:  
   - Casing, gravel pack, grouted well and installed pump.

Licensed Driller (print): Derrick Moreira  
C-57 Lic. No.: C-28001

Signature:  

Date: June 27, 2008
12. AS-BUILT **LL SECTION** (Please attach as-built if different diagram provided below)

- Elevation at top of casing: 201 ft., msl*
- Hole Diameter: 10 in.
- Minimum of 2' Radius & 4" Thick Concrete Pad

- Bench mark elevation:
  - 200.6 ft., msl*
  - (Surveyed to nearest 0.01 ft.)
  - (Estimated)

- Cement Grout: 125 ft.
  - (min. 70% of distance from ground elevation to top of water surface or 500 ft., whichever is less.)

- Rock or Gravel Packing
  - 104 ft.
  - Material: Crushed Basalt
  - Rounded Gravel

- Water Level Elevation:
  - 35 ft., msl*
  - (Item 11 from page 1)

- Solid Casing: (≥ 90% x (Ground Elev.-Water Level Elev.))
  - Length: 120 ft.
  - Nominal Diameter: 4 in.
  - Wall Thickness: ASTM A53 Galv. 237 in.
  - Bottom Elevation: 11 ft., msl*

- Open Casing:
  - Length: 42 ft.
  - Nominal Diameter: 4 in.
  - Wall Thickness: ASTM A53 Galv. 237 in.
  - Bottom Elevation: -31 ft., msl*

- Open Hole:
  - Length: n/a ft.
  - Diameter: _______________ in.
  - Bottom Elevation: _______________ ft., msl*

**Solid Casing Material:**
- Carbon Steel: compliant with (check one or more):
  - ANSI/AWWA C200
  - API Spec. 5L
  - ASTM A53
  - ASTM A139
  - And compliant with (check one or more):
    - ASTM A242 or A866
    - Type E
    - Type S
    - Grade B
    - Other
- Stainless Steel: (check one):
  - ASTM A409 (production wells)
  - ASTM A312 (monitor wells)
- ABS Plastic: conforming to ASTM F480 and ASTM D1527: (check one)
  - Schedule 40
  - Schedule 80
- PVC Plastic: conforming to ASTM F480 and (ASTM D1785 or ASTM D2241): (check one)
  - Schedule 40
  - Schedule 80
  - Schedule 120
- Thermoset Plastic: (check one)
  - Filament Wound Resin Pipe conforming to ASTM D2996
  - Centrifugally Cast Resin Pipe conforming to ASTM D2997
  - Reinforced Plastic Mortar Pressure Pipe conforming to ASTM D3517
  - Glass Fiber Reinforced Resin Pressure Pipe conforming to AWWA C950
  - PTFE Fluorocarbon Tubing conforming to ASTM D3296
  - FEP Fluorocarbon Tubing conforming to ASTM D3296

**Open Casing Material:**
- Carbon Steel: compliant with (check one or more):
  - ANSI/AWWA C200
  - API Spec. 5L
  - ASTM A53
  - ASTM A139
  - And compliant with (check one or more):
    - ASTM A242 or A866
    - Type E
    - Type S
    - Grade B
    - Other
- Stainless Steel: (check one):
  - ASTM A409 (production wells)
  - ASTM A312 (monitor wells)
- ABS Plastic: conforming to ASTM F480 and ASTM D1527: (check one)
  - Schedule 40
  - Schedule 80
- PVC Plastic: conforming to ASTM F480 and (ASTM D1785 or ASTM D2241): (check one)
  - Schedule 40
  - Schedule 80
  - Schedule 120
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  - Filament Wound Resin Pipe conforming to ASTM D2996
  - Centrifugally Cast Resin Pipe conforming to ASTM D2997
  - Reinforced Plastic Mortar Pressure Pipe conforming to ASTM D3517
  - Glass Fiber Reinforced Resin Pressure Pipe conforming to AWWA C950
  - PTFE Fluorocarbon Tubing conforming to ASTM D3296
  - FEP Fluorocarbon Tubing conforming to ASTM D3296

*msl = mean sea level*
# COMMISSION ON WATER RESOURCE MANAGEMENT

**FROM:** ROY  
**DATE:** MAR 20 2008  
**SUSPENSE DATE:**

<table>
<thead>
<tr>
<th>TO:</th>
<th>INIT.</th>
<th>TO:</th>
<th>INIT.</th>
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<tbody>
<tr>
<td>C. CHENG</td>
<td></td>
<td>KIMURA, J.</td>
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<td>F. CHING</td>
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<td>KUNIMURA, I.</td>
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<tr>
<td>R. CHONG</td>
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<td>S. DANBARA</td>
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<tr>
<td>D. ENGLAND</td>
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<tr>
<td>N. FUJI</td>
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<td>OSHIRO, K.</td>
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<tr>
<td>R. HARDY</td>
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<td>SAKODA, E.</td>
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<tr>
<td>S. HOAGBIN</td>
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<td>SWANSON, S.</td>
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<tr>
<td>C. ICE</td>
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<td>UYENO, D.</td>
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<tr>
<td>R. IMATA</td>
<td></td>
<td>YODA, K.</td>
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<tr>
<td>K. KAWAHARA</td>
<td></td>
<td>YOSHINAGA, M.</td>
<td></td>
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</tbody>
</table>

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

**Please:**  
- Approval  
- Signature  
- Information
WELL CONSTRUCTION PERMIT

Manawai-O'Connor Well, Well No. 5616-09

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

In accordance with Department of Land and Natural Resources, Commission on Water Resource Management's Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", this document permits the construction and testing of Manawai-O'Connor Well (Well No. 5616-09) at TMK 2-8-003:044, Maui, subject to the Hawaii Well Construction & Pump Installation Standards (HWCPIS - February 2004) which include but are not limited to the following conditions:

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

2. This permit shall be prominently displayed, or made available, at the site of construction work until work is completed.

3. The well construction permit shall be for construction and testing of the well only. The permittee shall coordinate with the Chairperson and conduct a pumping test in accordance with the HWCPIS (the latest pump test worksheet can be obtained by contacting Commission staff or at www.hawaii.gov/dler/cwrml/forms.htm). The permittee shall submit to the Chairperson the test results as a basis for supporting an application to install a permanent pump. No permanent pump may be installed until a pump installation permit is approved and issued by the Chairperson. No withdrawal of water shall be made for purposes other than testing without a Certificate of Pump Installation Completion. The permitted pump capacity described on the pump installation permit may be reduced in the event that the pump test does not support the capacity.

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

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

6. In the event that historically significant remains such as artifacts, burials or concentrations of shells or charcoal are encountered during construction, the permittee shall stop work and immediately contact the Department of Land and Natural Resources' State Historic Preservation Division. Work may recommence only after written concurrence by the State Historic Preservation Division.

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

8. The Well Completion Report Part I shall be submitted to the Chairperson within sixty (60) days after completion of work (please contact staff or visit www.hawaii.gov/dler/cwrml/forms.htm for current form).

9. The permittee shall comply with all applicable laws, rules, and ordinances; non-compliance may be grounds for revocation of this permit.

10. The well construction permit application and any related staff submittal approved by the Commission are incorporated into this permit by reference. This permit is also subject to the HWCPIS. If the HWCPIS are not followed and as a consequence water is wasted or contaminated, a lien on the property may result. Any variances from the HWCPIS shall be approved by the Chairperson prior to incurring the variance.

11. The work proposed in the well construction permit application shall be completed within two (2) years from the date of permit approval, unless otherwise specified. The permit may be extended by the Chairperson upon a showing of good cause and good-faith performance. A request to extend the permit shall be submitted to the Chairperson no later than the date the permit expires.

12. If the well is not to be used it must be properly capped. If the well is to be abandoned during the course of the project then the permittee must apply for a well abandonment permit in accordance with §13-168-12(p) prior to any well scaling or plugging work.

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

14. This permit shall apply to the location shown on the application only. If the well is to be relocated, the permittee shall apply for a new well construction/pump installation permit in accordance with Hawaii Administrative Rules §13-168-12(f).

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

Date of Approval: March 4, 2008
Expiration Date: March 4, 2010

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed and understand that I shall not commence work until I have signed, dated, and returned the permit to the Commission. I understand that this permit is not to be transferred to any other entity. I also understand that non-compliance with any permit condition may be grounds for revocation and fines of up to $5,000 per day starting from the permit date of approval.

Driller's Signature: __________________________ C-57 License #: C-28001 Date: 3-18-08
Printed Name: Derrick Moreira Firm or Title: Derrick's Well Drilling

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

Attachment
PUMP INSTALLATION PERMIT
Manawai-O'Connor Well, Well No. 5616-09

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

In accordance with Department of Land and Natural Resources, Commission on Water Resource Management's Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", this document permits the pump installation for Manawai-O'Connor Well (Well No. 5616-09) at TMK 2-8-003:044, Maui, subject to the Hawaii Well Construction & Pump Installation Standards (HWCPIS - February 2004) which include but are not limited to the following conditions:

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

2. No withdrawal of water shall be made other than for testing until a Certificate of Pump Installation Completion has been issued by the Commission.

3. This permit shall be prominently displayed, or made available, at the site of construction work until work is completed.

4. The pump installation permit shall be for installation of a 15 gpm rated capacity, or less, pump in the well. This permanent capacity may be reduced in the event that the pump test data does not support the capacity.

5. A water-level measurement access shall be permanently installed, in a manner acceptable to the Chairperson, to accurately record water levels.

6. The permittee shall install an approved meter or other appropriate means for measuring and reporting withdrawals and appropriate devices or means for measuring chlorides and temperature at the well head.

7. Well Completion Report Part II shall be submitted to the Chairperson within 60 days after completion of work. This form can be obtained by contacting staff or on the internet at www.hawaii.gov/dlnr/cwrm.

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

9. The pump installation permit application and any related staff submittal approved by the Commission are incorporated into this permit by reference. This permit is also subject to the HWCPIS. If the HWCPIS are not followed and as a consequence water is wasted or contaminated, a lien on the property may result. Any variances from the HWCPIS shall be approved by the Chairperson prior to invoking the variance.

10. The work proposed in the pump installation permit application shall be completed within two (2) years from the date of permit approval, unless otherwise specified. The permit may be extended by the Chairperson upon a showing of good cause and good-faith performance. A request to extend the permit shall be submitted to the Chairperson no later than the date the permit expires.

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

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

Date of Approval: March 4, 2008
Expiration Date: March 4, 2010

LAURA H. THIELEN, Chairperson
Commission on Water Resource Management

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed and understand that I shall not commence work until I and the pump installer have signed, dated, and returned the permit to the Commission. I understand that this permit is not to be transferred to any other entity. I also understand that non-compliance with any permit condition may be grounds for revocation and fines of up to $5,000 per day starting from the permit date of approval.

Installer's Signature: Derrick Moreira C-57, C-57a, or A License #: C-28001 Date: 3/18/08
Printed Name: Derrick Moreira Firm or Title: Derrick's Well Drilling

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

Attachments
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To: Charley Ice – CWRM  
From: Cynthia  
Date: March 6, 2008  
Pages: 3

Re: O'Connor Well

MESSAGE:

Charley,

Thank You for your quick response. Here are the signed copies.

Again, Thank You,

Cynthia
PUMP INSTALLATION PERMIT

Manawai-O'Connor Well, Well No. 5616-09

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

In accordance with Department of Land and Natural Resources, Commission on Water Resource Management's Administrative Rules, Section 13-16A, entitled "Water Use, Wells, and Stream Diversion Works," this document permits the pump installation for Manawai-O'Connor Well (Well No. 5616-09) at TMK 2-8-003-044, Maui, subject to the Hawaii Wall Construction & Pump Installation Standards (IWCPIS - February 2004) which include but are not limited to the following conditions:

1. The Chairperson to the Commission on Water Resource Management (Commission), P.O. Box 621, Honolulu, HI 96809, shall be notified in writing, at least two (2) weeks before any work covered by this permit commences and staff shall be allowed to inspect installation activities in accordance with §13-16A-15, Hawaii Administrative Rules.

2. No withdrawal of water shall be made other than for testing until a Certificate of Pump Installation Completion has been issued by the Commission.

3. This permit shall be prominently displayed, or made available, at the site of construction: work until work is completed.

4. The pump installation permit shall be for installation of a 15 gpm rated capacity, or less, pump in the well. This permanent capacity may be reduced in the event that the pump test data does not support the capacity.

5. A water-level measurement device shall be permanently installed, in a manner acceptable to the Chairperson, to accurately record water levels.

6. The permittee shall install an approved meter or other appropriate means for measuring and reporting withdrawals and appropriate devices or means for measuring chlorides and temperature at the well head.

7. Well Completion Report Part II shall be submitted to the Chairperson within 60 days after completion of work. This form can be obtained by contacting staff or on the internet at www.dlnr.hawaii.gov/permitform.

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

9. The pump installation permit application and any related staff submitted approved by the Commission are incorporated into this permit by reference. This permit is also subject to the HWCPIS. If the HWCPIS are not followed and as a consequence water is wasted or contaminated, a lien on the property may result. Any variances from the HWCPIS shall be approved by the Chairperson prior to invoking the variance.

10. The work proposed in the pump installation permit application shall be completed within two (2) years from the date of permit approval, unless otherwise specified. The permit may be extended by the Chairperson upon a showing of good cause and good-faith performance. A request to extend the permit shall be submitted to the Chairperson no later than the date the permit expires.

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

12. Special conditions in the attached cover transmit card letter are incorporated herein by reference.

Date of Approval: March 4, 2008
Expiration Date: March 4, 2010

[Signature]
LAURA H. THIELLEN, Chairperson
Commission on Water Resource Management

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed and understand that I shall not commence work until I and the pump installer have signed, dated, and returned the permit to the Commission. I understand that this permit is not to be transferred to any other entity. I also understand that non-compliance with any permit condition may be grounds for revocation and fines of up to $5,000 per day starting from the permit date of approval.

Installer's Signature: Derrick Moreira
C-57, C-57a, or A License # C-28001
Date: 06/10/08

Printed Name: Derrick Moreira
Firm or Title: Derrick's Well Drilling

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

Attachments
WELL CONSTRUCTION PERMIT

Manawai-O'Connor Well, Well No. 5616-09

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

In accordance with Department of Land and Natural Resources, Commission on Water Resource Management's Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", this document permits the construction and testing of Manawai-O'Connor Well (Well No. 5616-09) at TMK 2-5-003-044, Maui, subject to the Hawaii Well Construction & Pump Installation Standards (HWCPIS - February 2004) which include but are not limited to the following conditions:

1. The Chairman of the Commission on Water Resource Management (Commission), P.O. Box 621, Honolulu, HI 96817, shall be notified, in writing, at least two (2) weeks before any work authorized by this permit commences and work shall be allowed to proceed only in accordance with these Rules.

2. This permit shall be permanently displayed, or made available, at the site of construction work until it is completed.

3. The well construction permit shall be for construction and testing of the well only. The permittee shall coordinate with the Chairperson and conduct a pumping test in accordance with the HWCPIS (the latest pump test worksheet can be obtained by contacting Commission staff or at www.hawaii.gov/water/permisstions.html). The permittee shall submit the Chairperson the test results as a basis for supporting an application to install a permanent pump. No permanent pump may be installed until a pump installation permit is approved and issued by the Chairperson. No withdrawal of water shall be made for purposes other than testing without a Certificate of Pump Installation Completion. The permitted pump capacity described on the pump installation permit may be reduced in the event the pump test does not support the capacity.

4. In the event that groundwater, the depth of the well may not exceed one-fourth (1/4) of the theoretical thickness of the basement at the mouth of the well unless otherwise authorized by the Chairperson.

5. The permittee shall incorporate mitigation measures to prevent construction debris from entering the aquatic environment, to schedule work to avoid periods of high rainfall, and to negotiate any needed area as soon as possible.

6. In the event that reasonably significant impacts such as artificial beaches or concentrations of debris are encountered during construction, the permittee shall stop work and immediately contact the Department of Land and Natural Resources, State Historic Preservation Division. Work may recommence only after written approval by the Chairperson.

7. The proposed well construction shall not adversely affect existing or future legal uses of water in the area, including any surface water or established streamflow standards. This permit is the authorization to construct the well shall not constitute a determination that cumulative water rights are not affected.

8. The Well Completion Report Part I shall be submitted to the Chairperson within thirty (30) days after completion of work (please contact staff or visit www.hawaii.gov/water/permisstions.html for current form). The permittee shall provide all applicable data, rules, and ordinances. Non-compliance may be grounds for revocation of this permit.

9. The permittee shall comply with all applicable laws, rules, and ordinances; non-compliance may be grounds for revocation of this permit.

10. The well construction permit shall be accompanied by any related staff submittal approved by the Commission. This permit is also subject to the HWCPIS. If the HWCPIS are not followed and as a consequence water is wasted or contaminated, a lien on the property may result.

11. The work proposed in the well construction permit application shall be completed within two (2) years from the date of the permit approval, unless otherwise specified. The permittee may be advised by the Chairperson upon a showing of good cause and good faith performance. A request to extend the period shall be submitted to the Chairperson no later than the date the permit expires.

12. If the well is not to be used it must be properly capped. If the well is to be abandoned during the course of the project the permittee may apply for a well abandonment permit in accordance with §13-168-12 (2) prior to any well sealing or plugging work.

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

14. This permit shall apply to the location shown on the application. If the well is to be relocated, the permittee shall apply for a new well construction/pump installation permit in accordance with Hawaii Administrative Rules §13-168-12(6).

15. Special conditions in the attached water transmittal letter are incorporated herein by reference.

Date of Approval: March 4, 2008
Expiration Date: March 4, 2010

I, have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed and understand that I shall not commence work until I have signed, dated, and returned the permit to the Commissioner. I understand that this permit is not to be transferred to any other entity. I also understand that non-compliance with any permit condition may be grounds for revocation and fines of up to $5,000 per day starting from the permit date of approval.

Driller's Signature: Derrick Moreira
C-57 License #: C-28001
Date: 3/1/08

Printed Name: Derrick Moreira
Permit or Title: Derrick's Well Drilling

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

Attachment
March 4, 2008

Enclosed are two (2) copies of your approved Well Construction Permit Extension for the captioned well with the new driller, Derrick Moreira, who replaces Mel Lima, who withdrew from the original permit. This authorizes well construction activities but excludes installation work for a permanent pump. As part of the Chairperson's approval, the following special conditions were added and are part of your permit under Permit Condition 13:

**Special Conditions**

1. None

Please refer to the Permit Processes Worksheet (transmitted with your acknowledgement letter) for further information regarding the process of drilling a well and installing a pump.

No withdrawal of water shall be made other than for testing purposes until a certificate of pump installation completion has been issued by the Commission.

Please sign both permit originals and return one for our files. For copies of the aquifer pump test worksheet, please call staff or visit www.state.hi.us/dlnr/cwnm/forms.htm.

**IMPORTANT** - Drilling work shall not commence until a fully signed permit is returned to the Commission. The permit shall be prominently displayed or made available at the construction site during construction. Be advised that you may be subject to fines of up to $5,000 per day for any violations of your permit conditions starting from the permit approval date.

If you have any questions, please call Charley Ice of the Commission staff at [Redacted]

Sincerely,

[Signature]

LAURA H. THIELEN
Chairperson

Enclosures

c: Donald O'Connor
   USGS
   Maui DWS
WELL CONSTRUCTION PERMIT
Manawai-O'Connor Well, Well No. 5616-09

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

In accordance with Department of Land and Natural Resources, Commission on Water Resource Management's Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", this document permits the construction and testing of Manawai-O'Connor Well (Well No. 5616-09) at TMK 2-8-003:044, Maui, subject to the Hawaii Well Construction & Pump Installation Standards (HWCPIS - February 2004) which include but are not limited to the following conditions:

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

2. This permit shall be prominently displayed, or made available, at the site of construction work until work is completed.

3. The well construction permit shall be for construction and testing of the well only. The permittee shall coordinate with the Chairperson and conduct a pumping test in accordance with the HWCPIS (the latest pump test worksheet can be obtained by contacting Commission staff or at www.hawaii.gov/dlr/cwrm/forms.htm). The permittee shall submit to the Chairperson the test results as a basis for supporting an application to install a permanent pump. No permanent pump may be installed until a pump installation permit is approved and issued by the Chairperson. No withdrawal of water shall be made for purposes other than testing without a Certificate of Pump Installation Completion. The permitted pump capacity described on the pump installation permit may be reduced in the event that the pump test does not support the capacity.

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

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

6. In the event that historically significant remains such as artifacts, burials or concentrations of shells or charcoal are encountered during construction, the permittee shall stop work and immediately contact the Department of Land and Natural Resources' State Historic Preservation Division. Work may recommence only after written concurrence by the State Historic Preservation Division.

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

8. The Well Completion Report Part 1 shall be submitted to the Chairperson within sixty (60) days after completion of work (please contact staff or visit www.hawaii.gov/dlr/cwrm/forms.htm for current form).

9. The permittee shall comply with all applicable laws, rules, and ordinances; non-compliance may be grounds for revocation of this permit.

10. The well construction permit application and any related staff submittal approved by the Commission are incorporated into this permit by reference. This permit is also subject to the HWCPIS. If the HWCPIS are not followed and as a consequence water is wasted or contaminated, a lien on the property may result. Any variances from the HWCPIS shall be approved by the Chairperson prior to invoking the variance.

11. The work proposed in the well construction permit application shall be completed within two (2) years from the date of permit approval, unless otherwise specified. The permit may be extended by the Chairperson upon a showing of good cause and good-faith performance. A request to extend the permit shall be submitted to the Chairperson no later than the date the permit expires.

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

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

14. This permit shall apply to the location shown on the application only. If the well is to be relocated, the permittee shall apply for a new well construction/pump installation permit in accordance with Hawaii Administrative Rules §13-168-12(f).

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

Date of Approval: March 4, 2008
Expiration Date: March 4, 2010

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed and understand that I shall not commence work until I have signed, dated, and returned the permit to the Commission. I understand that this permit is not to be transferred to any other entity. I also understand that non-compliance with any permit condition may be grounds for revocation and fines of up to $5,000 per day starting from the permit date of approval.

Driller's Signature: ____________________________ C-57 License #: ____________________________ Date: ____________________________

Printed Name: Derrick Moreira Firm or Title: Derrick's Well Drilling

Please sign both copies of this permit, return one to the Chairperson, and retain the other for your records.
March 4, 2008

Ref: 5616-09.pip

Mr. Derrick Moreira
Derrick's Well Drilling
15-2005 29th Avenue
Keaau, HI 96749

Dear Mr. Moreira:

Pump Installation Permit Extension
Manawai-O'Connor Well (Well No. 5616-09)

Enclosed are two (2) copies of your approved Well Construction Permit Extension for the captioned well with the new driller, Derrick Moreira, who replaces Mel Lima, who withdrew from the original permit. This authorizes permanent pump installation work for your well. As part of the Chairperson's approval, the following special conditions were added and are part of your permit under Permit Condition 11:

Special Conditions

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

The permittee is responsible for all conditions of the permit. This includes ensuring the submission of a completed Well Completion Report Part II form within sixty (60) days after the pump installation work is completed. Be advised that you may be subject to fines of up to $5,000 per day for any violations of your permit conditions starting from the permit approval date.

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

IMPORTANT - Pump installation shall not commence until a fully signed permit is returned to the Commission.

If you have any questions, please call Charley Ice of the Commission staff at [redacted].

Sincerely,

[Signature]
LAURA H. THIELLEN
Chairperson

Enclosure
c: Donald O'Connor
USGS
Maui DWS
PUMP INSTALLATION PERMIT
Manawai-O'Connor Well, Well No. 5616-09

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

In accordance with Department of Land and Natural Resources, Commission on Water Resource Management's Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", this document permits the pump installation for Manawai-O'Connor Well (Well No. 5616-09) at TMK 2-8-003:044, Maui, subject to the Hawaii Well Construction & Pump Installation Standards (HWCPIS - February 2004) which include but are not limited to the following conditions:

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

2. No withdrawal of water shall be made other than for testing until a Certificate of Pump Installation Completion has been issued by the Commission.

3. This permit shall be prominently displayed, or made available, at the site of construction work until work is completed.

4. The pump installation permit shall be for installation of a 15 gpm rated capacity, or less, pump in the well. This permanent capacity may be reduced in the event that the pump test data does not support the capacity.

5. A water-level measurement access shall be permanently installed, in a manner acceptable to the Chairperson, to accurately record water levels.

6. The permittee shall install an approved meter or other appropriate means for measuring and reporting withdrawals and appropriate devices or means for measuring chlorides and temperature at the well head.

7. Well Completion Report Part II shall be submitted to the Chairperson within 60 days after completion of work. This form can be obtained by contacting staff or on the internet at www.hawaii.gov/dlnr/cwnm.

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

9. The pump installation permit application and any related staff submittal approved by the Commission are incorporated into this permit by reference. This permit is also subject to the HWCPIS. If the HWCPIS are not followed and as a consequence water is wasted or contaminated, a lien on the property may result. Any variances from the HWCPIS shall be approved by the Chairperson prior to invoking the variance.

10. The work proposed in the pump installation permit application shall be completed within two (2) years from the date of permit approval, unless otherwise specified. The permit may be extended by the Chairperson upon a showing of good cause and good-faith performance. A request to extend the permit shall be submitted to the Chairperson no later than the date the permit expires.

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

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

Date of Approval: March 4, 2008
Expiration Date: March 4, 2010

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed and understand that I shall not commence work until I and the pump installer have signed, dated, and returned the permit to the Commission. I understand that this permit is not to be transferred to any other entity. I also understand that non-compliance with any permit condition may be grounds for revocation and fines of up to $5,000 per day starting from the permit date of approval.

Installer's Signature: C-57, C-57a, or A License #: C-28001
Date: __________

Printed Name: Derrick Moreira
Firm or Title: Derrick's Well Drilling

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

Attachments
COMMISSION ON WATER RESOURCE MANAGEMENT
ROUTE SLIP FOR PERMIT ISSUANCE 5/19/05

FROM: CHARLEY
DATE: ############
SUSPENSE DATE: ________________

TO: ANAKALEA, P.
INIT: BAUER, G.

TO: KAWAHARA
INIT: KUNIMURA, I.

TO: NAKANO, D.
INIT: OHYE, M.

TO: CHING, F.
INIT: NAKAMA, L.

TO: DANBARA, S.
INIT: SAKODA, E.

TO: FUJI, N.
INIT: SAKODA, E.

TO: GOODING, K.
INIT: SUBIA, S.

TO: HARDY, R.
INIT: SUBIA, S.

TO: HIGA, D.
INIT: SAKODA, E.

TO: ICE, C.
INIT: SAKODA, E.

TO: IMATA, R.
INIT: SAKODA, E.

FOR: Approval
PUMP INSTALLATION

FOR: Information

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

WELL NUMBER 5616-09 Manawai-O'Connor

☑ WELL CONSTRUCTION
ATTACHMENTS FOR WELL CONSTRUCTION PERMIT:
1 COVER LETTER
2 PERMIT (2x)
3 SDWB
4 WWB
5 CWB
6 HEER
7 LD
8 HP
9 OCCL
10 SMA
11 WELL CHECK PRINTOUT

☑ PUMP INSTALLATION
ATTACHMENTS FOR PUMP INSTALLATION PERMIT:
1 COVER LETTER
2 PERMIT (2x)
3 SDWB
4 WWB
5 CWB
6 HEER
7 LD
8 HP
9 OCCL
10 SMA
11 GLENN'S WORKSHEET

TO BE SENT TO APPLICANT
FOR OFFICE USE ONLY

Pip too 2 √
Ref: 5616-09.wcp

Mr. Derrick Moreira
Derrick's Well Drilling
15-2005 29th Avenue
Keaau, HI 96749

Dear Mr. Moreira:

Well Construction Permit Extension
Maunawili-O'Connor Well (Well No. 5616-09)

Enclosed are two (2) copies of your approved Well Construction Permit Extension for the capped well with the new driller, Derrick Moreira, who replaces Mel Lima, who withdrew from the original permit. This authorizes well construction activities but excludes installation work for a permanent pump. As part of the Chairperson's approval, the following special conditions were added and are part of your permit under Permit Condition 13:

Special Conditions

1. None

Please refer to the Permit Processes Worksheet (transmitted with your acknowledgement letter) for further information regarding the process of drilling a well and installing a pump.

No withdrawal of water shall be made other than for testing purposes until a certificate of pump installation completion has been issued by the Commission.

Please sign both permit originals and return one for our files. For copies of the aquifer pump test worksheet, please call staff or visit www.state.hi.us/dlnr/cwrma/forms.htm.

IMPORTANT: Drilling work shall not commence until a fully signed permit is returned to the Commission. The permit shall be prominently displayed or made available at the construction site during construction. Be advised that you may be subject to fines of up to $5,000 per day for any violations of your permit conditions starting from the permit approval date.

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

Sincerely,

Laurie H. Thelen
Chairperson

Enclosures:

c: Donald O'Connor
USGS
Mas DWS
Hi Charley,

I will be flying over to Maui tomorrow, March 5, 2008. Would it be possible to get a copy of the permit to have on hand before tomorrow?

Also, if possible could we request an extension on the permit? I just came on board with this project and don’t know what to expect. I appreciate your time and consideration in this matter.

Thank You,  
Derrick Moreira

Derrick’s Well Drilling & Pump Services, LLC
STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
APPLICATION FOR A WELL CONSTRUCTION / PUMP INSTALLATION PERMIT

WELL LOCATION INFORMATION

1. STATEWIDE NO. (if applicable) 109
2. WELL NAME O'Connell Well
3. TOWN NAME Waiʻalae-Kahala
4. ISLAND Oahu
5. ZIP CODE 96816

PROPOSED WELL CONSTRUCTION

6. Well Driven Type (check all that apply)

PROPOSED PUMP INSTALLATION

7. PUMP INSTALLER (must be listed on application as a Well Construction

8. PUMP INSTALLER (must be listed on application as a Pump Installer)

OTHER LEGAL REQUIREMENTS

9. HAVE YOU HAD A CHAIN OF TITLE SEARCH DONE FROM THE DATE OF THE PERMIT APPLICATION?

10. HAVE YOU HAD A BASELINE PIN LOCATED AND SURVEYED?

NOTE: Signing below indicates that the applicant/owner understands that the information provided is accurate and true to the best of their knowledge.

FURTHER LEGAL REQUIREMENTS

11. HAVE YOU HAD A LEGAL DESCRIPTION OF THE PROPERTY WHERE THE WELL WILL BE LOCATED?

12. HAVE YOU HAD A TITLE SEARCH OF THE PROPERTY WHERE THE WELL WILL BE LOCATED?

13. HAVE YOU HAD A SURVEY OF THE PROPERTY WHERE THE WELL WILL BE LOCATED?

14. HAVE YOU HAD A WATER TEST PERFORMED ON THE PROPERTY WHERE THE WELL WILL BE LOCATED?

15. HAVE YOU HAD A GROUNDWATER MONITORING PLAN DEVELOPED FOR THE PROPERTY WHERE THE WELL WILL BE LOCATED?

16. HAVE YOU HAD A GROUNDWATER MODELING STUDY PERFORMED FOR THE PROPERTY WHERE THE WELL WILL BE LOCATED?

17. HAVE YOU HAD A GROUNDWATER MODELING STUDY PERFORMED TO DETERMINE THE IMPACT OF THE WELL ON THE NEIGHBORING PROPERTIES?

18. HAVE YOU HAD A GROUNDWATER MODELING STUDY PERFORMED TO DETERMINE THE IMPACT OF THE WELL ON THE NEIGHBORING PROPERTIES?

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50. HAVE YOU HAD A GROUNDWATER MODELING STUDY PERFORMED TO DETERMINE THE IMPACT OF THE WELL ON THE NEIGHBORING PROPERTIES?
STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
APPLICATION FOR A WELL CONSTRUCTION / PUMP INSTALLATION PERMIT

Instructions: Please print in ink or type and send completed application with attachments to the Commission on Water Resource Management, P.O. Box 612, Honolulu, Hawaii 96809. Application must be accompanied by 10 copies and a non-refundable filing fee of $28.00 payable to the Dept. of Land and Natural Resources. The Commission may not accept incomplete applications. For assistance, call the Regulatory Branch at 808-684-3283. For further information and updates to this application form, visit http://www.hawaii.gov/cwr

NAME/NUMBER : 918089827698
FAX NUMBER : 
NAME : DLNR CWRM
PAGE : 2
START TIME : MAR-03-2008 09:44 AM
ELAPSED TIME : 01'12"
MODE : STD ECM
RESULTS : [ O.K ]

WELL LOCATION INFORMATION

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<tr>
<th>STATE WELL NO (If applicable)</th>
<th>3. ISLAND</th>
<th>4. COUNTY</th>
<th>5. WELL OPERATOR'S NAME/COMPANY</th>
<th>6. LANDOWNER'S NAME/COMPANY</th>
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<td>MAUI</td>
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<td>O'CONNER W</td>
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PROPOSED WELL CONSTRUCTION

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WELL OPERATOR'S NAME/COMPANY: O'CONNER W
WELL OPERATOR'S PHONE: 977-8295
WELL OPERATOR'S EMAIL: OCONNERW@DLNR.HAWAII.GOV

For Official Use Only:

5. WELL OPERATOR'S MAILING ADDRESS

6. LANDOWNER'S MAILING ADDRESS

7. Proposed Completion Date: MAR-03-2008

8. Proposed Estimated Completion Date:

Diagram:

- State: HAWAII
- Island: MAUI
- County:
- Well Operator's Name: O'CONNER W
- Landowner's Name: 
- Address: 
- Proposed Completion Date: MAR-03-2008
- Proposed Estimated Completion Date: 

APPENDIX

14. Proposed Surveyor's name and license number (if applicable) is required for all Well Construction Permits and may be required for some Pump Installation Permits.

OTHER LEGAL REQUIREMENTS

If required, items 21 and 22 must be obtained before the Commission can legally issue a permit

1. Conservation District Use Permit (CDUP)
   - Required, CDUP? Yes
   - Number of wells approved: 1

2. Special Management Area Permit (SMAP)
   - Required, SMAP? Yes
   - Number of wells approved: 1
   - Proposed Completion Date: MAR-03-2008

3. Historic Preservation Division (HPD) of the Department of Land and Natural Resources
   - Required, HPD? Yes
   - Proposed Completion Date: MAR-03-2008

4. Additional remarks, explanations, etc. (if any additional space is needed)

NOTE: Signing below indicates that the application is complete and true to the best of the applicant's knowledge. Further, the signatures understand that upon permit approval 1) the proposed work to be completed within 120 days of the approval date; 2) the contractor shall submit to the Commission a well completion and abandonment report within 60 days after the completion date of the permitted work; 3) in the event that the applicant is not completed correctly, any permit may be suspended until the term is brought in to compliance, and any work done after the permit is in suspension may result in fees of up to $5000/day.

DLNR CWRM (Name)

PUMP INSTALLER (Must be first on the application for Pump installation)

21. WELL DRILLER (Must be the last on the application for Well Construction)
Shall we go with the submittal and withdraw if we get a 'signed' application by the driller by the CWRM date (i.e. calling his bluff?)

Charley F. Ice/DLNR/StateHiUS

FYI -- looks like he does have Derrick Moreira lined up, but nothing shows.

----- Forwarded by Charley F. Ice/DLNR/StateHiUS on 02/26/2008 09:54 AM -----

This needs immediate attention. Without apparent action, we must ask the Commission for enforcement. The March 13 meeting is on Maui -- a suitable opportunity for you to address the Commission -- and a submittal for enforcement is due Thursday.

Donald O'Connor <oconnorinc@yahoo.com>

Yes, Derrick does a faxed copy but the original is in my possession. It will be signed before work begins.

Aloha

Charley.F.Ice@hawaii.gov wrote:
Hi Charley:

As a follow up to your telecon. The casing material has been ordered and paid for. We are hoping that is being shipped today. We did get the quote for the material on 8/3/07 after numerous phone messages to the company, but we were not invoiced until 9/12/07. Shipping could not be arranged until we paid and since the quote was only per foot we did not know the total.

I will keep you informed as we progress.

Aloha

Charley.F.Ice@hawaii.gov wrote:

I have been going back over the record to identify any place we have failed to communicate with you adequately, with the intent of exhausting all conceivable remedies before going back to the Commission for further action. I thought our official letters authorizing you to proceed were clear enough, but I am taking this step to be clear with you on a small point.

Be advised we have received the licensed contractor-signed copy of the approved permit for remedial work to be done. The licensed driller should be aware that this is his signal to us that he is ready to proceed. The permit itself is the authorization for the contractor to proceed. This is not done by email, and assurances of receipt are not expected either, although sending by fax does give you machine confirmation. I want to give you this email confirmation to rule out any doubt on your part. There is nothing preventing you from proceeding as of the permit approval date (April 20, 2006). To the contrary, time is running shorter on your permit, and the threat to the aquifer continues every day of delay.

We hope to receive confirmation from your licensed driller that he has completed work as soon as possible, via the transmittal of well completion reports 1 & 2. If this is still not clear, you may prefer to address us in writing.
Hi Charley:

I mailed the original signed applications to you attention. Could you please let me know via e-mail once you receive them, as I don't want to start anything until then, thx.

Aloha

Want to be your own boss? Learn how on Yahoo! Small Business.

The fish are biting.
Get more visitors on your site using Yahoo! Search Marketing.

Choose the right car based on your needs. Check out Yahoo! Autos new Car Finder tool.

Yahoo! oneSearch: Finally, mobile search that gives answers, not web links.
Date: July 5, 2007

To: State of Hawaii DLNR
Attn: Charlie Ice

From: Donald O'Connor

Pages: 5

Subject: O'Connor Well #5616-09

Please review the following which includes, copies of the signed permits and e-mails. The signed well permit was mailed back to the State of Hawaii DLNR in early June last year (2006). I then e-mailed you to let me know when you had everything as we did not want to start until you said it was alright. Your response was “will do”. I then followed up on March 28, 2007 and your response was repeating when the permits were issued. My most recent e-mail to you was dated June 28, 2007 which I have not gotten a response on as of today.

It has been 12 months and we still have not been given the go ahead to proceed with our well.

Please advise the status of our permit.

Thank you very much.

Aloha
WELL CONSTRUCTION PERMIT

Manawai-O'Connor Well, Well No. 5616-09

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

In accordance with Department of Land and Natural Resources, Commission on Water Resource Management's Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", this document permits the construction and testing of Manawai-O'Connor Well (Well No. 5616-09) at TMM 2-5-3:44, Maui, subject to the Hawaii Well Construction & Pump Installation Standards (HWCPIS - February 2004) which include but are not limited to the following conditions:

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

2. This permit shall be prominently displayed, or made available, at the site of construction work until work is completed.

3. The well construction permit shall be for construction and testing of the well only. The permittee shall coordinate with the Chairperson and conduct a pumping test in accordance with the HWCPIS. The permittee shall submit to the Chairperson the test results as a basis for supporting an application to install a permanent pump. No permanent pump may be installed until a pump installation permit is approved and issued by the Chairperson. No withdrawal of water shall be made for purposes other than testing without a Certificate of Pump Installation Completion. The permitted pump capacity described on the pump installation permit may be reduced in the event that the pump test does not support the capacity.

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

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

6. At or near the site of construction, or at the point of discharge of water from or into a well, the permittee shall post a sign specifying the name of the company owning or operating the well, the name of the person supervising the work, and the Chairperson.

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

8. The Well Completion Report Part I shall be submitted to the Chairperson within sixty (60) days after completion of work (please contact staff or visit www.hawaii.gov/dlnr/wrm/forma.htm for current forms).

9. The permittee shall comply with all applicable laws, rules, and ordinances; non-compliance may be grounds for revocation of this permit.

10. The well construction permit application and any related staff submittal approved by the Commission shall be incorporated into this permit by reference. This permit is also subject to the HWCPIS. If the HWCPIS are not followed, use as a consequence, water is wasted or contaminated, a fine on the property may result. Any variances from the HWCPIS shall be approved by the Chairperson prior to invoking the variance.

11. The work proposed in the well construction permit application shall be completed within two (2) years from the date of permit approval, unless otherwise specified. The permit may be extended by the Chairperson upon a showing of good cause and good-faith performance. A request to extend the permit shall be submitted to the Chairperson no later than the date the permit expires.

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

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

14. This permit shall apply to the location shown on the application only. If the well is to be relocated, the permittee shall apply for a new well construction/pump installation permit in accordance with Hawaii Administrative Rules §13-168-12(f).

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

W. Roy family

Date of Approval: April 20, 2006
Expiration Date: April 20, 2008

PETER T. YOUNG, Chairperson
Commission on Water Resource Management

Driller's Signature: _______ Mel Lima _______
C-57 License #: 16254 Date: 6-8-06

Printed Name: Mel Lima Firm or Title: Mel's Water Works

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

Attachment
PUMP INSTALLATION PERMIT
Manawai-O'Connor Well, Well No. 5616-09

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

In accordance with Department of Land and Natural Resources, Commission on Water Resource Management's Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", this document permits the pump installation for Manawai-O'Connor Well (Well No. 5616-09) at TMK 2 B-3:44, Maui, subject to the Hawaii Well Construction & Pump Installation Standards (HWCPIS - February 2004) which include but are not limited to the following conditions:

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

2. No withdrawal of water shall be made other than for testing until a Certificate of Pump Installation Completion has been issued by the Commission.

3. This permit shall be prominently displayed, or made available, at the site of construction work until work is completed.

4. The pump installation permit shall be for installation of a 13 gpm rated capacity, or less, pump in the well. This permanent capacity may be reduced in the event that the pump test data does not support the capacity.

5. A water-level measurement access shall be permanently installed, in a manner acceptable to the Chairperson, to accurately record water levels.

6. The permittee shall install an approved meter or other appropriate means for measuring and reporting withdrawals and appropriate devices or means for measuring chloride and temperature at the well head.

7. Well Completion Report Part II shall be submitted to the Chairperson within 60 days after completion of work. This form can be obtained by contacting staff or on the internet at www.hawaii.gov/dlnr/cwrn.

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

9. The pump installation permit application and any related staff submittal approved by the Commission are incorporated into this permit by reference. This permit is also subject to the HWCPIS. If the HWCPIS are not followed and as a consequence water is wasted or contaminated, a lien on the property may result. Any variances from the HWCPIS shall be approved by the Chairperson prior to invoking the variance.

10. The work proposed in the pump installation permit application shall be completed within two (2) years from the date of permit approval, unless otherwise specified. The permit may be extended by the Chairperson upon a showing of good cause and good-faith performance. A request to extend the permit shall be submitted to the Chairperson no later than the date the permit expires.

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

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

Date of Approval: April 20, 2006
Expiration Date: April 20, 2008

PETER T. YOUNG, Chairperson
Commission on Water Resource Management

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed and understand that I shall not commence work until I had the pump installer have signed, dated, and returned the permit to the Commission. I understand that this permit is not to be transferred to any other entity. I also understand that non-compliance with any permit condition may be grounds for revocation and fines of up to $5,000 per day starting from the permit date of approval.

Installer's Signature: [Signature]
Printed Name: Mel Lima
Firm or Title: Men's Water Works

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

Attachments
Hi Charlie:

I am in receipt of the letter from Ken Nakahara, dated June 22, 2007. You see by my e-mail below, we mailed you the signed application in June of 2006 and asked you to let us know when we could start and you replied "Will Do". We even e-mailed you a follow up in March of this year. If we get the go ahead we will have the material delivered and get this started.

Please advise, thank you very much.

Aloha

Charley.F.Ice@hawaii.gov wrote:

We received your application on April 20, 2006. The well construction and pump installation permits were issued May 1, 2006, issued to Mel Lima and copied to you.

Just following up?

Aloha

Charley.F.Ice@hawaii.gov wrote:

Will do. Mahalo
Hi Charley:

I mailed the original signed applications to you attention. Could you please let me know via e-mail once you receive them, as I don't want to start anything until then, thx.

Aloha

Want to be your own boss? Learn how on Yahoo! Small Business.

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Please advise, thank you very much.

Aloha

Charley.F.Ice@hawaii.gov wrote:

We received your application on April 20, 2006. The well construction and pump installation permits were issued May 1, 2006, issued to Mel Lima and copied to you.

Just following up?

Aloha

Charley.F.Ice@hawaii.gov wrote:

Will do. Mahalo
Hi Charley:

I mailed the original signed applications to you attention. Could you please let me know via e-mail once you receive them, as I don't want to start anything until then, thx.

Aloha

Want to be your own boss? Learn how on Yahoo! Small Business.

The fish are biting. 
Get more visitors on your site using Yahoo! Search Marketing.

Choose the right car based on your needs. Check out Yahoo! Autos new Car Finder tool.
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<td>YOSHINAGA, M.</td>
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<td>SWANSON, S.</td>
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<td>KUNIMURA, I.</td>
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PLEASE:
- Review & Comment
- Type Draft
- Type Final
- File
- Xerox copies
- Take Action: [Your name]
- Please See Me

O’Connor -- appropriate course? (Aug. Submittal)

1. Kamehameha, Launiupuko to send water to Mel Lima for signature, then can issue "OTP." perm?
June 22, 2007

Mr. Donald O'Connor
P.O. Box 93
Puunene, HI 96784

Dear Mr. O'Connor:

Withdrawal of Licensed Contractor Mel Lima
Manawai-O’Connor Well (Well No. 5616-09)

We received a request from Mel Lima of Mel’s Water Works, requesting withdrawal from the pump installation permit for this well (copy attached). He has indicated separately by telephone that after 14 months there still has been no conclusion to the arrangements for his work with you.

The ongoing nature of the violation for not remediating this illegally and improperly constructed well is a basis for returning to the Commission with a request for additional penalties. Please respond within 30 days from the date of this letter, with a new licensed contractor signed to do this work or an explanation of your circumstances concerning the delay in bringing your well into compliance with the Commission’s statutes, rules, and standards. Please be aware that you may be subject to fines of up to $5,000 per day.

If you have any questions, please contact Charley Ice of our staff at [redacted] or toll free from Maui at [redacted] extension 70251.

Sincerely,

KEN C. KAWAHARA, P.E.
Deputy Director

CC: Mel’s Water Works
June 20, 2007

State of Hawaii
Department of Land and Natural Resources
Attn. Charlie Ice
PO Box 621,
Honolulu, Hawaii 96809

Subject: Manawai-O'Connor Well (Well No. 5616-09)

Hi Charlie,

Please remove my company (Mel's Water Works) from representing Donald O'Connor, the Manawai-O'Connor Well (Well No. 5616-09).

Mahalo

Melvin E. Lima
President
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Wunder why this didn't come around 11/30/05
deadline 1st round.
June 26, 2006

Mr. Dean Nakano
Commission on Water Resource Management
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawai‘i 96809

Dear Mr. Nakano:

SUBJECT: Chapter 6E-8 Historic Preservation Review - Well Construction/Pump Installation Permit Application (Well No. 5616-09) for the Proposed Manawai-O'Connor Well
Kea‘aula Ahupua‘a, Makawao District, Island of Maui
TMK: (2) 2-8-003:044

Thank you for the opportunity to review and comment on the well and pump application for the proposed Manawai-O’Connor well and pump installation. We have previously provided comments for the special management area assessment application for the irrigation well on the parcel and indicated that no historic properties will be affected by the undertaking (LOG NO: 2004.3358/ DOC NO: 0411CD26).

We believe that no historic properties will be affected by this undertaking because:

☐ a) intensive cultivation has altered the land
☐ b) residential development/urbanization has altered the land
☒ c) previous grubbing/grading has altered the land
☐ d) an acceptable archaeological assessment or inventory survey found no historic properties
☐ e) this project has gone through the historic review process, and mitigation has been completed
☒ f) other: In 1995, Scientific Consultant Services, Inc. conducted an archaeological inventory survey that included the subject property during which eleven (11) historic archaeological sites were identified (Dunn et al. 1995). We have reviewed and accepted the report documenting the findings and no historic archaeological sites were identified on the current proposed subject area (LOG NO: 1996.16358/ DOC NO: 9601KD14).

In the event that historic resources, including human skeletal remains, are identified during routine construction activities, all work needs to cease in the immediate vicinity of the find, the find needs to be protected from additional disturbance, and the State Historic Preservation Division, Maui Section, needs to be contacted immediately at [Contact Information]

Aloha,

Melanie Chinhen, Administrator
State Historic Preservation Division

JP:mk:kf

c: Bert Ratte, Engineering, DSA, County of Maui Fax: (808) [Redacted]
Michael Foley, Director, Department of Planning, FAX [Redacted]
Maui Cultural Resources Commission, Dept. of Planning, 250 S. High Street, Wailuku, HI 96793
COMMISSION ON WATER RESOURCE MANAGEMENT

FROM: ROY
DATE: JUN 16 2006
SUSPENSE DATE: __________

TO: ANAKALEA, P. INIT: KUNIMURA, I. FOR: Approval
TO: CHING, F. INIT: NAKAMA, L. PLEASE: See Me
TO: DANBARA, S. INIT: NAKANO, D. PLEASE: Review & Comment
TO: FUJII, N. INIT: OHYE, M. PLEASE: Take Action
TO: GOODING, K. INIT: SAKODA, E. PLEASE: Type Draft
TO: HARDY, R. INIT: SWANSON, S. PLEASE: Type Final
TO: HEKEKIA, J. INIT: UYENO, D. PLEASE: File
TO: HOAGBIN, S. INIT: YODA, K.
TO: ICE, C. INIT: YOSHINAGA, M. PLEASE: Xerox ___ copies
TO: IMATA, R.
WELL CONSTRUCTION PERMIT
Manawai-O’Connor Well, Well No. 5616-09

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

In accordance with Department of Land and Natural Resources, Commission on Water Resource Management’s Administrative Rules, Section 13-168, entitled “Water Use, Wells, and Stream Diversion Works”, this document permits the construction and testing of Manawai-O’Connor Well (Well No. 5616-09) at TMK 2-8-3:44, Maui, subject to the Hawaii Well Construction & Pump Installation Standards (HWCPIS - February 2004) which include but are not limited to the following conditions:

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

2. This permit shall be prominently displayed, or made available, at the site of construction work until work is completed.

3. The well construction permit shall be for construction and testing of the well only. The permittee shall coordinate with the Chairperson and conduct a pumping test in accordance with the HWCPIS (the latest pump test worksheet can be obtained by contacting Commission staff or at www.hawaii.gov/dlnr/cwr/forms.htm). The permittee shall submit to the Chairperson the test results as a basis for supporting an application to install a permanent pump. No permanent pump may be installed until a pump installation permit is approved and issued by the Chairperson. No withdrawal of water shall be made for purposes other than testing without a Certificate of Pump Installation Completion. The permitted pump capacity described on the pump installation permit may be reduced in the event that the pump test does not support the capacity.

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

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

6. In the event that subsurface cultural remains such as artifacts, burials or concentrations of shells or charcoal are encountered during construction, the permittee shall stop work and immediately contact the Department of Land and Natural Resources’ Division of Historic Preservation.

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

8. The Well Completion Report Part I shall be submitted to the Chairperson within sixty (60) days after completion of work (please contact staff or visit www.hawaii.gov/dlnr/cwr/forms.htm for current form).

9. The permittee shall comply with all applicable laws, rules, and ordinances; non-compliance may be grounds for revocation of this permit.

10. The well construction permit application and any related staff submittal approved by the Commission are incorporated into this permit by reference. This permit is also subject to the HWCPIS. If the HWCPIS are not followed and as a consequence water is wasted or contaminated, a lien on the property may result. Any variances from the HWCPIS shall be approved by the Chairperson prior to invoking the variance.

11. The work proposed in the well construction permit application shall be completed within two (2) years from the date of permit approval, unless otherwise specified. The permit may be extended by the Chairperson upon a showing of good cause and good-faith performance. A request to extend the permit shall be submitted to the Chairperson no later than the date the permit expires.

12. If the well is not to be used it must be properly capped. If the well is to be abandoned during the course of the project then the permittee must apply for a well abandonment permit in accordance with §13-168-11(b) prior to any well sealing or plugging work.

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

14. This permit shall apply to the location shown on the application only. If the well is to be relocated, the permittee shall apply for a new well construction/pump installation permit in accordance with Hawaii Administrative Rules §13-168-12(b).

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

Date of Approval: April 20, 2006
Expiration Date: April 20, 2008

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed and understand that I shall not commence work until I have signed, dated, and returned the permit to the Commission. I understand that this permit is not to be transferred to any other entity. I also understand that non-compliance with any permit condition may be grounds for revocation and fines of up to $5,000 per day starting from the permit date of approval.

Driller’s Signature: [Signature]
C-57 License #: 18254 Date: 6-8-06

Printed Name: Mel Lima Firm or Title: Mel’s Water Works

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

Attachment
PUMP INSTALLATION PERMIT

Manawai-O'Connor Well, Well No. 5616-09

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

In accordance with Department of Land and Natural Resources, Commission on Water Resource Management’s Administrative Rules, Section 13-168, entitled ”Water Use, Wells, and Stream Diversion Works”, this document permits the pump installation for Manawai-O’Connor Well (Well No. 5616-09) at TMK 2-8-3:44, Maui, subject to the Hawaii Well Construction & Pump Installation Standards (HWCPIS - February 2004) which include but are not limited to the following conditions:

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

2. No withdrawal of water shall be made other than for testing until a Certificate of Pump Installation Completion has been issued by the Commission.

3. This permit shall be prominently displayed, or made available, at the site of construction work until work is completed.

4. The pump installation permit shall be for installation of a 13 gpm rated capacity, or less, pump in the well. This permanent capacity may be reduced in the event that the pump test data does not support the capacity.

5. A water-level measurement access shall be permanently installed, in a manner acceptable to the Chairperson, to accurately record water levels.

6. The permittee shall install an approved meter or other appropriate means for measuring and reporting withdrawals and appropriate devices or means for measuring chlorides and temperature at the well head.

7. Well Completion Report Part II shall be submitted to the Chairperson within 60 days after completion of work. This form can be obtained by contacting staff or on the internet at www.hawaii.gov/dnr/cwrm.

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

9. The pump installation permit application and any related staff submittal approved by the Commission are incorporated into this permit by reference. This permit is also subject to the HWCPIS. If the HWCPIS are not followed and as a consequence water is wasted or contaminated, a lien on the property may result. Any variances from the HWCPIS shall be approved by the Chairperson prior to invoking the variance.

10. The work proposed in the pump installation permit application shall be completed within two (2) years from the date of permit approval, unless otherwise specified. The permit may be extended by the Chairperson upon a showing of good cause and good-faith performance. A request to extend the permit shall be submitted to the Chairperson no later than the date the permit expires.

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

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

Date of Approval: April 20, 2006
Expiration Date: April 20, 2008

PETER T. YOUNG, Chairperson
Commission on Water Resource Management

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed and understand that I shall not commence work until I and the pump installer have signed, dated, and returned the permit to the Commission. I understand that this permit is not to be transferred to any other entity. I also understand that non-compliance with any permit condition may be grounds for revocation and fines of up to $5,000 per day starting from the permit date of approval.

Installer’s Signature: Mel Lima
Printed Name: Mel Lima
Firm or Title: Mel’s Water Works

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

Attachments
Ref: 5616-09.wcp

May 1, 2006

Mr. Mel Lima
Mel's Water Works
3075 Ala Poha Place 510
Honolulu , HI 96818

Dear Mr. Lima:

Well Construction Permit
Manawai-O'Connor Well (Well No. 5616-09)

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

**Special Conditions**

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

2. Attached for your information is a copy of the State Department of Land and Natural Resources Land Division's comments related to water lease requirements.

Please refer to the Permit Processes Worksheet (attached) for further information regarding the process of drilling a well and installing a pump.

No withdrawal of water shall be made other than for testing purposes until a certificate of pump installation completion has been issued by the Commission.

Please sign both permit originals and return one for our files. For copies of the aquifer pump test worksheet, please call staff or visit www.state.hi.us/dlnr/cwrm/forms.htm.

**IMPORTANT** - Drilling work shall not commence until a fully signed permit is returned to the Commission. The permit shall be prominently displayed or made available at the construction site during construction. Be advised that you may be subject to fines of up to $5,000 per day for any violations of your permit conditions starting from the permit approval date.

If questions arise during the course of remedial work, please communicate advised changes to proposed work for review and consent.

If you have any questions, please call Charley Ice of the Commission staff at [redacted].

Sincerely,

[Handwritten Signature]

Peter T. Young
Chairperson

Enclosures

c: Donald O'Connor
USGS
Maui DWS
WELL CONSTRUCTION PERMIT

Manawai-O'Connor Well, Well No. 5616-09

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

In accordance with Department of Land and Natural Resources, Commission on Water Resource Management's Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", this document permits the construction and testing of Manawai-O'Connor Well (Well No. 5616-09) at TMK 2-8-34, Maui, subject to the Hawaii Well Construction & Pump Installation Standards (HWCPIS - February 2004) which include but are not limited to the following conditions:

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

2. This permit shall be prominently displayed, or made available, at the site of construction work until work is completed.

3. The well construction permit shall be for construction and testing of the well only. The permittee shall coordinate with the Chairperson and conduct a pumping test in accordance with the HWCPIS (the latest pump test worksheet can be obtained by contacting Commission staff or at www.hawaii.gov/dlnr/cwrm/forms.htm). The permittee shall submit to the Chairperson the test results as a basis for supporting an application to install a permanent pump. No permanent pump may be installed until a pump installation permit is approved and issued by the Chairperson. No withdrawal of water shall be made for purposes other than testing without a Certificate of Pump Installation Completion. The permitted pump capacity described on the pump installation permit may be reduced in the event that the pump test does not support the capacity.

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

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

6. In the event that subsurface cultural remains such as artifacts, burials or concentrations of shells or charcoal are encountered during construction, the permittee shall stop work and immediately contact the Department of Land and Natural Resources' Division of Historic Preservation.

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

8. The Well Completion Report Part I shall be submitted to the Chairperson within sixty (60) days after completion of work (please contact staff or visit www.hawaii.gov/dlnr/cwrm/forms.htm for current form).

9. The permittee shall comply with all applicable laws, rules, and ordinances; non-compliance may be grounds for revocation of this permit.

10. The well construction permit application and any related staff submittal approved by the Commission are incorporated into this permit by reference. This permit is also subject to the HWCPIS. If the HWCPIS are not followed and as a consequence water is wasted or contaminated, a lien on the property may result. Any variances from the HWCPIS shall be approved by the Chairperson prior to invoking the variance.

11. The work proposed in the well construction permit application shall be completed within two (2) years from the date of permit approval, unless otherwise specified. The permit may be extended by the Chairperson upon a showing of good cause and good-faith performance. A request to extend the permit shall be submitted to the Chairperson no later than the date the permit expires.

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

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

14. This permit shall apply to the location shown on the application only. If the well is to be relocated, the permittee shall apply for a new well construction/pump installation permit in accordance with Hawaii Administrative Rules §13-168-12(f).

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

W: Roy Haney

Date of Approval: April 20, 2006
Expiration Date: April 20, 2008

PETER T. YOUNG, Chairperson
Commission on Water Resource Management

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed and understand that I shall not commence work until I have signed, dated, and returned the permit to the Commission. I understand that this permit is not to be transferred to any other entity. I also understand that non-compliance with any permit condition may be grounds for revocation and fines of up to $5,000 per day starting from the permit date of approval.

Driller's Signature: C-57 License #: 18254 Date:

Printed Name: Mel Lima Firm or Title: Mel's Water Works

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

Attachment
May 1, 2006

Mr. Mel Lima  
Mel's Water Works  
3075 Ala Poha Place 510  
Honolulu, HI 96818

Dear Mr. Lima:

Pump Installation Permit  
Manawai-O'Connor Well (Well No. 5616-09)

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

Special Conditions

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

The permittee is responsible for all conditions of the permit. This includes ensuring the submission of a completed Well Completion Report Part II form within sixty (60) days after the pump installation work is completed. Be advised that you may be subject to fines of up to $5,000 per day for any violations of your permit conditions starting from the permit approval date.

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

IMPORTANT - Pump installation shall not commence until a fully signed permit is returned to the Commission.

If you have any questions, please call Charley Ice of the Commission staff at [redacted]

Sincerely,

[Signature]

Peter T. Young  
Chairperson

Enclosure

c: Donald O'Connor  
USGS  
Maui DWS
PUMP INSTALLATION PERMIT

Manawai-O'Connor Well, Well No. 5616-09

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

In accordance with Department of Land and Natural Resources, Commission on Water Resource Management's Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", this document permits the pump installation for Manawai-O'Connor Well (Well No. 5616-09) at TMK 2-8-3:44, Maui, subject to the Hawaii Well Construction & Pump Installation Standards (HWCPIS - February 2004) which include but are not limited to the following conditions:

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

2. No withdrawal of water shall be made other than for testing until a Certificate of Pump Installation Completion has been issued by the Commission.

3. The pump installation permit shall be prominently displayed, or made available, at the site of construction work until work is completed.

4. The pump installation permit shall be for installation of a 13 gpm rated capacity, or less, pump in the well. This permanent capacity may be reduced in the event that the pump test data does not support the capacity.

5. A water-level measurement access shall be permanently installed, in a manner acceptable to the Chairperson, to accurately record water levels.

6. The permittee shall install an approved meter or other appropriate means for measuring and reporting withdrawals and appropriate devices or means for measuring chlorides and temperature at the well head.

7. Well Completion Report Part II shall be submitted to the Chairperson within 60 days after completion of work. This form can be obtained by contacting staff or on the internet at www.hawaii.gov/dlnr/cwrm.

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

9. The pump installation permit application and any related staff submittal approved by the Commission are incorporated into this permit by reference. This permit is also subject to the HWCPIS. If the HWCPIS are not followed and as a consequence water is wasted or contaminated, a lien on the property may result. Any variances from the HWCPIS shall be approved by the Chairperson prior to invoking the variance.

10. The work proposed in the pump installation permit application shall be completed within two (2) years from the date of permit approval, unless otherwise specified. The permit may be extended by the Chairperson upon a showing of good cause and good-faith performance. A request to extend the permit shall be submitted to the Chairperson no later than the date the permit expires.

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

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

Date of Approval: April 20, 2006
Expiration Date: April 20, 2008

PETER T. YOUNG, Chairperson
Commission on Water Resource Management

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed and understand that I shall not commence work until I and the pump installer have signed, dated, and returned the permit to the Commission. I understand that this permit is not to be transferred to any other entity. I also understand that non-compliance with any permit condition may be grounds for revocation and fines of up to $5,000 per day starting from the permit date of approval.

Installer's Signature: ________________ C-57, C-57a, or A License #: 18254 Date: ________________

Printed Name: Mel Lima Firm or Title: Mel's Water Works

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

Attachments
**COMMISSION ON WATER RESOURCE MANAGEMENT**

**ROUTE SLIP FOR PERMIT ISSUANCE 5/19/05**

<table>
<thead>
<tr>
<th>FROM: CHARLEY</th>
<th>DATE: April 28, 2006</th>
<th>SUSPENSE DATE:</th>
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<tr>
<td>TO: ANAKALEA, P.</td>
<td>TO: I NIT</td>
<td>FOR: Approval</td>
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<td>BAUER, G.</td>
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<td>CHING, F.</td>
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<td>DANBARA, S.</td>
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**WELL NUMBER** 5616-09 **WELL NAME** Manawai-O'Connor

**WELL CONSTRUCTION**

| ATTACHMENTS FOR WELL CONSTRUCTION PERMIT: |
| 1 COVER LETTER | 2 PERMIT (2x) |
| COMMENTS: |
| 3 SDWB | 4 WWB |
| 5 CWB | 6 HEER |
| 7 LD | 8 HP |
| 9 OCCL | 10 SMA |
| 11 WELL CHECK PRINTOUT | FOR OFFICE USE ONLY |

**PUMP INSTALLATION**

| ATTACHMENTS FOR PUMP INSTALLATION PERMIT: |
| 1 COVER LETTER | 2 PERMIT (2x) |
| COMMENTS: |
| 3 SDWB | 4 WWB |
| 5 CWB | 6 HEER |
| 7 LD | 8 HP |
| 9 OCCL | 10 SMA |
| 11 GLENN'S WORKSHEET | FOR OFFICE USE ONLY |
LICENSE SCREEN

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

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

LIC ID: CT-18254  
NAME: MEL'S WATER WORKS HAWAII INC
ACTIVE/INACTIVE: ACTIVE
TRADE NAME:
STATUS: CURRENT, VALID & IN GOOD STANDING
ENTITY: CORPORATION
ORIG LIC DATE: 5/7/93
CLASS PREFIX: C
RESTRICTION:
BUSINESS ADDR: 3075 ALA POHA PL #510 HONOLULU HI 96818
MAILING ADDR:

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

<-Back   New Search->

License information on this site reflects information in the Professional and Vocational Licensing Division as of April 27, 2006; however, applications and forms are subject to standard processing time, and the information here does not reflect pending changes which are being reviewed. The site is updated daily, Monday through Friday, except holidays. The State of Hawaii makes no guarantees as to the accuracy of the information accessed, the timeliness of the delivery of transactions, delivery to the correct party, preservation of the privacy and security of users and makes no warranties, including warranty of merchantability and fitness for a particular purpose. User is advised that if the information obtained herein is to be reasonably relied upon, user should confirm the accuracy of such information with the provider thereof.

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Hawaii State homepage || DCCA || Professional and Vocational Licensing Division
There was 1 specific license class on this licensee!

***** LICENSE CLASS FOR THIS LICENSEE *****
LIC: CT-18254 MEL'S WATER WORKS HAWAII INC

CLASS CODE CLASS TYPE EFFECTIVE STATUS
C57 WELL 05/07/93 RESTRICTED

<-Back  New Search->

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

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REMARKS: LINE (1) 5616-09 (WCPP) Well Modification
LINE (2) Well Name: Iraida TMK: 1-5-081.010
LINE (3)
LINE (4)
LINE (5)
LINE (6)
LINE (7)
LINE (8)
LINE (9)
LINE (10)
Donald O'Connor
Valerie Lacy-O'Connor
P.O. Box 93
Puunene, HI 96784

Pay to the order of DEPARTMENT OF LAND & NATURAL REsources

TENNY FIVE 1/2% Dollars

American Savings Bank, F.S.B.
275 Kainohina Avenue
Kahului, HI 96732

For $5016 refund

5200

4-1-92

02204 83 2 1 4 110
April 19, 2006

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

State of Hawaii
DLNR, CWRM
Attn: Charlie Ice
P.O. Box 621
Honolulu, Hawaii 96809

RE: O'Connor Well Modification Application

Dear Charlie:

Enclosed please find the completed application along with the copy of the SMA and HPD letter. Also enclosed are the 10 copies required and the $25.00 application fee.

I am personally mailing this as Mel Lima won't be back to his Honolulu office until next week and we know of the April 30th time frame.

Sincerely,

Donald O'Connor

cc Mel Lima
STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
APPLICATION FOR A WELL CONSTRUCTION / PUMP INSTALLATION PERMIT

Instructions: Please print in ink or type and send completed application with attachments to the Commission. If copies and a non-refundable filing fee of $25.00 payable to the Dept. of Land and Natural Resources. Application must be accompanied by 10 copies. The Commission may not accept incomplete applications. For assistance, call the Regulation Branch at 974-3550. For further information and updates to this application form, visit http://www.hawaii.gov/wrm.com

WELL LOCATION INFORMATION

1. STATE WELL No. (if already assigned) 5616-09
2. W.E. NAME O'Connor Well
3. ISLAND MAUI
4. TAK 2 2 8 098 0844

The following must be attached before this application is accepted complete:
- Portion of 7.5-Minute USGS topographic map (scale 1:24,000) with well location labeled and include the name of the quadrangle map
- Property tax map showing well location references to established property boundaries
- Photograph of the proposed well site
- A schematic diagram showing the well site, access road, and proposed well infrastructure

5. WELL OPERATOR'S NAME/COMPANY Mel's Water Works
6. LANDOWNER'S NAME/COMPANY DONALD O'Connor

Mel's Water Works
Well Operator's Mailing Address 3015 Ali Pona Place #510 Honolulu, Hawaii 96819
Donald O'Connor
Well Owner's Mailing Address P.O. Box 98 Wailuku, Hawaii 96793

PROPOSED WELL CONSTRUCTION

7. Proposed Work
   - 10. Proposed Work
     - Install New Pump
     - Replace Pump
   - New Pump (gallons per minute)
   - Proposed Pumping Rate, gpm
   - Method of fill measurement
   - Pump Type
   - Rate of flow measurement
   - Pipe Material
   - Well Construction Type
   - Well Construction
   - Modify Existing Well
   - Abandon/Seal Well
   - Is this well part of a battery of wells?

8. Construction Type
   - Fill Dream
   - Dig
   - Shaft
   - Tunnel

9. Is this well part of a battery of wells? Yes No

10. Proposed Work
    - New Pump
    - Install New Pump
    - Replace Pump

11. Proposed Pumping Rate, gpm
    - gallons per minute
    - 13 gpm

12. Proposed Amount of Dewatering, gpd (gallons per day)
    - 75,000 annually

13. Method of fill measurement
    - Method of fill measurement
    - Pump Type
    - Rate of flow measurement

14. Proposed Surveyor name and license number (a surveyor is required for all Well Construction Permits and may be required for some Pump Installation Permits)

PROPOSED USE

☐ 15. Municipal (water systems serving greater than 25 individuals or 15 service connections)
☐ 16. Domestic
☐ 17. Industrial (describe)
☐ 18. Irrigation (describe crop and no. of acres) PALM TREE NURSERY, APPEX 3 ACRES
☐ 19. Military (describe)
☐ 20. Other (describe)

OTHER LEGAL REQUIREMENTS

If required, items 21. and 22. must be obtained before

21. Conservation District Use Permit (CDUP)
   - Required
   - CDUP 
   - Date approved
   - Not Required
   - CDUP 
   - Date approved
   - I have not checked with CDUP about whether or not a CDUP is required. I understand that check
   - expire my review. I further understand that issues raised by this agency may delay or result in c
   - permit after it is issued

22. Special Management Area Permit (SMAP)
   - Required
   - SMAP 
   - Date approved
   - Not Required
   - SMAP 
   - Date approved
   - I have not checked with the county about whether or not an SMA Permit is required. I understand that issues raised by this agency may
   - delay or result in denial of the permit after it is issued.

23. Historic Preservation Division (HPD) of the Department of Land and Natural Resources
   - I have not consulted with the HPD regarding potential impacts of well construction activities on historic sites. I have attached applicable documentation
   - from the HPD.

Additional remarks, explanations, etc. (attach additional sheet if more space is needed)

NOTE: Signing below indicates that the signatories understand and swear that the information provided is accurate and true to the best of their knowledge. Further, the signatories understand that upon permit approval: 1) the proposed work is to be completed within two (2) years of the approval date; 2) the contractor shall submit to the Commission a completion report within 60 days after the completion date of the proposed work; 3) in the event that the application is not completed correctly, any permit may be suspended until the item is brought in to compliance; and any work done while the permit is in suspension may result in fines of up to $500/day.

24. WELL DRILLER (must be filled out if application is for Well Construction)
Mel's Water Works C-19254
Licensing Business Name Mel's Water Works
Licensee Business Name Mel's Water Works
Licensing Business No. C-071/C-157a/C-157 License No.
Licensee Business No. Mel's Water Works C-19254
Signature 4-18-06
Print 4-18-06
Date 4-18-06

25. PUMP INSTALLER (must be filled out if application is for Pump Installation)
Mel's Water Works C-19254
Licensing Business Name Mel's Water Works
Licensee Business Name Mel's Water Works
Licensing Business No. C-071/C-157a/C-157 License No.
Licensee Business No. Mel's Water Works C-19254
Signature 4-18-06
Print 4-18-06
Date 4-18-06

974-1541 839-5919 @ Mel's Water Works
Address 3015 Ali Pona Place #510 Honolulu, Hawaii 96819
Phone 974-1541 839-5919 @ Mel's Water Works
Fax E-mail

WCPI Application Form 05/12/2005
PROPOSED WELL SECTION

(Please attach schematic if different from diagram provided below)

Hole Diameter: 10 in.

Elevation at top of casing: 200 ft., msl

Minimum of 2 Radius & 4" Thick Concrete Pad (to contain benchmark surveyed to nearest 0.01 ft.)

Ground Elevation: 200 ft., msl

Solid Casing: (2 90% x (Ground Elev.-Water Level Elev.))

- Total Length: 200 ft.
- Nominal Diameter: 4 in.
- Wall Thickness: — in.
- Bottom Elevation: — ft., msl

Open Casing: Perforated □ Screen

- Total Length: 30 ft.
- Nominal Diameter: 4 in.
- Wall Thickness: — in.
- Bottom Elevation: — ft., msl

Note: Neither bentonite nor mud should be used in saturated zone during drilling

Estimated Water Level: 5 ft., msl

Grouting method: □ Positive displacement □ Other

Annular space between hole and casing (1.5" for positive displacement, 3" for other methods)

2 1/4 in.

Rock or Gravel Packing: 60 ft.

Material: □ Crushed Basalt □ Round Gravel

Total Depth: 250 ft.

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

For non-salt water Basalt Casing - bottom elevation of well shall not be deeper than 1/4 of aquifer thickness or:

Bottom Elevation of Well Limit = (Water Level - msl) + (1/4 Aquifer Thickness) – msl

Example: Estimated 2 ft. Water Level Elevation → Bottom Elevation of Well Limit = (2 - 1/4 200) = -18.5 ft.

Solid Casing Material:

- Carbon Steel: compliant with (check one or more): □ ANSI/AWWA C200 □ API Spec. 5L □ ASTM A53 □ ASTM A129
- and compliant with (check one or more): □ ASTM A242 (or A606) □ Type E □ Type S □ Grade B □ Other
- Stainless Steel: (check one): □ ASTM A409 (production wells) □ ASTM A312 (monitor wells)
- ABB Plastic conforming to ASTM F480 and ASTM D1527 (check one): □ Schedule 40 □ Schedule 80
- PVC Plastic conforming to ASTM F480 and (ASTM D1785 or ASTM D2241): (check one): □ Schedule 40 □ Schedule 60 □ Schedule 120
- Thermoplastic: (check one): □ Filament Wound Resin Pipe conforming to ASTM D2996
- □ Centrifugally Cast Resin Pipe conforming to ASTM D2997
- □ Reinforced Plastic Mortar Pressure Pipe conforming to ASTM D3517
- □ Glass Fiber Reinforced Resin Pressure Pipe conforming to AWWA C900
- □ PTFE Fluorocarbon Tubing conforming to ASTM D3298
- □ FEP Fluorocarbon Tubing conforming to ASTM D3298

Open Casing Material:

- Carbon Steel: compliant with (check one or more): □ ANSI/AWWA C200 □ API Spec. 5L □ ASTM A53 □ ASTM A129
- and compliant with (check one or more): □ ASTM A242 (or A606) □ Type E □ Type S □ Grade B □ Other
- Stainless Steel: (check one): □ ASTM A409 (production wells) □ ASTM A312 (monitor wells)
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- □ PTFE Fluorocarbon Tubing conforming to ASTM D3298
- □ FEP Fluorocarbon Tubing conforming to ASTM D3298

WCPI Application Form 05/12/2005
NOTES:
1. This map is based on a survey performed on September, October and November 1984.
2. All surveys are marked with 1/8" paint, unless otherwise noted.
3. Coordinates and distances are based on triangulation station "WIMP" as established directly from Station "PAUL F."
4. Existing Easement "O-E" for drainage purposes, 15 feet wide, in favor of Hawaiian Homeowner's Association, Inc.
5. Lots 11 and 12 owned by Hawaiian Homeowners' Association, Inc. and in favor of Public for "For Working Access Only" to shoreline.
6. Boundary Lot 13 and 14 (upper Lots) is a privately owned, owned by Hawaiian Homeowners' Association, Inc.
7. Pursuant to Hawaiian Code Section 244-1151(b), the County of Maui is not responsible for any part, roadways, easements (including but not limited to drainage, sewer, access, restricted, water, or spillway easements), or any other interest in real property shown on this map or shown on these plans, unless the Mayor of Maui has approved the dedication by a resolution approved by a majority of the members of a regular meeting or special meeting of the Maui County Council.
8. Lots 2 and 3 to be approved by individual utility systems to be approved by State of Hawaii Department of Health prior to any development.
9. Existing Easement "0-E" for water utility purposes in favor of Lot 7 is approved by the Mayor of Maui.
10. Existing Easement "0-E" for water utility purposes. Lot 7 is reported in the Bureau of Conveyances on Document 96-15112.
11. Existing Easement "0-E" for roadways, utility and shoreline access purposes in favor of Lot 7 is recorded in the Bureau of Conveyances on Document 96-15112.

MANAWAI HOMESTEADS
SUBDIVISION OF LOT 7 OF MANAWAI HOMESTEADS INTO LOTS 7-A AND 7-B
AND DESIGNATION OF EASEMENT E-1

Being a portion of Grant 3221 to Naala
KEAAULA, HAMAKUA, HAIKU, MAUI, HAWAII

OWNERS:
Donald Gerard O'Connor
Valerie Denise Lacy O'Connor
P.O. Box 93
PUUNENE, MAUI, HAWAII 96764

This work was prepared by me under your direct supervision.

LUCAS V. VALERA
Licensed Professional Land Surveyor
State of Hawaii Certificate No. 5076
Land Court Surveyor Certificate No. 218

L.U.C.A. File No. 22554
Mr. Donald O'Connor
P.O. Box 93
Puunene, Hawaii 96704

Dear Mr. O'Connor:

Mr. Donald O'Connor
P.O. Box 93
Puunene, Hawaii 96704

In consideration of the above determination, you are hereby granted a Special Management Area Minor Permit approval, subject to the following conditions:

1. That construction shall be in accordance with plans submitted on September 7, 2004;
2. That full compliance with Department of Land and Natural Resources Historic Preservation Division requirements as stated in Doc. #0411CD26, Log. #2004.3358, dated November 12, 2004, shall be rendered (attached).

3. The State Historic Preservation Division (Maui and Oahu offices) shall receive written notification, via facsimile, upon the on-set and completion of the proposed undertaking;

4. That full compliance with Department of Water Supply requirements as stated in letter dated October 6, 2004, shall be rendered (attached).

5. That a building permit shall be obtained prior to the initiation of construction;

6. That construction of the improvements shall be initiated by June 30, 2005, and shall be completed within one (1) year of said initiation; and

7. That full compliance with all other applicable governmental requirements shall be rendered.

Thank you for your cooperation. If additional clarification is required, please contact Mr. Paul Fasi, Staff Planner, of this office at [redacted]

Sincerely,

MICHAEL W. FOLEY
Planning Director

Enclosure
MWF:PF:do
c: Wayne A. Boteilho, Deputy Planning Director
    Clayton I. Yoshida, AICP, Planning Program Administrator
    Aaron H. Shinmoto, PE, Planning Program Administrator (2)
    Paul Fasi, Staff Planner
    Development Services Administration (2)
    DLNR, SHPD-Maui Office
    2004/SM2 Minor Permit File
    General File
    (K:\WP_DOCS\PLANNING\SM2\2004\0118_O''connorWell\sm2.wpd)
DEPARTMENT OF WATER SUPPLY  
COUNTY OF MAUI  
200 South High Street  
WAILUKU, MAUI, HAWAII 96793  
Telephone (808) 270-7816 • Fax [blank]

October 6, 2004

Mr. Michael W. Foley, Director  
Planning Department  
County of Maui  
250 South High Street  
Wailuku Hi 96793  
Attn: Paul Fasi

Subject: ID: SMX 2004/0582  
TMK: (2) 2-8-003:044  
Project Name: O'Connor Irrigation Well

Dear Mr. Foley:

Thank you for the opportunity to comment on this project proposal.  
The Department of Water Supply does not currently provide service in the project area.

The aquifer serving the project is Haiku Aquifer. This aquifer has a sustainable yield of 31 MGD, however, according to the 1990 State Water Resources Protection Plan, a more conservative estimate is 15 MGD. DWS anticipates the need for additional wells in the Haiku aquifer in the future. Please note that as one of the richest aquifers on the island, this could one day be an important source of municipal/county water.

In conversation with the applicant, we were informed that the well will be used to fill a 15,000 gallon storage tank to irrigate a two-acre palm tree nursery and will be refilled as needed. By standards, estimated consumption is about 25,000 GPD.

While the proposed well does not seem likely to have immediate effect on existing DWS wells, there are private wells that are in the zone of influence which does point to potential conflict in use. This conflict depends on pumpage, drawdown and aquifer status. Attached is a map showing the location of private wells in the zone of influence.

In order to protect groundwater resources, we encourage the applicant to adopt Best Management Practices (BMPs) designed to minimize infiltration and runoff from daily activities. Sample BMPs are as enumerated below.

1) Inspect exposed parts of the well periodically for problems such as: cracked or corroded well casing, broken or missing well cap, damage to protective casing, settling and cracking of surface seals.
2) Slope the area around the well so that surface runoff drains away from the well.
3) Provide a well cap or sanitary seal to prevent unauthorized use of or entry into the well.
4) Provide a sediment removal or well cleaning as necessary.
5) Avoid mixing or using pesticides, fertilizers, herbicides, degreasers, fuels or other pollutants near the well.

By Water All Things, First Life
6) Do not locate any type of potentially polluting activity up slope from the well.

Conservation

The project is located in the Maui County Planting Plan - Plant Zone 5. We encourage the applicant to utilize appropriate native and non invasive species and avoid the use of potentially invasive plants. Native plants adapted to the area, conserve water and protect the watershed from degradation due to invasive alien species. Attached is a list of appropriate plants for the zone as well as potentially invasive plants to avoid.

Should you have any questions, please call our Water Resources and Planning Division at

Sincerely,

George Y. Fehlan
Director

cc: Engineering Division
Applicant, with attachment
Maul County Planting Plan - Plant Zone 5 - Saving Water in the Yard - What and How to Plant in your Area
1. We believe there are no historic properties present, because:

- a) intensive cultivation has altered the land
- b) residential development/urbanization has altered the land
- c) previous grubbing/grading has altered the land
- d) an acceptable archaeological assessment or inventory survey found no historic properties
- e) other: In 1995, Scientific Consultant Services conducted an archeological inventory survey which included the subject property during which eleven historic sites were identified (Dunn et al. 1995). We have reviewed and accepted the report documenting the findings (SHPD DOC NO.: 9601KD14/LOG NO.: 16358). No historic sites were identified on the subject property.

2. This project has already gone through the historic preservation review process, and mitigation has been completed.

Thus, we believe that "no historic properties will be affected" by this undertaking.

In the event that historic sites (human skeletal remains, etc.) are identified during the construction activities, all work needs to cease in the immediate vicinity of the find, the find needs to be
protected from additional disturbance, and the State Historic Preservation Office needs to be contacted immediately at [redacted] on Maui, or at [redacted] on O'ahu.

Staff: [Signature]
Cathleen A. Dagher, Assistant Maui/Lana'i Island Archaeologist, (808) 692-8023

Date: 12 November 2001
Mr. Roy Hardy  
Commission on Water Resource Management  
P.O. Box 621  
Honolulu, HI 96809

Dear Mr. Hardy:

RE: Your Complaint Against  
Donald Wilbourn  
Case No. CLB 2006-147-O

Your complaint was reviewed, assigned the above-referenced case number and will be referred to the field investigation section of the Regulated Industries Complaints Office (RICO). As the referral process may take at least one (1) week or more to complete, please wait until the field investigator assigned to your case contacts you.

Our primary responsibility is to regulate the professional and vocational licensing laws of the State of Hawaii. Because we handle disputes involving licensing laws, you may wish to consider other forms of relief, such as consulting an attorney. There are time limits for beginning a lawsuit, so please do not wait for our office to complete our investigation.

Unless you indicate otherwise, your complaint will be considered confidential and will be used for RICO purposes only. Please note your identity, under usual processing procedures, is disclosed to the respondent.

If you have any questions about the status of your complaint, or if you have additional information, please contact our Oahu investigation office at the above address or telephone 

Please refer to the above-referenced case number.

Very truly yours,

TARA S. FUJISHIGE  
Investigator
March 30, 2006

Mr. Donald O'Connor  
P.O. Box 93  
Puunene, HI 96784

Dear Mr. O'Connor:

Receipt of Payment and Water Quality Results

We received, by certified mail on March 8, 2006, your check for $2,500 for payment of the fine imposed by the Commission on February 15, 2006. The fine is therefore paid in full, and item B-1 on your action notice is satisfied.

We also received water quality testing results performed by Neilson Research Corporation, and are forwarding a copy to the Department of Health Safe Drinking Water Branch for their review.

For your information, your letter-referenced item “E” in the Notice of Commission Action has already been satisfied by staff, which transmitted a copy of the Notice to the Department of Health.

Remaining items of the Commission action requiring attention are:

B.2. Requiring a licensed well contractor to file an application for either (a) well sealing and abandonment or (b) well modification to meet the Hawaii Well Construction and Pump Installation Standards, by April 16, 2006.

If you have any questions, please call Charley Ice of the Commission staff at [redacted] or toll-free at [redacted] on extension 70251.

Sincerely,

W. Roy Handy

DEAN A. NAKANO  
Acting Deputy Director

Cl:ss
March 17, 2006

The Honorable Dean A. Nakano
Acting Deputy Director
State of Hawaii
Department of Land and Natural Resources
Commission on Water Resource Management
P.O. Box 621
Honolulu, Hawaii 96809

Re: Your Letter of March 15, 2006 Regarding Illegal Well Drilling by an Unlicensed Contractor

Dear Mr. Nakano:

Thank you for your letter of March 15, 2006. The information that you have provided will be forwarded to the Regulated Industries Complaints Office (RICO) investigative staff for appropriate action. Also, per your request, a copy of your letter will be forwarded to the Contractors License Board for its information. We appreciate the specific information that you have provided to date, as it will assist us in more expeditiously corroborating the activity.

If you have any questions about the investigation, please feel free to contact me at [redacted] or by email at juchida@dcca.hawaii.gov.

Very truly yours,

JO ANN M. UCHIDA
Complaints and Enforcement Officer

c: Verna Oda, Executive Officer
Professional and Vocational Licensing Division, Contractors License Board
Transmitting well testing results for Donald O'Connor by Neilson Research Corp of Medford, Oregon.

There are supposedly 2 samples, but (see four runs?) it looks like contaminants were detected, but I don't understand what all the column headings mean, don't see MCL. How bad is it? Enough concern to warn other well owners?

How does Neilson measure up as a reliable lab?

Mahalo!
March 15, 2006

Ms. Jo Ann Uchida, Complaints and Enforcement Officer
Regulated Industries Complaint Office
Department of Commerce and Consumer Affairs
Leioapapa a Kamehameha Building
235 South Beretania Street, 9th Floor
Honolulu, HI 96813

Dear Ms. Uchida:

Illegal Well Drilling by Unlicensed Contractor

At its February 15, 2006 regular meeting, the Commission on Water Resource Management (Commission) found a landowner in the Makawao District of Maui in violation of the Water Code (HRS 174C) for having a well drilled by an unlicensed contractor and without proper permits from the Commission. At this meeting, the unlicensed driller's name was confirmed as Donald Wilbourn, of Honopou, with a street address of 77 Ulalena Loop near the Hana Highway in the Makawao District of Maui. We are uncertain of a proper mailing address for this rural location, but his telephone number is [redacted]. We have attempted to reach Mr. Wilbourn by mail and by phone, but have not received a reply. We are pursuing further enforcement action with the Commission against Mr. Wilbourn.

From an on-site investigation by Department of Land and Natural Resources, Division of Conservation and Resources Enforcement (DOCARE) on a separate complaint, Mr. Wilbourn stated that he would be pursuing a license to drill wells (C-57). We are concerned both with the possibility that Mr. Wilbourn may receive a contractor's license to drill wells because the licensing board is unaware of his previous illegal activities as well as with Mr. Wilbourn's continued unlicensed drilling activities. This letter is both to inform the licensing board of Mr. Wilbourn's illegal drilling and to request your department's assistance in conducting appropriate enforcement to stop Mr. Wilbourn's illegal activities. Separate complaints indicate that Mr. Wilbourn may have drilled as many as three other wells besides the confirmed illegal well.
Ms. Jo Ann Uchida  
Page 2  
March 15, 2006

While we pursue legal action under the authority of the Commission, we request that you initiate any appropriate enforcement action regarding this unlicensed drilling activity under your department’s programs. Among other things, we believe it to be in the interests of the State for your department to consider seizing his drilling equipment to prevent further illegal activity and potential contamination of Hawaii’s precious and vulnerable ground water aquifers. As our investigation continues, we can provide you with any additional information you may require that is within our possession.

It would be a disservice to the public to allow this driller to qualify retrospectively, or to continue in any capacity, given the illegal activity to date. Our information suggests strongly that this driller is not qualified to follow drilling standards established by the Commission. Allowing an unqualified driller to drill wells in Hawaii puts our valuable water resources at risk, not just for the well owner, but all of his surrounding neighbors as well. Once a groundwater source is contaminated, it affects all users of that water source. Contamination is a common result of an improperly drilled and constructed well.

We would appreciate it if you could share our concerns regarding Mr. Wilbourn’s possible license application with the appropriate licensing board. If you are not able to do this, please let us know and we will provide the information directly to the appropriate licensing board.

If you have any questions, please call Roy Hardy of the Commission staff at [phone number].

Sincerely,

[Signature]

DEAN A. NAKANO  
Acting Deputy Director

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<td>($2,500.00)</td>
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REMARKS:
LINE (1) Fines for Well No. 5616-09 (O'Connor Well)
LINE (2) ________________________________
LINE (3) ________________________________
LINE (4) ________________________________
LINE (5) ________________________________
LINE (6) ________________________________
LINE (7) ________________________________
LINE (8) ________________________________
LINE (9) ________________________________
LINE (10) ________________________________
Pay to the order of STATE OF HAWAII $2500

American Savings Bank, F.S.B.
270 Kauhualu Avenue
Kahului, HI 96732
March 7, 2006

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

State of Hawaii
DLNR, CWRM
Attn: Dean Nakano
P.O. Box 621
Honolulu, Hawaii 96809

RE: O’Connor Well # 5616-09

Dear Mr. Nakano:

Enclosed please find the results from our EPA 504.1 test for the above captioned well.

Also enclosed is a check in the amount of $2,500 for payment of our fine in full.

Please respond to confirm that in addition to item “D” that “B-1” and “E” have been satisfied in regards to your February 28, 2006 letter.

Sincerely,

Donald O’Connor

enclosure
02/20/06

Donald O'Connor
425 Manawai Place
Haiku, HI 96708
TEL [Redacted]
FAX [Redacted]
RE: Drinking Water Test

Dear Donald O'Connor:

Neilson Research Corporation received 2 sample(s) on 02/14/06 for the analyses presented in the following report.

The results relate only to the parameters tested or to the sample as received by the laboratory. This report shall not be reproduced except in full, without the written approval of Neilson Research Corporation. If you have any questions regarding these test results, please feel free to call.

Sincerely,
Neilson Research Corporation

Fay L. Fowler
Project Manager
The analyses were performed according to the guidelines in the Neilson Research Corporation Quality Assurance Program. This report contains analytical results for the sample(s) as received by the laboratory.

Neilson Research Corporation certifies that this report is in compliance with the requirements of NELAP. No unusual difficulties were experienced during analysis of this batch except as noted below or qualified with data flags on the reports.
**ANALYTICAL RESULTS**

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<tr>
<th>Analyses</th>
<th>NELAC Method Accredited</th>
<th>Result</th>
<th>Qual</th>
<th>MRL</th>
<th>Units</th>
<th>EPA Limit</th>
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<tr>
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<td>ND</td>
<td>0.00001</td>
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**Notes:**
- ND - Not Detected at the MRL
- N.L. - No Limit
- MRL - Minimum Reporting Limit
### Neilson Research Corporation

**CLIENT:** Donald O'Connor  
**Work Order:** 0602296  
**Project:** Drinking Water Test  

---

**ANALYTICAL QC SUMMARY REPORT**  
**TestCode:** EPA504_DW  

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**Qualifiers:**  
E Value above quantitation range  
H Holding times for preparation or analysis exceeded  
J Analyte detected below quantitation limits  
ND Not Detected at the Minimum Reporting Limit  
R RPD outside accepted recovery limits  
S Spike Recovery outside accepted recovery limits
# Chain of Custody Record

**Date:** 2/14/06  
**Page:** 1 of 1

**Attention:** Donald O'Connor

**Results and Invoice to:** Same

**Address:** 425 Manawai Pl  
Haiku, Hawaii, 96708

**Phone:** 808-573-2953  
**Sampled By:**

**Fax #:** 808-574-9972  
**PO #:**

## Project Information

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## Special Instructions:

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## Reporting Request

**Preliminary:** Fax  
**Final:** Written  
**RUSH REQUEST:**
- 24-48 hrs. (100% sur)
- 5 days (50% sur)
- Standard 10-14 days  
- Other

## Analysis Request

**NO. OF CONTAINERS**

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## Soil/Water Other

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## Field Blank Included

- **YES**
- **NO**

## Rush Request

- **4°C**
- EPA JARS/VIALS WITH TEFLOL LIDS  
- **FIELD BLANK INCLUDED:**
  - **YES**
  - **NO**

## Lab ID

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<th>Date</th>
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<td>2/11/06 2pm</td>
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## Shipped Via

- UPS
- Fed-Ex

## SAMPLE DISPOSAL

- **NRC disposal of non-contaminated**
- **Return**  
- **Pick up**

## Chain of Custody SEAL

**Sample Disposal**

- **RELINQUISHED BY (Sign and Print):** Donald O'Connor  
**DATE/TIME:** 2/15/06 10:45am  
**RECEIVED BY (Sign):** M. Saig  
**DATE/TIME:** 2/14/06 14:44

**Note:** See Standard Terms & Conditions on reverse side of this form.
FROM: ROY

TO: ANAKALEA, P. CHING, F. DANBARA, S. FUJII, N. GOODING, K. HARDY, R. HOAGBIN, S. ICE, C. IMATA, R.

INIT: TO: KUNIMURA, I. NAKAMA, L. NAKANO, D. OHYE, M. SAKODA, E. SWANSON, S. UYENO, D. YODA, K. YOSHINAGA, M.

DATE: MAR - 8 2006

SUSPENSE DATE: ______________________

PLEASE:

- Approval
- Signature
- Information
- See Me
- Review & Comment
- Take Action
- Type Draft
- Type Final
- File
- Xerox ___ copies

File ___ copies

(3/17 deadline)
March 6, 2006

Re: Manawai - O'Connor Well
Ref #5616-09

Dear Mr. Nakano

Enclosed are the meeting minutes from last year's Manawai Homeowners Association. The minutes address the concerns we had over the O'Connor's well in June of 2005 and his subsequent letter to the homeowners stating the well was legal and inspected by the State. This is obviously not what was relayed in the Maui News and to your department.

Thank you for following through to see that this well will not be a threat to others in the area.

Manawai Homeowners
Concern over a well being drilled on Donald and Valerie O'Connor’s property without permits was raised. Wailani Drilling informed the Homeowners and Charlie Ice from the State Dept. that this well was drilled without proper permits or license and may in fact potentially contaminate other wells in the area. A hearing is scheduled in Oahu. No action taken by the Board.

A vote was held to increase the dues from $400.00 to $450.00 per year, per lot effective July 20th, 2005.

Rick Strini will write a letter to the owners on Mehana Place to see if they are willing to help with the cost of repairing the concrete roadway at the intersection of Mehana and Manawai.

Concerns over a 30-foot rock wall on Arik Salvadors property was raised as the wall was built without any permits. Since the property is in the SMA district, concerns over the changed topography of the land and that the whitewater view of the ocean and of the target island are now altered were raised. Arik stated that an after-the-fact grading permit was issued and assured everyone that the wall is not a retaining wall for the home is intends to build. He showed a set of engineered stamped plans signed by Nick Wagner. Presently there is a stop work order until the SMA issued is resolved. No action taken by the Board.

New Board Members were elected. President: Tom Caltrider, Treasurer: Thea Engesser, Secretary: Arik Salvador with Charles and Tony being additional voting members of the Board.

Meeting adjourned 3:30.
June 2, 2005

Dear Manawai Owner:

We would like to respond to the accusations about our well mentioned in the 2005 Manawai Minutes and set the record straight.

We contacted the County of Maui concerning any permits etc. regarding the possible drilling of a well at our residence. We were told we needed a SMA only since a permit is only needed if we went over 100 feet. Our well is not over 100 feet. The well was drilled in March of 2005 under owner builder and is in compliance with regulations. We were never contacted by Wailani Well Drilling as stated in the minutes and as far as we know, Rick Strini of 263 Manawai Place was the only one who issued a complaint to the State of Hawaii. The State has already inspected our well and there is no hearing scheduled as stated that we are aware of.

We can only surmise that this whole well issue was brought about because we decided to disconnect our property from the original Manawai well. This was due to the fact that this well drilled by Wailani was constantly under repair.

Our well is in no way posing a threat to other wells in the area. We suggest that this case of “sour grapes” be put behind us and everyone be allowed to enjoy their homes on Manawai Place.

Perhaps this is the time to remember, “People who live in glass houses shouldn’t throw stones.”

Regards,

[Signature]

Donald de Valence
Illegal well draws a fine

By ILIMA LOOMIS, Staff Writer

WAILUKU – An illegal well dug in an exclusive Huelo subdivision will have to be fixed or sealed off, and its owner will have to pay a $2,500 fine.

The State Commission on Water Resource Management ruled last month that Donald O’Connor had violated the state Water Code by building the well on his Manawai Road property without the required permits, using an unlicensed contractor, and not meeting construction standards. Because the well wasn’t built to code, it could allow pesticides to leak into the water table from which O’Connor’s neighbors also draw their drinking water, said Groundwater Regulation Branch Chief Roy Hardy.

“It’s a conduit for contaminants to get into the aquifer,” he said. “That’s why we have standards.”

O’Connor could have faced a $223,500 fine for the violations, but Hardy said the water commission’s goal was to see the problems fixed.

“That’s going to cost in the neighborhood of thirty- to forty-thousand dollars,” he said.

Hardy said the commission was checking out reports of three other illegal wells in the area, but that two investigated so far were not
found to be in violation.

According to a water commission report, O'Connor had his well drilled in late 2004 or early 2005 at his Manawai home. He had a county special management area permit, and believed it was all he needed to drill the well. The SMA permit did not specify that he would need additional permits from the state water commission.

Under state law, anyone proposing to drill a well must get two additional permits – a well construction permit, which outlines requirements for factors such as depth and size, and a pump installation permit, which sets standards for the amount of water that can be pumped.

If the well serves a large number of people, the owner must also get permits from the state Department of Health to ensure water quality. O'Connor’s well was for his own private use, so the health permits were not required.

Licensed well builder Mike Robertson, owner of Wailani Drilling, told the water commission he didn’t believe O'Connor’s claim that he didn’t know he needed the additional permits.

In statements to the commission, Robertson said he’d told O'Connor about the required well construction and pump installation permits when he gave him an estimate for the drilling job in 2004.

O'Connor declined to comment to The Maui News, saying that he should not speak publicly while he was still working with the commission to resolve his well permit.

"My own version is that the County of Maui made a mistake, and I’m the scapegoat," he said.

Under order by the water commission, O'Connor identified the man hired to drill his well as Haiku resident Donald Wilbourn, a former driller from New Mexico.

Wilbourn said Saturday that O'Connor told him he had the permits for the well, and even showed him some paperwork. He said he told O'Connor he was unlicensed and that he wasn’t acting as a contractor on the job.

"I didn’t do anything other than operate the machine and lease it to
him,” Wilbourn said.

Wilbourn applied for a well-driller’s license in January. He said O’Connor’s was the only well he has drilled on the island.

A main concern with O’Connor’s well was that the grout used to seal the well casing may not have been adequate.

The state code requires a two-inch ring of grout around the well casement. But based on observations of work on O’Connor’s well, there was only room for a one-inch layer, according to the commission report.

It’s important to seal a well casing properly, to stop pesticides and other contaminants near the surface from draining into the aquifer. Normally, a dense layer of rock many feet underground acts as a barrier to keep pollutants out of the water table, but that layer is punctured in the drilling process.

Water commission officials said a bad seal could have long-term consequences if it isn’t fixed.

“Staff is concerned that O’Connor’s private well may have breached and caused a contamination of the aquifer that could affect not only his well but other well owners in the area,” the water commission report stated.

Robertson said Friday that while he felt the commission “let (O’Connor) off easy,” the settlement was “reasonable.”

“I’m not into seeing anyone punished. My whole objective is that the problem is fixed,” he said.

Robertson first alerted the water commission to the illegal drilling after several of his former clients on Manawai Road called him out of concern that their own permitted wells could be contaminated.

“It’s a serious thing,” he said. “Improperly constructed wells are really the only thing that can provide an entry point for contaminates down to these pristine lenses.”

O’Connor’s neighbor Rick Strini said he was among those concerned about the impact on the aquifer, and agreed with the state’s action.
"I think they’re doing the right thing, because they have to set a precedent," he said. “Otherwise, everybody is going to be digging wells, and the water on the island is really important.”

Ilima Loomis can be reached at iloomis@mauinews.com.
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20May05

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Shouldn't Don be doing this? Have us comment.

What is every part of? Check information didn't know.

This situation.
February 28, 2006

PUBLIC SERVICE ANNOUNCEMENT

Haiku Well Owners

Dear Well Owner:

Confirmation of Potential Contamination of Ground Water

The Commission has received information that new wells drilled near Opana Point have found trace amounts of DBCP, a fumigant pesticide used on pineapple fields that were once common throughout the Haiku area. While the amounts found were below the maximum contaminant level (MCL) prescribed by EPA and the Hawaii Department of Health, they are high enough that the privately-owned “public water system” in question will be required to install granulated activated carbon (GAC) filters.

This announcement is a public service to well owners who are not required to test or treat their water. We are reporting a finding of contamination so that you may take action you feel is appropriate. The fact that agricultural chemicals were found in these wells does not necessarily mean that they will be found in your well.

“Public water systems” are those that serve 15 connections or 25 people or more. They are required to apply for Department of Health approval, and it is this process that has resulted in new information about contaminants reaching ground water in the area. The probable cause is that agricultural chemicals have percolated through the soil to reach ground water. Private well owners are not required to apply for DOH approval, and are not required to test their water quality under rules for the Commission.

You may be aware that the Maui Department of Water Supply also found trace contaminants in three wells near Maliko Gulch. Therefore, we are announcing these new findings to all well owners who fall between these two areas. For further information about your proximity to potential contaminant sites, you may call the Department of Water Supply planning section at [blank]. For further information about water quality testing, you may call the Department of Health Safe Drinking Water Branch at (808) 586-4258.

If you have other questions, please call Charley Ice of the Commission staff at [blank] or toll-free at [blank] extension 70251.

Sincerely,

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Timeline: O’Connor-Wilburn-Peahi Farms

BACKGROUND:

unknown date, 2004
Staff heard from Mike Robertson (dba Wailani Drilling, Inc.) that someone was drilling illegal wells in the Haiku area. It was believed that perhaps three wells had been done. Staff was not given any other details. Because Mr. Robertson has drilled wells all over this district, it is possible that he heard second-hand and was unable to verify any locations.

November 24, 2004
Maui Planning Department approved a Special Management Area (SMA) Minor Permit for Donald O’Connor to construct a 300 foot deep irrigation well at this residence. Staff did not learn of this until May 2, 2005, attached to the requested DOCARE report (see Exhibit 2). It is of interest that although the SMA permit notes conditions to be met regarding historic preservation and Department of Water Supply (MDWS) requirements, there is no mention of the requirement to obtain a well construction permit from the Commission. Similarly, MDWS’ comment letter raises issues regarding best management practices but does not mention obtaining a well construction permit. Your staff has brought this to the planners’ attention, and notes that the problem has seemed resolved with subsequent SMA permits tendered in support of well construction.

April 1, 2005
Staff received a phone call from a licensed well driller on Maui, Mike Robertson (Wailani Drilling, Inc.), again alerting us to a potential illegal well drilling activity by an unlicensed driller. Because the unlicensed driller might still be on site, the information was immediately passed along to the Division of Conservation and Resource Enforcement (DOCARE), with a request to investigate.

In the two weeks following, Mr Robertson called a few more times to request a status update and to relay information, particularly reflecting concerns of several homeowners in the neighborhood. Staff independently spoke with neighbors Rick Strini, Richard Perry, Tom Caltrider, Frank Felton, and Bill Steele, and verified their concern that their wells might be affected if the unpermitted drilling activity resulted in incorrectly grouted wells that could conduct pesticides known to have been used in this area down to the basal aquifer from which these concerned well owners withdraw drinking water.

May 2, 2005
Staff received the report from DOCARE (see Exhibit 2). The report verified that the landowner, Donald O’Connor, did not have a well construction permit but did have a minor SMA permit issued November 24, 2004 that covered the well. The well site consisted of a rectangular box with plumbing and electrical items. Mr. O’Connor was given staff’s telephone number to call for more information and was reported to have been very cooperative. Subsequently, staff did receive two calls from Mr. O’Connor, and relayed to him that a submittal would be transmitted to the Commission concerning the lack of well construction and pump installation permits. Staff also indicated that the landowner was subject to potential fines.

May 20, 2005
Staff received a letter from Mike Robertson (see Exhibit 3), a licensed driller who has drilled most of the wells in the north Maui area, with the facts he knew about this situation. Robertson said he’d had a call from a potential client on Hanawana Road requesting a consultation regarding a drilling situation with a driller named Don, who had drilled down 450 and could not keep the 8-inch hole open. Robertson declined to help because the driller was unlicensed, the well was unpermitted, and the proposed strategy of installing PVC casing that far down and continuing to drill would fail. Robertson offered a “generous” price discount to remedy the situation with permits and a successful strategy, and although the man was interested, there was no follow-through.

“Several weeks later”, Robertson got a call from a client on Manawai Road asking about a driller on Donald O’Connor’s property. Six months prior, Robertson had provided O’Connor with an estimate, recommended he get this SMA permit, then Mike would obtain the well permits. “He said ok and I never heard from him again.” Brian Sarasin, another Robertson client, and one of Robertson’s workers verified that the driller Don was drilling an 8-inch hole and installing 6-inch casing. Robertson’s concern was that this land...
was formerly in pineapple cultivation and wells can contaminate the ground water if not properly grouted. Several neighbors expressed concern for the integrity of their own wells, and there is reportedly “contaminants discovered in the shellfish along the shoreline below”.

May 26, 2005
Staff sent a notice of violation letter to Donald O’Connor by certified mail (return receipt dated June 8, 2005), citing the section of the Water Code in potential violation, noting the neighbors’ expressed concerns and staff’s concerns for potential contamination, and asking 6 questions about the well: 1) when well drilled; 2) who drilled it; 3) whether pump installed; 4) whether well being used, and purpose; 5) whether owner was aware of requirement for permits; and 6) whether field visit was welcome to verify info.

June 7, 2005
Staff received a fax copy of a letter dated June 2, from O’Connor to neighbors, stating that he had received an SMA permit from the County and would not need another permit unless he built a pump house, that he had never been contacted by Wailani Drilling (Mike Robertson), and that the well was built “under owner-builder and is in compliance with regulations”.

June 15, 2005
Staff received a reply from Mr. O’Connor (see Exhibit 5), identifying the driller as “owner-builder”, that a pump was installed, the well was being used for irrigation and “non-potable water” and he was willing to allow a field inspection. In staff consultation it was felt that a field inspection would not be able to identify whether proper grouting of the casing had been done. Doing so would require digging several feet below grade to expose the diameter of the well bore around the casing.

September 1, 2005
Staff sent a letter to Mr. O’Connor requiring a well completion report for his well, to be completed and returned September 30, 2005. None was received by that date. In the interim, telephone messages back and forth elicited the understanding that he had received the letter and had completed the forms.

DOCARE officer Stan Okamoto responded to complaint about illegal drilling from a Jonathan Curtis (?), and visited a site in Honopou. The driller is identified as Donald Wilburn, who on this report is drilling three holes on his property for practice and is in the process of applying for a driller’s license. Staff received Okamoto’s report September 13, 2005.

September 13, 2005
Staff received a report from DOCARE officer Stan Okamoto, dated September 2, 2005, same day as the reported site visit. The first drilling rig encountered belonged to Wailani Drilling, but Okamoto learned the complaint was another site, 77 Ualena Loop in Honopou. The responsible party was identified as Donald Wilburn, who said he brought over a drill rig from New Mexico, had drilled a few holes for practice, filled them up, and the third time struck water, which was then used for intermittent irrigation. Photos transmitted included the drill rig and the slab with piping exiting. A pump was installed for intermittent use, a generator was hooked up but no meter evident. The officer told Mr. Wilburn that the well was a violation, that he should call the Commission, and gave Mr. Wilburn staff’s phone number. The officer’s report included no phone number nor mailing address for Mr. Wilburn. Wilburn said he would seal the well.

September 21, 2005
Staff sent Donald Wilburn a letter indicating that our office had learned he had drilled a well on his property. The letter noted the permit requirements, potential fines, and transmitted a well construction application to be completed after-the-fact by the end of 30 days.

September 22, 2005
Staff (Dave Higa) received a phone call from Skippy Hau who is with DOCARE officer Stan Okamoto “somewhere in Peahi”, where someone is drilling three wells and “water is leaking all over the place”. Staff (Charley Ice) returned the call to Okamoto, but got cut off in conversation. Roy Hardy later fielded a call from Okamoto while Charley was in a meeting, and said there would be pictures sent in.

Staff also called well owners in the Peahi area to try to identify the source of leakage, heard back only from Ron Sere who did not believe it could be his well, as they are not yet hooked up, but to call back if no one else could identify the source, and he would send someone to check it out.
September 26, 2005  Incoming call from Doug Albanese about water pumping being discharged over ground - is this okay? Albanese didn't know who was doing it but offered to find out. Later, he left a message through Paulyne Anakalea saying the pumping would stop, and that Doug had more information. I called him back and he related more of the story, gave me the number of Garth Everhart, who was on-site and responsible for pumping.

I called Bill Wong to ask whether he had been contacted by someone in the Peahi area and whether he had recommended pumping; his return call indicated he had not been consulted, and he agreed that if the pumping was to clear contamination, that might not be a good strategy - sounded like the project would need treatment facility.

I also called Mike Robertson and left message.

call from Garth Everhart, who said they've been working on this project for some time, have been doing everything above board, have been conversing with community association, and doesn't appreciate a neighbor complaining.

I noted that the pumping strategy might not be advisable if contamination was being discharged above the aquifer. He said he was going on the recommendation of Purial Specialties, who I gather may be retained for processing 'public system' requirements through DoH, possibly later for system management. I noted that DoH may question this approach - that treatment may be necessary.

September 27, 2005  return call from Rick Holt: doing pump testing to send sample to Mainland lab for water quality testing. He confirmed that they will have a domestic system that will require DoH approval; water is being discharged into detention basin created for the purpose, not into any watercourse. He said Tom Nance had been the hydrologist consultant on the job.

I called Tom Nance and left message.

September 28, 2005  call in from Ilima Loomis (reporter) via Ed Sakoda 2:23 pm: returned call pm
Loomis asked about lengthy pumping, discharge. I responded that we had a report we were investigating, had contacted a number of well owners to inquire about it, that it seemed the pumping was being done for water quality purposes, and being discharged on site into detention basins. Our concern was that the area is known to have been subject to pesticide use on pineapple, and that we wanted to avoid contamination of the aquifer and the water quality of several domestic use wells in the area.

She asked if these discharges were permitted. I responded that the wells are properly permitted under our responsibilities, but I was uncertain whether DoH might require a discharge permit.

October 3, 2005  Mike Yoshinaga forwarded Maui News article by Ilima Loomis. Indicated project involved 15 4-acre lots plus 180 acres agriculture: the initial investment is quoted as $3.5M.

John Cahill called. He had been called by Maria Isotov, former County employee, after seeing the news article. John Cahill and Jeff Fagerholm are partners in land and the ownership of Well No. 5517-02 (Manawai-Papanui Well). He related that test well had been drilled 2 years earlier, for water sample; he said Mike Robertson couldn't come earlier, so Tom Nance, hydrologist on project, arranged for Dave Pico to do work. Pico got gear stuck in well, used dynamite to blast out. withdrew, left gear.

Jeff Naftulin called from Pennsylvania to inquire about developments; with six hours difference and chasing other geese on this project. I didn't get back to him until Thursday am 06 Oct. left message.
Mike Robertson returned my call. He explained that he had been contacted to do work for Ron Serle, and had agreed, but couldn't get there for three weeks. He says Dave Pico was brought in to do "test well" to determine that water was available. Dave got gear stuck in the well. Mike offered to run a camera down and see what could be done, but Dave said it was too late, they had already tried blasting, had dislodged s drill pipe but left other gear in wellbore. That well was abandoned, and was graded over.

Mike noted that the gear got stuck in a hard rock layer down about 200 ft. below grade. Mike had encountered this layer himself, drilling a well for Ron Serle. When he got to basal ground water, they scaled off the casing and pumped for a while and got clean water. He mentioned something about using a state certified lab to test water quality and found contamination that cleared after pumping. Mike believed the perched water above the hard rock layer had followed the bit down and was the source of the contamination.

Mike indicated that Tom Nance was the hydrologist on the project, and had brought in Dave Pico. Mike thought Tom would know more about the situation, but probably wasn't told about the blasting.

He expressed dismay over the illegal drilling situations - one guy had probably contaminated three different neighborhoods and was still out there working, while a guy on the Big Island had been fined and had left the State. I said we had finally located the illegal driller and were expecting some information from him. Once we got our facts straight, we were prepared to go to the Commission with everything.

October 4, 2005
call to Bill Wong about whether blasting was illegal; he was not in, nor was Stuart Yamada, but Sharon Nekoba agreed to check it out. She returned the call later in the day, saying DoH had no regulations against blasting.

call to Donald O'Conner concerning his illegal well and the paperwork that was required by September 30 (we hadn't seen it yet). He later (next day) left a message that he'd been copying the info and was sending it in.

October 5, 2005
call from Mike Robertson inquiring about a Big Island well. I indicated he needed to contact Ryan. He also noted that one of his drillers quit, and there was a problem pulling gear out of one hole somewhere that had taken a lot of time. We discussed the Peahi matter further. Mike indicated that a second test hole had been drilled by Pico after the gear got stuck and abandoned after blasting in the first. The second hole was successful in getting a water sample, but may also not have been properly sealed, and was graded over along with the first.

Mike also said that the original problem with the "H-Poko Well" (Hamäkuapoko Wells 1 & 2, 5420-02 & 5320-01) was blasting in the wellbore. At that time, the story goes, some stuff flew 150 feet in the air. A well for Kent Smith (not a Kuialha well) that Mike did drilled right through an old landfill, and the testing showed predictable contaminants, but that after scaling and purging, the well had tested clean.

Call to John Cahill to clarify info. He said that he and Jeff Fagerholm were partners in buying the land and in developing his well (5517-02). They were among those organized to buy parts of land offered by an executive of Japan Airlines, who was an absentee owner living on the East Coast (as he remembers it). Ron Serle was the agent.

October 6, 2005
I left messages for Colleen Suyama and Robyn Loudermill of Maui Planning, asking about overall perspective on property development in Peahi area. The two had been involved in SMA approval, and may shine light on requests reviewed by their department, may have compiled info on various parties involved.
Jeff Naftulin called again. He bought property around 2000, with Serle and other partners, later sold to Holt and others. knows that Tom Nance was their hydrologist consultant, that test wells were drilled to assure water availability. He was under the assumption that necessary approvals were obtained, and has the impression that the test wells were properly sealed ("cemented"). thought they "had insisted on that". He said they were test wells, and wondered whether they needed the same approvals. I noted that "test wells" do not reach groundwater and are more often to place piezometers, lysimeters, etc., but that their well would best be described as an exploratory well, for which permits should have been obtained. He was happy to help with any information we need.

I noted that we may be facing one or two scenarios: 1) that the perched water above the formation 200 ft. below grade is the bearer of contaminants, and the wells are the culprits in transmitting them to basal ground water. 2) the contaminants have found their way to basal ground water over the longer period of pineapple cultivation, and all well owners are advised to do water quality sampling for their own information. Holt promised us a courtesy copy of the lab report on their WQ, which will help us evaluate the situation.

I need to ask Mike Robertson about the water sampling done for all the wells he did in this area, for comparison between them and with new information coming from Holt. Naftulin says their wells are waiting for Holt's development to get farther along, to use their roads, electricity, etc. for developing their wells, and will do more water quality testing at that time.

Tom Nance was in the office and indicated he got my message and will put together his recollections of the work done for Serle and Pico's involvement.

October 10, 2005

A conversation with Mike Robertson: he typically tests all wells, especially those where pineapple was used, so that owners have assurance that their water is clean. He uses National Testing Labs ("N"), which is not State-certified, but tests everything for $200. For Ron Serle's wells, they used Oceanic Labs, which is State-certified. Serle's well cleaned up after just 24 hours pumping. He's mentioned to Rick Holt that he has some concern that Holt's extensive testing period betrays the assumption that the situation is the same – Mike believes it could be Pico's abandoned wells that are causing the problem. (Serle's wells are farther downslope, where you might expect more accumulation of contaminants if it's a basal problem.)

Mike says he's talked to Holt, and will hold off the letter to us until the lab reports are back. If the well is clean, then maybe no further problem. But if the contamination persists, then we need to get to the bottom of it, and alert other well owners. Mike also corrected his understanding of the land transactions: both Serle and Holt bought separately from a man named Cho of Korean (not Japan) Airlines.

call in from Colleen Suyama of Maui Planning, returning my call about a compiled mapping of Peahi projects. She says there are two divisions within Planning that review projects for SMA requirements – 1) subdivisions by Zoning Enforcement Branch, and 2) major permits by Current Planning. But all approvals are made by Public Works/Development Services Div. The person to contact there is Glenn Ueno (she gave me his number).

call in from Ilima Loomis (Maui News): seeking info about privately-owned "public" wells. I referred her to DoH for a listing of what these would be, as we don't always know at the application stage how it will be used, or whether plans will change.

October 11, 2005

Ilima Loomis faxed list of privately-owned "public" wells on info release form. We spoke later by phone and I noted that it would take a while to compile, which was OK because
she'll be out of town for a couple of weeks. I forwarded the request to Susan Swanson, who agreed to work on it as time is available.

October 19, 2005
Donald Wilburn's att WCP1A received. No WCR attached.

October 24, 2005
Called Donald O'Connor; he was working on WCRs, would be sending shortly.

October 27, 2005
Received WCR 1&2 from Donald O'Connor. Prepared acknowledgements of transmittals.

November 7, 2005
Letter to O'Connor acknowledging receipt of WCRs and requesting further info.

November 23, 2005
Letter to O'Connor acknowledging receipt of WCP1A.

December 9, 2005
Received letter from O'Connor dated December 7, responding to our November 7 letter; applicant 1) requested deferral of a wellhead survey and pump test, specifically required in our November 7 letter; measured well depth and pump intake setting rounded to nearest foot rather than nearest 0.1 foot; reported temperature, water level, and chlorides appear consistent with neighboring well information.
February 28, 2006

Mr. Donald O’Connor
P.O. Box 93
 Puunene, HI 96784

Dear Mr. O’Connor:

Notice of Commission Action
After-the-Fact Well Construction/Pump Installation Application
Manawai-O’Connor Well (Well No. 5616-09)

This letter serves as your official notice of action taken by the Commission on Water Resource Management (Commission) on the subject application. By a unanimous vote of the Commission at their meeting on February 15, 2006, the Commission:

A. Found you in violation of:

1. HRS 174C-84, for 1) construction of a well and 2) installation of a pump and pumping equipment without required permits;
2. HRS 174C-82 & 86 and HAR 13-168-12, for 3) well construction by an unlicensed contractor, and 4) pump installation by an unlicensed contractor;
3. HRS 174C-82 & 86 and HAR 13-168-12 for 5) for not following the approved Hawaii Well Construction and Pump Installation Standards; and
4. HRS 174C-82 & 85, for 6) & 7) for failing to file acceptable well completion reports.

B. Imposed an alternative settlement for the violations in A, consisting of:

1. A $2,500 fine, payable within 30 days (March 17, 2006);
2. Requiring a licensed well contractor to file an application for either: (a) well sealing and abandonment or (b) well modification to meet the Hawaii Well Construction and Pump Installation Standards, within 60 days (April 16, 2006).

C. Denied the after-the-fact well construction/pump installation permit.
D. Ordered you to identify the well driller so that staff can follow up on enforcement action with the driller. *(The driller has been identified as Donald Wilbourn, Phone No: [redacted] This action item has been satisfied.)*

E. Is forwarding a copy of the Commission’s decision to the Department of Health Safe Drinking Water Branch and DLNR, Division of Conservation and Resources Enforcement (DOCARE).

F. Suspended action on any current, pending, or future applications by the landowner until the fines are paid.

Failure to meet the specifications of this decision may result in continuing daily fines of up to $5,000 per day per violation.

If you have any questions, please contact Charley Ice of Commission Staff at [redacted]

Sincerely,

DEAN A. NAKANO
Acting Deputy Director

Cl:ss

c: Department of Health, Safe Drinking Water Branch
   DLNR, DOCARE
Morning Charley:

Confirming that a new SMA is not required.

Aloha

Note: forwarded message attached.

Yahoo! Mail
Bring photos to life! New PhotoMail makes sharing a breeze.

----- Message from "Paul Fasi" <Paul.Fasi@co.mauि.hi.us> on Mon, 27 Feb 2006 14:57:09 -1000 -----
   To: <oconnorinc@yahoo.com>

Subject: SM2 2004/0118

This is to confirm the fact that your permit, SM2 2004/0118, will not have to be renewed nor replaced with a new application regarding the modifications as described to me this morning.

Sincerely,

Paul Fasi, Planner, County of Maui
February 21, 2006

Mr. Michael W. Foley, Director
Planning Department
County of Maui
250 South High Street
Wailuku, Hawaii 96793

RE: SMX 2004/0582

Dear Mr. Foley:

We received the above captioned SMA permit in November of 2004 and the work has been completed. Currently the State of Hawaii is requiring us to have the well redone. All of the information on the original SMA application will be the same.

Could you please let me know if we are required to get a new SMA permit for the work or are we exempt.

If you have any questions you can contact me directly at [redacted]

Sincerely,

[Signature]

Donald O'Connor

cc Charley Ice DLNR, CWRM
Dean, latest amendment implicitly deleted WTP requirement since current didn't want to have shift come back (I think he didn't care about it). Basically, so what if data shows no contamination now, might occur in future.
STAFF SUBMITTAL

for the meeting of the
COMMISSION ON WATER RESOURCE MANAGEMENT

February 15, 2006
Honolulu, Oahu

Donald O'Connor

APPLICATION FOR AFTER-THE-FACT WELL CONSTRUCTION / PUMP INSTALLATION PERMITS FOR MANAWAI-O'CONNOR WELL (WELL NO. 5616-09), TMK 2-8-003:044

VIOLATIONS, AND FINES

Manawai Place, Manawai, Makawao Maui

APPLICANT: Donald O'Connor
P.O. Box 93
Puunene, HI 96784

LANDOWNER: Same

SUMMARY OF REQUEST:

The applicant requests approval of his after-the-fact well construction/pump installation permit application for a 13 gallon-per-minute (gpm) pump to irrigate 3 acres of palm trees. There are several potential violations regarding this request.

DESCRIPTION:

Location: (See Exhibit 1) Dimensions: (unverified; well was drilled by unknown contractor; WCR 1&2 are Exhibit 2)

BACKGROUND:

November 24, 2004 The County of Maui Planning Department approved a Special Management Area (SMA) Minor Permit (see Exhibit 3) for Donald O'Connor to construct a 300-foot deep irrigation well at this residence.

April 1, 2005 Staff received a phone call from a licensed well contractor on Maui, Mike Robertson (Wailani Drilling, Inc.), alerting us to a potential illegal well drilling
activity by an unlicensed driller. Hoping to catch the unlicensed driller on site, the information was immediately passed along to the Division of Conservation and Resource Enforcement (DOCARE), with a request to investigate. DOCARE investigated immediately on behalf of the CWRM staff.

April 5 to 16, 2005

In the two weeks following, Mr. Robertson called a few more times to request a status update and to relay information, particularly reflecting concerns of several domestic well and home owners in the neighborhood. Staff independently spoke with neighbors Rick Strini, Richard Perry, Tom Caltrider, Frank Felton, and Bill Steele, and verified their concern that their wells might be affected if the unpermitted drilling activity resulted in incorrectly grouted wells that could conduct pesticides known to have been used in this area down to the basal aquifer.

May 2, 2005

Staff received the field investigation report from DOCARE (see Exhibit 4). The report verified that a well was constructed and that the landowner, Donald O'Connor, did not have well construction or pump installation permits, although he instead presented an SMA Permit. The well site consisted of a rectangular box with plumbing and electrical items (see photos in Exhibit 4). Mr. O'Connor was cooperative and was given staff's telephone number to call for more information. Subsequently, staff did receive two calls from Mr. O'Connor, and told him that failure to obtain permits from the Commission was subject to potential fines.

The DOCARE report included a copy of the SMA Minor Permit (Exhibit 3) issued by Maui County on November 24, 2004 that covered the well. This was the first instance staff learned of this permit.

May 20, 2005

Staff received a letter from Mike Robertson (see Exhibit 5), a licensed contractor who has drilled most of the wells in the north Maui area, with the facts he knew about this situation. Robertson's written testimony is that his earlier conversations with Mr. O'Connor were a clear indication that Mr. O'Connor understood the requirement for well construction and pump installation permits.

May 26, 2005

Staff sent a notice of potential violation letter to Donald O'Connor by certified mail (return receipt dated June 8, 2005), citing the section of the Water Code in potential violation, noting the neighbors' expressed concerns and staff's concerns regarding potential contamination, and asking 6 questions about the well, including a request to file an after-the-fact application. (see Exhibit 6).

June 15, 2005

Staff received a written reply from Mr. O'Connor (see Exhibit 7), identifying the driller as "owner-builder", and his willingness to allow a field inspection, and that he would be submitting after-the-fact applications.
Staff Submittal

September 1, 2005

Staff sent a second letter (see Exhibit 8) to Mr. O'Connor requiring a well completion report for his well, to be completed and returned by September 30, 2005. In the interim, telephone messages elicited the understanding that he had received the letter and had completed the forms.

October 13, 2005

Staff received the after-the-fact Application for Well Construction and Pump Installation Permits. While the application appears complete, discrepancies in its representations of the grouted annulus, especially in view of Mike Robertson's representations, caused staff to withhold acceptance of the application as complete until the well completion reports could be evaluated and other facts reviewed.

October 27, 2005

Staff received deficient well completion reports (WCR) 1&2. The well completion reports were not completed by a licensed well contractor, as required. Most importantly, questions remain concerning proper grouting of the annulus.

November 7, 2005

Staff sent an acknowledgement of the well completion reports, noting several items needing attention before they could be accepted as complete (Exhibit 9).

December 9, 2005

Staff received a letter dated December 7, 2005, responding to our November 7 letter requesting additional information. The applicant requested deferral of a wellhead survey and pump test, specifically required in our November 7 letter. Measurements of well depth and pump intake setting were rounded to the nearest foot rather than nearest 0.1 foot. Temperature, water level, and chlorides reported appear consistent with neighboring well information.

January 18, 2006

Staff conducted a field verification of the well. Staff reported well information provided by Mr. O'Connor, and noted that there was no concrete slab, elevation benchmark, nor visible flow meter. Staff took a GPS reading of the wellhead location. Mr. O'Connor's asserted for the first time that a well driller from New Mexico drilled the well, whom he declined to name. Finally, Mr. O'Connor was informed that the Commission was considering enforcement action. (Exhibit 10).

January 25, 2006

Staff sent a letter to Mr. O'Connor deferring the certified survey of the wellhead elevation, excusing the aquifer pump testing, and noting several items that caused staff to deem the well completion reports deficient.

WATER AVAILABILITY:

Haiku Aquifer System Area of the Koolau Sector
Estimated Sustainable Yield: 15 mgd
Current Aquifer System Pumpage (12-MAV as of 5/13/05): <2.5 mgd
Proposed Use: about 200 gpd to irrigate 3 acres of palm trees

ISSUES/ANALYSIS:

Staff highlights the following significant violation issues: 1) drilling a well without a proper Commission permit; 2) installing a pump without a proper Commission permit; 3) work by an unlicensed contractor;
4) non-conformance with construction standards, resulting in potential contamination of aquifer and neighboring wells; and 5) late filing of incomplete well completion reports (WCR 1 & 2).

1 & 2. Drilling Well and Installing Pump Without a Commission Permit:
Hawaii Revised Statutes (HRS) 174C-84 states that:

"No well construction and no installation of pumps and pumping equipment shall commence without appropriate permit from the commission."

No permit for well construction nor pump installation has been issued for Well No. 5616-09 at TMK: 2-8-003:044. The well was, in fact, unknown to staff until after its completion. Therefore, construction work without these permits constitutes at least two violations of the Water Code.

Knowledge of Commission Permit Requirements
As reported by DOCARE, the applicant contends that the SMA permit allowed him to construct his well. The SMA permit from the County, which itemizes a well as part of the approved land use, mentions other land use requirements still to be completed but fails to note well drilling and pump installation permit requirements from the Commission. The SMA Permit notes conditions to be met regarding historic preservation and Department of Water Supply (MDWS) requirements, but there is no mention of the requirement to obtain a well construction permit from the Commission. Similarly, MDWS' attached comment letter raises issues regarding best management practices but does not mention obtaining a well construction permit from the Commission either. Staff acknowledges that this may have given Mr. O'Connor the impression that the SMA permit was sufficient.

However, licensed contractor Mike Robertson’s written testimony contends that he informed Mr. O’Connor of the need for well construction and pump installation permits. Mr. Robertson stated that O’Connor requested an estimate for well drilling in the summer of 2004. Mr. Robertson offered to obtain the Commission well permits once Mr. O’Connor completed the SMA permitting process. Then in November 2004, Mr. Robertson had been contacted by a man claiming to be a land owner in Huelo, who needed consultation on a well being drilled on his property by a driller named Don because the well bore kept collapsing. Robertson advised against continuing this work because 1) the driller was unlicensed; 2) the well was unpermitted; and 3) because the annulus was too small for proper grouting. Robertson offered to assist the landowner in completing the well and to help him obtain the necessary permits; however, he never heard from the man again. Several weeks later Mr. Robertson got a call from a former client on Manawai Place asking if Mr. Robertson knew about a well being drilled on an adjacent parcel, which turned out to be O’Connor’s residence. Robertson sent one of his work crew to look into it and learned that the same “Don the driller” was drilling with an 8-inch bit and had brought 6-inch PVC casing on site. This is the site of Well No. 5616-09, the subject well for this submittal and unpermitted well construction on TMK: 2-8-003:044.

Through discussions with staff, Mr. O’Connor stated that he had never met Mr. Robertson in person but had spoken to him about the costs of drilling a well, but nothing about permit requirements. He has also mentioned that he had called every driller in the State, concerning cost, prior to construction of his well. In addition, he had talked with Mr. Robertson years ago in connection with the Peter Martin Well (5616-02), constructed in 1997, in which O’Connor also had some involvement. He maintains he was unaware of Commission permit requirements and thought the SMA permit was all that he needed to construct his well.
Based on the applicant's and Mr. Robertson's conflicting testimony, staff cannot conclude Mr. O'Connor knew that Commission permits were required, though it seems unlikely that after all the discussions with Mr. Robertson and other drillers that none had made it clear to him that Commission permits were required.

3 & 4. Work By an Unlicensed Contractor:
HAR § 13-168-12(b) identifies that well construction and pump installation work is to be done by a licensed contractor.

The landowner specifies in his letter that the well was constructed as an “owner-builder”, not by a licensed contractor. This would constitute a violation of the Water Code. Further, during staff’s field investigation, Mr. O'Connor stated that the driller was from New Mexico, that it was not O'Connor himself. Mr. O'Connor specifically declined to name the driller then, as he had failed to do in all previous correspondence. In another case still under investigation, an unlicensed driller, Don Wilburn, constructing an unpermitted well stated that he brought his drill rig from New Mexico.

5. Non-Conformance With Construction Standards
The purpose of the Hawaii Well Construction and Pump Installation Standards (HWCPIS, 2004) is to specify proper construction to assure safe drinking water and to protect the aquifer from contamination through accident or from natural percolation through unsaturated zones of rock. Staff is particularly concerned with the thickness of the grout seal between the well bore and well casing, the manner of grouting, and the quality of the casing, which have specified minimums to accomplish proper grouting to protect the well and aquifer. HWCPIS requires at least a 2-inch grouting annulus, 70% of the depth to water and proper casing material to 90% of the well depth. A licensed driller under Mr. Roberts, who was on site, reports that the driller was using an 8-inch bit and installing 6-inch casing, precluding anything but a one-inch annulus. The well is located above an area known to have three separate layers of very dense, as reported in by drilling logs of nearby wells, making it very difficult even for an experienced licensed driller to keep a straight open hole to achieve a proper grout seal. The collapsing hole problem mentioned by Mr. Robertson in the earlier consultation is evidence of difficult drilling conditions for a hole this deep in this area.

Based on well completion reports and staff’s field investigation and analysis, the well depth is greater than 200-feet deep and cased with Schedule 40 thermoplastic. The standards prohibit use of any thermoplastic casing in wells of depth greater than 200 feet. If the annulus were the proper thickness, and the hole sufficiently straight, it is most likely that Schedule 40 casing would have been distorted by the weight of the grout and the heat of the curing process. If the casing did not totally fail, such a situation might still have complicated installation of the pump, but no such problems were reported. This could mean that the well was not grouted to 70% of the depth to water. These foregoing factors – thickness of annulus, depth of well, and substandard casing material, with installation of the pump – suggest either that an unlicensed driller in a difficult area performed a very difficult feat, or that a standard grout seal was not made. Without having a licensed driller sign-off on the as-built conditions of the well, the grouting depth of the well is virtually unknown.

Maui Department of Water Supply’s wellhead protection program maps show that this well is in an area formerly in pineapple production, which is known to use fumigants such as DBCP. For health reasons, this contaminant is not recommended in drinking water above a trace levels, and requires treatment in water systems defined by the Department of Health (DOH) as a “public” water system, meaning 15 or more service connections or 25 individuals served. For individual private wells, DOH’s position is that individual private well owners are responsible for their own water quality testing. Mike Robertson's
experience from drilling private individual wells in this area, knowing that pineapple had formerly been cultivated here, is that the contaminants in this area are only being found in the perched aquifer layers above the basal aquifer. He is aware that these contaminants can follow the drill bit down to the basal aquifer and does water quality analysis for his clients. After grouting the casing properly through those layers and pump testing, he has found that pineapple related contaminants are not in the basal aquifer, at least not at the wells he has constructed in close proximity to O'Conner's well. Therefore, Mr. Robertson's experience shows that an adequate annulus and standard grouting is absolutely crucial to the protection of ground water resources in this particular area. Staff is concerned that O'Conner's private well may have breached and caused a contamination of the aquifer that could affect not only his well but other well owners in the area as well.

Contamination is a primary concern for the Commission, as HRS 174C-86 (b) states:

"If any well construction or pump installation standard is violated and as a consequence ground water is wasted or any well is contaminated, the commission, after giving notice of the defect to the owner of the land on which the well is located and giving such owner a reasonable time to correct the defect, may itself correct the defect and charge the landowner for the cost of such correction. Such cost constitutes a lien on the land until paid..."

So far, there is no evidence of waste or contamination to allowing the Commission to compel the owner to seal this well at this time. There is also no counter evidence, while there is a record of contaminants in this area. If the well is not grouted properly, the risk of waste and/or contamination remains high. Staff has suggested to O'Conner to do water quality analysis of his well for his own peace of mind, which he is planning on doing.

6 & 7. Lack of Acceptable Well Completion Reports

HRS 174C-82 also states that:

"In addition to its other powers and duties, the commission shall ... (3) Require well completion reports, as provided in section 174C-85."

The well completions reports filed indicate a few significant HWCPIS insufficiencies, which are: 1) the improper casing; 2) reported annulus of 1.5 inches (still substandard unless positive displacement grouting is used, which is not the case); 3) PVC casing extends beyond 200 ft deep; 4) no identification of a required flowmeter; 5) no well pad, verified by photos and by field inspection; and 6) reports are required to be completed by a licensed driller. It is not known whether any other of the proper standards for well construction and pump installation were followed for this O'Connor Well.

The driller was initially identified as “owner-builder”, but the landowner is not a licensed contractor, and he only recently has indicated the work was done by a driller from New Mexico. An unlicensed contractor would not be expected to know the standards, which are made known through the permitting processes, and also soon will be part of the licensing process testing, nor expected to have any experience drilling under difficult geologic conditions. Mr. O'Conner has been given several opportunities to identify a licensed contractor and has failed to do so. An acceptably complete well completion report form is still not on file

PENALTY POLICY:
The policy used in this submittal was adopted in 2001. Exhibit 12 is a summary of the penalty calculation in this case.
Basic Component: Hawaii Revised Statutes (HRS) Section 174C-15, as amended, provides for fines up to $5,000 per day per violation. The minimum fine established by the Commission’s penalty policy is $250 per violation, set when the maximum fine was $1,000 (see Exhibit II & 12). Staff recommends the minimum basic fine component for each violation.

Gravity Components: Six elements are outlined in the Commission’s Penalty Policy: a) damage to resource; b) risk to resource; c) refusal to correct; d) violator should have known; e) number of violations of standard conditions; f) failure to meet deadlines. The gravity component can add an additional $250-$1000 per violation, and initiate daily fines.

Applicability to Violations:
1 & 2. Drilling Well and Installing Pump Without a Commission Permit: None. Obtaining permits is ultimately the responsibility of the contractor. There are conflicting views as to Mr. O’Connor’s understanding of permit requirements.

3 & 4. Work by Unlicensed Contractor: (d) a licensed contractor would know the procedures for permitting, construction, and reporting, all of which have been improperly done in this case; a licensed driller could have prevented all these violations. Based on Mr. O’Connor’s unwillingness to identify the driller, staff recommends a $250 gravity component for both well construction and pump installation, which incurs daily fines. However, staff does not know how many days the contractor took to do the work.

5. Non-Conformance to Construction Standards: the testimony of a licensed driller as to the drill bit and casing size suggests that a grout seal would have been substandard. Furthermore, the depth of the well and the substandard casing material used indicate that a standard grout seal is unlikely. Given this the risk to the resource is high.

We have no direct evidence in this case of contamination, but there is also no counter evidence, while there are records of contaminants in this area due to past pineapple cultivation and testimony of Mr. Robertson for other wells nearby when he drills through the perched aquifer formation. An improperly constructed well has a high risk of contaminating the underlying aquifer. With neighboring well owners’ water supply at risk, staff recommends an additional $750 gravity component to the fine. Due to the risk to the resources, this component also incurs daily fines.

6 & 7. Lack of Acceptable Well Completion Reports: None. Well completion reports are ultimately the responsibility of the contractor. At this point, only the person who drilled the well can testify to the actual work done. Lastly, since this is a ‘paperwork’ violation, the basic fine component with daily fines for the late filing seems sufficient.

Mitigation Components: Six elements are outlined in the Commission’s Penalty Policy:
a) attempt to remedy without notice of violation; b) good faith effort to remedy after notice; c) diligence once notified; d) speedy compliance once notified; e) emergency considerations; f) insignificant risk to resource.

Applicability to Violations:
1 & 2. The well owner/applicant obtained a SMA permit from the Maui Planning Department, which approved the well. The applicant states that his SMA permit approval led him to believe that he had met all the requirements for constructing a well. The applicant has been cooperative with staff with the exception of naming the contractor who is ultimately responsible for obtaining permits.
Therefore, staff is applying a mitigation component of -$250 to these violations due to the confusion of the SMA Permit and the contractor’s responsibility to get these permits.

3 to 7. No additional mitigative components were made toward reducing the fine for these violations.

**Duration Calculation:** The duration component is determined according to the circumstances surrounding each type of violation. When compliance is speedy, the policy is to limit the duration exposure to fine to a single day minimum.

1 through 4) **Well Construction and Pump Installation Without Permits and Work By an Unlicensed Contractor:** Because there is no way to comply with these requirements after work has been completed, and despite a gravity component added to using an unlicensed contractor, staff recommends a single day duration for these violations.

5) **Non-Conformance to Construction Standards:** The danger and risk to the resource from this violation is ongoing and incurs a duration component. The duration is considered to be from the date of work to the date that a well completion report was filed. We know that work began at least by April 1, 2005, when the rig was noticed and staff received a call. DOCARE confirmed this on site on April 4. A well completion report was filed October 27, 2005, which is a measure of compliance. The duration period totals 209 days. The Commission can increase this duration if it so chooses.

6 & 7) **Lack of Acceptable Well Completion Reports:** The duration for this violation is considered to run from the expiration of 30 days’ notice (specified in our letter as September 30, 2005) to the date of filing (October 27, 2005), 27 days. Had it been filed on time as specified, there would be only a one-day duration component. This violation does not weigh the merits of the information provided, but rather the effort to comply. The well completion reports are still deemed to have missing information, possible errors, and most importantly has no licensed contractor testifying to the work performed.

**Summary of Recommended Fines:**

1 & 2) **Well Construction and Pump Installation Without Permits:** Because the applicant may have an acceptable excuse for not pursuing the required permits, was cooperative, and responded to our notice in a timely way, the minimum fine of $250 per day is recommended to be mitigated to $0.

3 & 4) **Work By an Unlicensed Contractor:** The minimum fine plus gravity component equal $500 in each of these two instances.

5) **Non-Conformance to Construction Standards:** At the minimum of $250 plus $750 gravity component, the total fine for this violation could be 209 x $1,000 = $209,000.

6 & 7) **Lack of Acceptable Well Completion Reports:** At the minimum fine of $250, the total could be 27 x $250 = $6,750 in each of these two instances.

The sum of these totals for the seven violations is **$223,500**.

**Alternative Settlement:** The penalty policy allows for an alternative settlement along with a minimum fine of $500 per violation, in this case **$2,500**. Staff time for processing, meetings, and field investigations has been estimated to equal this amount.
Regardless of any other outcome, the well must also be properly grouted to reduce the risk of ongoing and future perched water contamination from reaching the basal aquifer where it could spread to neighboring wells. Staff believes that the automatic consequence of illegal well drilling should be to have a licensed contractor seal the well. A permit would be required to do this work to ensure that proper sealing standards are followed.

In addition to the monetary component of this alternative settlement, the water from Well No. 5616-09 should be sampled and evaluated by a Department of Health approved or certified water quality laboratory. Staff has consulted DOH and recommends that an EPA regulated new source analysis, including Microscopic Particulate Analysis (MPA), be performed to address contamination issues at the site. If Well No. 5616-09 is found to have contaminants, staff will return to the Commission with further recommendations for actions.

RECOMMENDATION:

That the Commission:

A. Find Donald O'Connor in violation of :

1. HRS 174C-84, for 1) construction of a well and 2) installation of a pump and pumping equipment without required permits; 
2. S 174C-82 & 86 and HAR 13-168-12, for 3) well construction by an unlicensed contractor, and 4) pump installation by an unlicensed contractor; 
3. HRS 174C-82 & 86 and HAR 13-168-12 for 5) for not following the approved Hawaii Well Construction and Pump Installation Standards; and
4. HRS 174C-82 & 85, for 6 & 7) for failing to file acceptable well completion reports.

B. 1. Impose a fine of $223,500 for the violations in A, to be paid in 30 days. If the fine is not paid, daily fines shall continue for violation A.3. until the well is shown to contain no contaminants, as determined by the Department of Health, or is sealed by a licensed driller.

Or

2. Impose an alternative settlement for the violations in A, consisting of
   a) a $2,500 fine and
   b) require that water quality testing for EPA-regulated new source analysis, including MPA analysis, acceptable to the Department of Health, be completed, analyzed, and certified by a qualified independent lab, with results reported directly to Commission staff and to be shared with the Department of Health.

   Based on the lab results, staff will return to the Commission with subsequent recommendations for action. Whatever the water quality testing reveals, staff shall notify and share results with well owners in the affected area accordingly.

C. Order Mr. O'Connor to identify the well driller so that staff can follow up on enforcement action with the driller. Failure to do so will result in further fines and enforcement actions.
D. Forward a copy of the Commission's decision to the Department of Health Safe Drinking Water Branch and to DOCARE.

E. Suspend any current, pending or future applications by the landowner until the fines are paid and the applicant/driller completes the permitting and remediation processes for this well.

Respectfully submitted,

[Signature]

DEAN A. NAKANO
Acting Deputy Director

Exhibit(s):
1. (Location Map)
2. (Well Completion Reports 1 & 2)
3. (Maui SMA Minor Permit)
4. (DOCARE Report)
5. (May 20, 2005 letter from Michael Robertson)
6. (May 26, 2005 NOV letter to Donald O'Connor)
7. (June 15, 2005 reply from Donald O'Connor)
8. (September 1, 2005 second letter to Donald O'Connor)
9. (November 7, 2005 acknowledgement of well completion reports)
10. (Staff field investigation notes for the record)
11. (Penalty Guideline)
12. (Penalty Calculation Sheet)

APPROVED FOR SUBMITTAL:

[Signature]

PETER T. YOUNG
Chairperson
State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources

WELL COMPLETION REPORT - PART I
Well Construction

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

<table>
<thead>
<tr>
<th>1. State Well No.:</th>
<th>Well Name:</th>
<th>Island:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>OCONNOR WELL</td>
<td>MAUI</td>
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<table>
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<tr>
<th>2. Address:</th>
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<tr>
<td>425 MAHANAI PL HAUOLI 96705</td>
<td>(2) 2 8 003 044</td>
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<td>OWNER BUILDER</td>
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<th>4. Drilling method used during construction:</th>
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<tbody>
<tr>
<td>☑ Rotary</td>
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<table>
<thead>
<tr>
<th>5. Date Well Construction (drilled, cased, grouted) completed:</th>
</tr>
</thead>
<tbody>
<tr>
<td>31-JUL-2005</td>
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</table>

In addition to the driller's log, if a geologic log was prepared, please submit with this form.

<table>
<thead>
<tr>
<th>6. Was the subject well cored?</th>
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<tr>
<td>☑ Yes</td>
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<table>
<thead>
<tr>
<th>7. Initial water-level encountered ft. below ground</th>
<th>Date and time of measurement:</th>
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<tbody>
<tr>
<td>205</td>
<td>Month/day/year time</td>
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<table>
<thead>
<tr>
<th>8. Step-Drawdown Test completed?</th>
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</thead>
<tbody>
<tr>
<td>☐ No</td>
</tr>
</tbody>
</table>

Attach Step-Drawdown Test form (12/17/97 SDPTD Form)

<table>
<thead>
<tr>
<th>9. Constant Rate Aquifer Test completed?</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ No</td>
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</tbody>
</table>

Attach Constant Rate Aquifer Test form (12/17/97 CRPTD Form)

Parameters prior to pump test:

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Value</th>
<th>Date and time of measurement:</th>
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<tbody>
<tr>
<td>Water-level:</td>
<td>5 ft. above msl</td>
<td>Month/day/year time</td>
</tr>
<tr>
<td>Chloride:</td>
<td>N/A ppm</td>
<td>Month/day/year time</td>
</tr>
<tr>
<td>Temperature:</td>
<td>N/A °F</td>
<td>Month/day/year time</td>
</tr>
</tbody>
</table>

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

14. Attach photograph of well and concrete pad showing benchmark on concrete pad.

15. Fill in attached surveyor's report.

16. If a pump is not planned to be installed, please describe (below in the remarks section) how well is secured to prevent unauthorized access (example: lockable cover, threaded coupling, etc.)

17. Remarks: 

<table>
<thead>
<tr>
<th>Remarks:</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
</tr>
</tbody>
</table>

Licensed Driller (print) | C-57 Lic. No. |
------------------------|----------------|
Signature | Date 10/26/05 |

For Official Use Only:
RESERVED
13. AS-BUILT W\*: SECTION (Please attach as-built if different from diagram provided below)

Elevation at top of casing __________ ft., msl* (to nearest 0.01 ft.)

Minimum of 2 Radius & 4" Thick Concrete Pad

Ground Elevation: __________ ft., msl

Bench mark elevation:

200 ft., msl* (Survey to nearest 0.01 ft.)

Grouting method:
- Positive displacement
- Other

Total Depth 230 ft.

Rock or Gravel Packing:

2-1 ft. Material: 
- Crushed Basalt
- Rounded Gravel

Cement Grout: 145 ft. (min. 70% of distance from ground elevation to top of water surface or 500 ft., whichever is less.)

Annular space between hole and casing (1.5" for positive displacement, 3" for other methods):

1.5 in.

Water Level Elevation: __________ ft., msl*

Hole Diameter: __________ in.

Please refer to the HAWAII WELL CONSTRUCTION AND PUMP INSTALLATION STANDARDS to ensure that your as-built is in compliance with applicable standards.

Solid Casing Material:
Carbon Steel: compliant with (check one or more): 
- ANSI/AWWA C200
- API Spec. 5L
- ASTM A53
- ASTM A139
- Stainless Steel: (check one):
- ASTM A242 or A606
- Type E
- Type S
- Grade B
- Other
- ABS Plastic conforming to ASTM F480 and ASTM D1527: (check one)
- ASTM A409 (production wells)
- ASTM A312 (monitor wells)
- PVC Plastic conforming to ASTM F480 and (ASTM D1785 or ASTM D2241): (check one): 
- Schedule 40
- Schedule 80
- Schedule 120
- Thermoset Plastic: (check one)
- Filament Wound Resin Pipe conforming to ASTM D2996
- Centrifugally Cast Resin Pipe conforming to ASTM D2997
- Reinforced Plastic Mortar Pressure Pipe conforming to ASTM D3517
- Glass Fiber Reinforced Resin Pressure Pipe conforming to AWWA C950
- PTFE Fluorocarbon Tubing conforming to ASTM D3296
- FEP Fluorocarbon Tubing conforming to ASTM D3296

Open Casing: 
- Perforated
- Screen

Open Hole:

Length: __________ ft.
Diameter: __________ in.
Bottom Elevation: __________ ft., msl*

Solid Casing: (≥ 90% x (Ground Elev.-Water Level Elev.))
Length: __________ ft.
Nominal Diameter: __________ in.
Wall Thickness: __________ in.
Bottom Elevation: __________ ft., msl*

Open Casing: 
- Perforated
- Screen

Length: __________ ft.
Nominal Diameter: __________ in.
Wall Thickness: __________ in.
Bottom Elevation: __________ ft., msl*

Open Hole:

Length: __________ ft.
Diameter: __________ in.
Bottom Elevation: __________ ft., msl*

*msl = mean sea level

06/16/09 O'Conner
<table>
<thead>
<tr>
<th>Depths (ft.)</th>
<th>Rock Description, Water Level, etc.</th>
<th>Dates</th>
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<tbody>
<tr>
<td>0 to 85</td>
<td>TAN CLAY</td>
<td>3/05</td>
</tr>
<tr>
<td>85 to 90</td>
<td>TAN ROCK</td>
<td>3/05</td>
</tr>
<tr>
<td>90 to 120</td>
<td>BROWN CLAY</td>
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<td>120 to 190</td>
<td>TAN ROCK</td>
<td>3/05</td>
</tr>
<tr>
<td>190 to 230</td>
<td>BASALT</td>
<td>3/05</td>
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</tbody>
</table>

Remarks:
SKETCH OF WELL LOCATION
(Referenced to permanent landmark, i.e. building, road, fence, etc.)
Provide Latitude and Longitude of well referenced to NAD83 to nearest second

Attach photos of completed well and concrete pad
Well Elevation

Benchmark Elevation ___

Attach photos of completed well and concrete pad showing benchmark location.

I certify that the elevation shown above:

1) Was done in accordance with acceptable surveying practices
2) Is accurate to the nearest 0.01 ft.
3) Is referenced to mean sea level

N/A

Surveyor ___________________________ License No. ___________________________ Date ___________________________
State of Hawai'i
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources
WELL COMPLETION REPORT - PART II
Pump Installation

Instructions: Please print in ink or type and send completed report (with attachments, if applicable) to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. The Commission may not accept incomplete reports. This form shall be submitted within 60 days of the completion of work. For assistance, please consult the Hawaii Well Construction and Pump Installation Standards or call the Regulation Branch at 808-586-0357. For updates to this form or additional information, please visit our website at http://www.hawaii.gov/dlnr/cwm.

<table>
<thead>
<tr>
<th>1. State Well No.:</th>
<th>5616-09</th>
<th>Well Name:</th>
<th>O'CONNER WEL</th>
<th>Island:</th>
<th>MAUI</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Address:</td>
<td>475 MA'ALAWI PLACE HA'iku</td>
<td>Tax Map Key:</td>
<td>(2) 28 083 044</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Pump Installation Company:</td>
<td>OWNER BUILDER</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Date Pump Installed:</td>
<td>3/2005</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. PERMANENT PUMP INFORMATION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pump Type, Make, Serial No.:</td>
<td>Goulds 136510412 L ST M0408502</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rated Capacity:</td>
<td>14 gpm at head of:</td>
<td>280 ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motor Type, H.P., Voltage, rpm:</td>
<td>1 HP 3 WIRE PUMP</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pump type (check one):</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Deep Well Turbine</td>
<td>☐ Rotary</td>
<td>☐ Propeller</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>☒ Submersible</td>
<td>☐ Rotary-Displacement</td>
<td>☐ Reciprocating</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>☒ Centrifugal</td>
<td>☐ Rotary-Gear</td>
<td>☐ Impulse</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>6. Method of flow measurement:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>□ Flowmeter</td>
<td>Manufacturer</td>
<td>Model no.</td>
<td>Size</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Weir</td>
<td>☒ Open Pipe</td>
<td>☐ Orifice*</td>
<td>☐ Other*, explain below</td>
<td></td>
<td></td>
</tr>
<tr>
<td>*attach schematic</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Fill in the as-built section on the other side of this sheet.</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>8. Attach the rating curve for the installed pump.</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>9. Attach photograph of well clearly showing the benchmark on the concrete pad, the well head, and the method of flow measurement.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Other remarks/comments:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Pump Installation Contractor (print) | OWNER/BUILDER | C-57/C-57a/A Lic. No. |
Signature | Date | 10/26/05 |
Bench mark elevation surveyed to nearest 0.01 ft. = 220 ft. mean sea level.

Elevation of top of chase tube = __ ft. mean sea level

Pump intake depth = 220 ft. (referenced to bench mark)

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

If airline installed, bottom of airline elevation = __ ft. mean sea level
<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Part No.</th>
<th>Ordered</th>
<th>Shipped</th>
<th>B/O</th>
<th>Loc</th>
<th>Cost</th>
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<tbody>
<tr>
<td>1</td>
<td>1 HP 13GPM 3 WIRE PUMP</td>
<td>13GS10412L</td>
<td>1</td>
<td></td>
<td>0 B5C</td>
<td>875.00</td>
<td></td>
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<tr>
<td></td>
<td>SERIAL NUMBER:</td>
<td>M0408502</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>2</td>
<td>1 HP 230V CONTROL BOX</td>
<td>64</td>
<td>1</td>
<td></td>
<td>0 B2B</td>
<td>75.00</td>
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<tr>
<td>3</td>
<td>6 X 1-1/4&quot; STEEL WELL SE</td>
<td>60X125</td>
<td>1</td>
<td></td>
<td>0 D5B</td>
<td>68.77</td>
<td></td>
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<tr>
<td>4</td>
<td>SPLICE KIT 4 WIRE #6</td>
<td>AW260</td>
<td>1</td>
<td></td>
<td>0 B6C</td>
<td>9.20</td>
<td></td>
</tr>
</tbody>
</table>

***** CREDIT CARD SALE *****

Merchandise: $1,027.97  
Tax: $89.95  
TOTAL DUE: $1,117.92  

See Customer Comments or Order Header for CC Number  
Authorization #: 048907  
Freight: $133.00  
3/21/05  
David R.
Mr. Donald O'Connor
P.O. Box 93
Puunene, Hawaii 96784

Dear Mr. O'Connor:


In response to your application received on September 7, 2004, and final agency comments received on November 15, 2004 and in accordance with the Special Management Area Rules for the Maui Planning Commission, Sections 12-202-12 and 12-202-14, a determination has been made relative to the above project that:

1. The project is a development;
2. The project has a valuation not in excess of $125,000.00; (Valuation: $30K - 45K)
3. The project has no significant adverse environmental or ecological effect, taking into account potential cumulative effects; and
4. The project is consistent with the objectives, policies, and Special Management Area guidelines set forth in the Hawaii Revised Statutes (HRS), Chapter 205-A, and is consistent with the County General Plan and Zoning.

In consideration of the above determination, you are hereby granted a Special Management Area Minor Permit approval, subject to the following conditions:

1. That construction shall be in accordance with plans submitted on September 7, 2004;
2. That full compliance with Department of Land and Natural Resources Historic Preservation Division requirements as stated in Doc. #0411CD26, Log. #2004.3358, dated November 12, 2004, shall be rendered (attached).

3. The State Historic Preservation Division (Maui and Oahu offices) shall receive written notification, via facsimile, upon the on-set and completion of the proposed undertaking;

4. That full compliance with Department of Water Supply requirements as stated in letter dated October 6, 2004, shall be rendered (attached).

5. That a building permit shall be obtained prior to the initiation of construction;

6. That construction of the improvements shall be initiated by June 30, 2005, and shall be completed within one (1) year of said initiation; and

7. That full compliance with all other applicable governmental requirements shall be rendered.

Thank you for your cooperation. If additional clarification is required, please contact Mr. Paul Fasi, Staff Planner, of this office at [redacted]

Sincerely,

MICHAEL W. FOLEY
Planning Director

Enclosure
MWF:PF:do
c: Wayne A. Boteilho, Deputy Planning Director
Clayton I. Yoshida, AICP, Planning Program Administrator
Aaron H. Shinmoto, PE, Planning Program Administrator (2)
Paul Fasi, Staff Planner
Development Services Administration (2)
DLNR, SHPD-Maui Office
2004/SM2 Minor Permit File
General File
(K:\WP_DCS\PLANNING\SM2\2004\0118_O'connorWell\sm2.wpd)

NOTE: [redacted]
October 6, 2004

Mr. Michael W. Foley, Director  
Planning Department  
County of Maui  
250 South High Street  
Wailuku HI 96793  
Attn: Paul Fasi

Subject: ID: SMX 2004/0582  
TMK: (2) 2-8-003:044  
Project Name: O'Connor Irrigation Well

Dear Mr. Foley:

Thank you for the opportunity to comment on this project proposal.

The Department of Water Supply does not currently provide service in the project area.

The aquifer serving the project is Haiku Aquifer. This aquifer has a sustainable yield of 31 MGD, however, according to the 1990 State Water Resources Protection Plan, a more conservative estimate is 15 MGD. DWS anticipates the need for additional wells in the Haiku aquifer in the future. Please note that as one of the richest aquifers on the island, this could one day be an important source of municipal/county water.

In conversation with the applicant, we were informed that the well will be used to fill a 15,000 gallon storage tank to irrigate a two-acre palm tree nursery and will be refilled as needed. By standards, estimated consumption is about 25,000 GPD.

While the proposed well does not seem likely to have immediate effect on existing DWS wells, there are private wells that are in the zone of influence which does point to potential conflict in use. This conflict depends on pumpage, drawdown and aquifer status. Attached is a map showing the location of private wells in the zone of influence.

In order to protect groundwater resources, we encourage the applicant to adopt Best Management Practices (BMPs) designed to minimize infiltration and runoff from daily activities. Sample BMPs are as enumerated below:

1) Inspect exposed parts of the well periodically for problems such as: cracked or corroded well casing, broken or missing well cap, damage to protective casing, settling and cracking of surface seals.
2) Slope the area around the well so that surface runoff drains away from the well.
3) Provide a well cap or sanitary seal to prevent unauthorized use of or entry into the well.
4) Provide a sediment removal or well cleaning as necessary.
5) Avoid mixing or using pesticides, fertilizers, herbicides, degreasers, fuels or other pollutants near the well.

By Water Still Flowing: Fresh Life
1. We believe there are no historic properties present, because:

___ a) intensive cultivation has altered the land
___ b) residential development/urbanization has altered the land
___ c) previous grubbing/grading has altered the land
___ d) an acceptable archaeological assessment or inventory survey found no historic properties
___ e) other: In 1995, Scientific Consultant Services conducted an archeological inventory survey which included the subject property during which eleven historic sites were identified (Dunn et al. 1995). We have reviewed and accepted the report documenting the findings (SHPD DOC NO.: 9601KD14/LOG NO.: 16358). No historic sites were identified on the subject property.

2. This project has already gone through the historic preservation review process, and mitigation has been completed.

✓ Thus, we believe that “no historic properties will be affected” by this undertaking

In the event that historic sites (human skeletal remains, etc.) are identified during the construction activities, all work needs to cease in the immediate vicinity of the find, the find needs to be
C-1 related that S-1 had drilled a water well at the above location without the required permits. Checks with DLNR/COMMISSION ON WATER RESOURCE MANAGEMENT.

HYDROLOGIST Charley ICE revealed that S-1 did not have the required DLNR/CWRM Well Construction Permit and Pump Installation Permit. Checks confirmed S-1's water well and absence of the required DLNR/CWRM permits. Case pending, request case be submitted to DLNR/CWRM for further review and action.

CONTACT WITH CWRM:
Checks with DLNR/CWRM Hydrologist Charley ICE revealed that O'CONNOR is indeed drilling a water well on his property he is required to obtain a well construction permit and pump installation permit from DLNR/CWRM.

CHECKS MADE:
On Thursday 04/10/05, I along with Conservation Enforcement Supervisor Dexter TOM made contact with Donald O'CONNOR at his residence at 425 MANAWAI PLACE, HA'iku, HA'iku. I informed O'CONNOR of the complaint in which he stated that he had a county permit to construct the water well on his property. O'CONNOR provided me with COUNTY OF MAUI/SPECIAL MANAGEMENT AREA MINOR PERMIT (SMX2004/0058/SM2 2004-011) for my review. O'CONNOR did not have the required permits from DLNR/CWRM. I along with TOM inspected the water well site which consisted of a rectangle box positioned in the ground containing plumbing and electrical items. I provided O'CONNOR with ICE's phone number and informed him that he would need to contact ICE regarding the matter. O'CONNOR was very cooperative during the investigation, was unaware of the DLNR/CWRM permit requirements, and was willing to acquire whatever necessary permits.

PHOTOGRAPHIC EVIDENCE:
REFER TO ATTACHED PHOTOGRAPHIC REPORT FOR DETAILS.

OFFICER'S DEPART: I along with TOM departed the immediate area without further contact or incident with O'CONNOR.

DISPOSITION: Case pending, request case be submitted to DLNR/CWRM for further review and action.
CASE NUMBER: MA#05-1051

CLASSIFICATION: UNPERMITTED WATER WELL CONSTRUCTION

SCENE: 425 MANAWAI PLACE

DATE/TIME TAKEN: 042105

PHOTO TAKEN BY: OFC. R. DECAMBRA #204

DESCRIPTION OF PHOTOS:

Below photographs depict a rectangle box positioned in the ground containing plumbing and electrical items.
To: Hawaii State Water Commission  
P.O. Box 621  
Honolulu, Hawaii, 96809

Attention Please: Charley Ice

This letter is to document our phone conversations, regarding unpermitted and illegally constructed water wells on Maui.

Approximately 7 months ago I received a call from a man on Hanavana Rd. Huelo Maui and he was requesting consultation from me concerning a problem he was having with a certain cable tool driller named Don and his well project at hand.

He was concerned because the driller had drilled an 8 in. hole to approx 450 ft. and they could not keep the hole open. They were at approx El. 650 ft. so they still had quite a ways to go to the basal lens.

He told me the driller went to purchase 460 ft of 6 in. PVC and wanted to install 6 in down to the heaving depth and then drill through the 6 in the rest of the way.

I instructed and advised him against this because #1 he had no well permit, #2 He Was employing an un licensed driller, and #3 I didn't believe it would work but even if it did, He would have a well which would be a huge liability, not an asset, due to the fact that this well; with less than a $4 in. annulus could not possibly be sealed properly against surface contamination.

I gave him a very generous price discount and offered to help him obtain his permits and he agreed he wanted to do this but never followed through.

I told him I didn't want to get him in trouble but that if any contaminates showed up in the Hanavana-Douglas's Well or any other adjacent well, he would be responsible.

Word came through a neighbor, the well was completed. I never heard from this man again.

Several weeks later a client on Manawai Rd. Haiku called me and asked if I knew anything about a drilling rig on Donald O Connor’s property. I said no and sent one of my workers to check it out.

Donald had requested an estimate from me 6 months previous and said he wanted to proceed to obtain his permits. I instructed him to first obtain an SMA permit and then we would apply for and obtain the State water well permit. He said ok and I never heard from him again.

My worker and also Brian Sarasin verified that this man, Don, was drilling an 8 in. hole and installing 6 in. casing. This illegal well is located approx 150 - 200 ft. directly uphill from the Manawai-Vandevelde Well which we drilled several years ago and it is within 300 - 1000 ft of 5 other permitted wells which we also drilled.

Many of these neighbors are seriously concerned about the potential for contamination of their wells especially since this is recent pineapple land and contaminates have been discovered in the shellfish along the shoreline below.
In my opinion, this well needs to have the casing removed, if possible, or drilled out and then a new well should be properly constructed. Then if contaminates are discovered, the well should be surged and pumped at a high flow rate until the contaminates are all pumped out, if possible.

We at Wailani Drilling, have a vested interest in protecting the groundwater in this State and have taken every necessary action to do so in the past for over 15 years. All of the wells we have drilled are constructed to the State of Hawaii standards as a minimum. Many of our wells are constructed with standards which exceed the State standards.

We and the well owners in the area desire that this violation be resolved and the potential for contamination removed.

These are the only two wells I know of for certain which have been illegally drilled but I have been told that there are several others.

Thank you.

Sincerely, Michael Robertson
May 26, 2005

Mr. Donald O’Conner
P.O. Box 93
Puunene, HI 96784

Dear Mr. O’Conner:

Notice of Potential Violation: Unpermitted Well Construction on TMK: 2-8-003:044

It has come to our attention that there may be a well on parcel 44 that has not been permitted through our office. Hawaii Revised Statutes (HRS) Chapter 174C-84 states that:

“No well construction and no installation of pumps and pumping equipment shall commence without appropriate permit from the commission. An application for a permit for well construction shall be required for all areas of the State including water management areas and shall be made by the well driller who will construct the well. An application for a permit for installation of a pump and pumping equipment shall be made by the pump installation contractor who will install the pump and pumping equipment.”

Several other well owners in your neighborhood with wells properly permitted and constructed have raised concerns over potential contamination of their wells if your well was improperly constructed and if this resulted in contaminants reaching the ground the water. Due to potential harm to neighboring well owners, we alerted the Division of Conservation and Resources Enforcement to this situation and after an investigation, they have submitted their report, verifying a completed well on your property for which we have no record of a permit. As the responsible landowner, you may share liability in this matter. Any information you have in this matter is of immediate public interest.

Please respond to the following questions:

1) When was the well drilled?
2) Who drilled the well, and what is the driller’s contractor license number?
3) Is there a pump installed in the well?
4) Is the well currently being used? How and what is it being used for?
5) Were you aware that a well construction permit from the Commission was required prior to the well being drilled?
6) When may we schedule a field visit to verify your responses to these questions?

We have also enclosed a well construction permit application that you should complete and file with our office.

Please respond within 30 days from the date of this letter. Failure to do so may result in fines of up to $5,000 per day.

If you have any questions, please call Charley Ice of the Commission staff at [number] or toll-free at [number] extension 70251.

Sincerely,

DEAN A. NAKANO
Acting Deputy Director

cc: Rick Strini
    Dennis Vandeveld
    Charles Laquidara
    Frank Felton
    Peter Martin
    Tom Caltride
    Richard Perry

Enclosure
June 14, 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

State of Hawaii
DLNR, CWRM
Attn: Dean A. Nakano
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Nakano:

In response to the questions in your letter of May 26, 2005,

1) March 2005
2) It was drilled by owner builder
3) Yes
4) Yes, irrigation & non-potable water
5) No, per County of Maui, Building Department, if there was no structure no permit would be needed, just the SMA (SMX 2004/0582)
6) Please contact me @ [redacted] to arrange.

I will forward the well permit application upon completion.

Sincerely,

Donald O'Connor
September 1, 2005

Mr. Donald O’Connor
P.O. Box 93
Puunene, HI 96784

Dear Mr. O’Connor:

Follow-up to Notice of Potential Violation for
Well Construction and Pump Installation at TMK: 2-4-3-44

Thank you for your prompt response to our May 26, 2005 letter seeking answers to questions about your well. We had anticipated receipt of your after-the-fact well construction and pump installation permit application, but find that it has now been 90 days since we requested it.

At this point, it is also appropriate for you to be filing the well completion reports, parts 1 & 2 (well construction & pump installation, enclosed). These are normally signed by a licensed driller. If you do not have a licensed driller to sign, further evidence of the information provided must be supplied (building material and equipment purchase receipts, etc.). We have also attached another application and instructions for your use.

We appreciate good faith efforts to remedy a situation for which there could be potential fines, and look forward to the receipt of your application and completion reports by September 30, 2005. Please be aware that violations of the Water Code are subject to fines of up to $5000 per day.

If you have any questions, please call Charley Ice of the Commission staff at [redacted] or toll-free at [redacted] extension 70251.

Sincerely,

W. Roy Endo
DEAN A. NAKANO
Acting Deputy Director

CI:ss
Enclosures
November 7, 2005

Mr. Donald O'Connor
P.O. Box 93
Puunene, HI 96784-0093

Dear Mr. O'Connor:

Well Completion Report Parts I & II for Well No. 5616-09

We have received your Well Completion Report Parts I & II for the Manawai-O'Connor (Well No. 5616-09). However, matters which must be addressed before we can accept your report as complete are as follows:

1. The wellhead must be surveyed for accurate elevation (to nearest 0.01 feet) and location (GPS accuracy to 40' acceptable).
2. Water quality must be evaluated for temperature and chlorides by way of simple available technologies.
3. Indicate how an accurate water level, referenced to mean sea level, was measured.
4. Indicate depth of pump intake setting referenced to mean sea level.
5. A continuous pump test should be run at the maximum withdrawal rate for 8 hours, with water levels measured while the pump is at rest for at least one hour and again at intervals as described in the pump test instructions and form (attached).

Until these matters are addressed, we cannot issue the certificates of well construction completion and pump installation completion that transfer responsibility of all aspects of well usage and maintenance to the well operator/landowner. Please remember that the well may not be pumped for purposes other than well and aquifer testing until the certificates of 1) well construction completion and 2) pump installation completion have been issued, otherwise such pumpage would constitute a violation of the permit conditions. Since the permit is issued to the contractor, the contractor will be responsible for any non-testing pumpage violations when the certificates of completion have not been issued. Please respond to the above items within thirty (30) days of this letter’s date. Failure to do so may result in fines of up to $5,000 per day.

If you have any questions, please contact Charley Ice of the Commission staff at [redacted] or toll-free at [redacted] extension 70251.

Sincerely,

DEAN A. NAKANO
Acting Deputy Director
Memo for the record

Kevin Gooding

January 23, 2006

O'Conner Well Site Visit

I visited the O'Conner well on January 18, 2006. I called Mr. Donald O'Conner at about 10:00 AM and arranged to meet with him at 12 noon.

The only indication of the well on the surface is a meter box (figure 1). There is no concrete slab. I did not check for a water meter. Mr. O'Conner gave the following figures on the well:
- approximate elevation: 200 feet
- well depth: 230 feet
- There was 35 feet of water in the well so approximate water level: 5 feet
- casing: 6" schedule 40 PVC
- Borehole: approximately 10 inch diameter
- The bottom 25 feet of the casing is perforated.
- The perforated part of the well is gravel packed.
- There is 145 feet of grout.

Well Log:

0-85 feet grey clay
85-90 feet rock and red clay
90-120 feet grey clay
120-230 feet all basalt

He says that there is a 4 inch PVC pipe hanging in the well and the pump is installed in this 4 inch pipe. He has a 13 to 15 gpm pump.

He says a driller from New Mexico drilled the well. He would not identify the driller. I told him that CWRM is considering enforcement action and that he should get in touch with Charley.

GPS NAD83
N 20° 56' 10.6"
W 156° 16' 42"
Figure 1. Surface completion of the O'Conner Well
I. GOALS

This penalty guideline seeks to provide a logical and consistent means to assess penalties and guide the settlement of Commission on Water Resource Management (Commission) enforcement cases. The Commission and staff should use this system to:

A. Deter violations;
B. Remove the economic benefit of violations;
C. Provide fair treatment of the regulated community; and
D. Offer the violator a chance to undertake a beneficial alternative, under proper conditions, in a partial or total replacement of a cash penalty.

II. LEGAL AUTHORITY

Hawaii Revised Statutes (HRS) § 174C-15 provides for fines of up to $1,000 for any violation of any provision of HRS § 174C. For a continuing offense, each day during which the offense is committed is a separate violation.

Administrative Rule § 13-167-10 provides for fines of up to $1,000 for any violation of any provision of Title 13, any permit condition or limitation established pursuant to Title 13, or for negligent or willful failure to comply with any final order of the Commission. For a continuing offense, each day during which the offense is committed is a separate violation.

III. APPLICABILITY

A. This guideline applies to the Commission programs, which include but are not limited to:

1. Measuring and reporting of water data;
2. Well Construction and Pump Installation Permits;
3. Stream Diversion Works Permits;
4. Stream Channel Alteration Permits;
5. Instream Use Protection Program;
6. Instream Flow Standards;
7. Water Use Permits;
8. Violations of any permit issued by the Commission;
9. Violations for failure to comply with final orders issued by the Commission; and

B. This guideline is only for use by Commission personnel. The guideline is not intended and cannot be relied upon to create rights, substantive or procedural, enforceable by any party in litigation with the Commission on Water Resource Management, Department of Land and Natural Resources or the State of Hawaii. The Commission's staff reserves the right to act at variance with this guideline and to change it at any time without notice. The Commission's staff expects to change this guideline as it gains experience with the guideline's implementation.

IV. PENALTY CALCULATION METHOD

A. The Commission's staff shall calculate an initial minimum penalty figure for daily fines for settlement purposes based on the following:

1. Finding of violation = $250 per day/incident
2. Occurring in Water Management Area = $250 per day/incident
3. Repeat Violation = $250 per day/incident

(A repeat violation is deemed to occur when the party has previously been found to be a violator by the Commission. A repeat violation is tied to the party involved and is irrespective of the nature of the violation.)

B. Adjustments to Initial Minimum Penalty Figure in Section A: Mitigative and Gravity Factors.

Reduction or enhancement of any recommended fine will be made based on: (1) the degree of risk or actual harm to water resources or the environment and (2) specific factors listed below. Where the risk or actual harm is slight, reduction of the recommended fine should be considered and where the risk or actual harm is great, enhancement of the recommended fine should be imposed.

1. Mitigation Component

Mitigative factors can be considered in the recommendation of any fine or alternative penalty. Presence of one or more mitigative factors can reduce or eliminate the fine or alternative penalty recommendation. Mitigative factors include but are not limited to: insignificant impact on the resource, attempt to remedy the violation without notice, good faith effort to remedy violation once noticed, self reporting in a timely manner, and diligent and speedy effort to remedy the violation once noticed.
2. Gravity Component

Gravity factors can be considered in the recommendation of any fine or alternative penalty. Presence of one or more gravity factors can enhance the fine or alternative penalty recommendation. Gravity factors include but are not limited to: significant risk of or actual damage or harm to the water resources or the environment, multiple or repeat violations of the code or regulations, evidence that the violator should have known about the violation, refusal to correct the violation once noticed, failure to meet deadlines as set by the Commission or its staff.

C. Calculation of the Number of Days for the Recommended Fine.

1. If one or more of the gravity components are met, a daily fine may be imposed. Those fines shall accrue on the following basis:

   1. Violation where no permit is issued and no prior permits have been issued or no permit is required.

      The date the violation has occurred.

   2. Violation where no permit is issued but prior permits have been issued

      The date the violation has occurred.

   3. Violation where permit has been issued

      Either:
      a. The date the violation has occurred
      b. The date of permit approval
      c. The date permit issued
      d. The date of Commission meeting for conditions or deadlines imposed by the Commission not contained in a permit

4. Tolling. In calculating a recommendation for the imposition of a daily fine, the time may be tolled for upon the filing of a permit application, satisfactory progress in addressing the violation, or for good cause.

5. End. In calculating a recommendation for the imposition of a daily fine, the period of the violation ends upon: (1) satisfactory resolution of the violation, or (2) removal or remedy of the violation.

D. No staff recommendation shall exceed the maximum amount allowable in Section 174C-15, HRS.
V. ALTERNATIVE SETTLEMENT

The following considerations will guide the Commission’s staff recommendation in deciding whether to allow a project to substitute for or be credited against a cash penalty. However, any finding of a violation by the Commission shall result in a minimum one-time $500 cash fine in addition to an alternative settlement. Failure to successfully meet the alternative will result in re-institution of the fines as calculated in IV.

1. The project must be something that the violator was not required to do anyway, either because of legal or other obligation. Projects committed to, or started before a settlement is finally agreed upon may be eligible for credit, but such projects must be carefully examined to determine the extent to which they resulted from the enforcement case or were due to other factors, or prior plans or commitments. In some cases, partial credit may be appropriate.

2. The project must result in new water resources (including aquatic biota) information, provide water resources education, or benefit the water resources of the state.

3. The project may consist of corrective action to be completed within a timeframe established by the Commission. Failure to abide by the timeframe will result in re-institution of the fines as calculated in IV.

VI. FUTURE APPLICATIONS

Future applications from an applicant who has not paid fines or met alternative settlements or for a project with outstanding violations may be considered incomplete until sanctions are fulfilled and/or violations are corrected.

LINNEI T. NISHIOKA
Deputy Director
<table>
<thead>
<tr>
<th>Item No.</th>
<th>Description</th>
<th>Finding of violation (min $250)</th>
<th>Occurring in WMA (min $250)</th>
<th>Repeat violation (min $250)</th>
<th>Gravity component</th>
<th>Mitigative component</th>
<th>TOTAL DAILY FINES</th>
<th>Start date</th>
<th>End date</th>
<th>Total Days Tilled</th>
<th>No. of days</th>
<th>Compliance within 30 days (yes/no)</th>
<th>Total duration of violation</th>
<th>Alternate settlement</th>
<th>Subtotal fine for one incident</th>
<th>No. of incidents</th>
<th>Subtotal fines</th>
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<td>$0</td>
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<td>$0</td>
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TOTAL FINES: $223,500

NOTES:

A Item No
B Description - description of the violation, see submittal text for specific rules violated
C Finding of violation (min. $250) - where there is a violation, there is a minimum daily fine of $250
D Occurring in WMA (min. $250) - when the violation is in a designated Water Management Area, there is a minimum additional daily fine of $250
E Repeat violation (min. $250) - when the violator has committed violations in the past, there is a minimum additional daily fine of $250
F Gravity component - allows for the increase of the daily fine
G Mitigative component - allows for the decrease of the daily fine
H TOTAL DAILY FINES - the sum of the values in columns C through G
I Start date - the date where calculation of daily fines begins (date of notice of violation, or permit approval, or permit fully signed, or violation occurred, or CWVRM order)
J End date - the date of the end of the violation or latest CWVRM meeting or completed permit application
K Days tolled - the amount of days that are tolled, to be subtracted from the total duration of the violation
L No. of days - calculated between start and end dates and subtracting the tolled days
M Total duration of violation - if there was compliance with staff notice of violation requirements within 30 days, the duration shall be one (1) day. If there was no compliance with staff notice of violation within 30 days, the duration shall be the total days of the violation. However, gravity circumstances can increase the total days even if the 30 day compliance is met.
N Alternate settlement (yes / no) - an alternate settlement in lieu of the daily fine was recommended
O Subtotal fine for one incident - per incident fine
P No. of incidents - number of violations that occurred for this investigation
Q Subtotal fines - the subtotal of fines, calculated by multiplying (per incident fine) * (no. of incidents)

EXHIBIT 9: Manawai WCPI Violation Penalty Policy G-01-01
6" casing grouted to 155' (up to 10" borehole)
4" casing sleeve inside 6'-355' (up to 6" borehole)

Note on orig. WCPA by staff. When and why

in 1976 this well was approved

- Pump curves, another missing piece?
- Flow meter is 4.4 HEDPE
- See Keimi on 5-16-02 if we allowed 355 PRC
February 4, 2006

State of Hawaii
DLNR, CWRM
Attn: Dean Nakano
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Nakano:

In response to your letter dated January 25, 2006,

1. I was told that the bit used was 10" and I am in the process of locating the equipment used to measure the bit.
2. There is a concrete well pad. I have had two inspections, one by Officer Randy DeCambra, the other by Kevin Gooding. This pad was visible on both inspections.
3. I do have a flow meter that can be installed if this is a requirement. I could not locate any mention of this in the "Hawaii Well Construction & Pump Installation Standards"
4. The casing is Schedule 40 Well Casing conforming to ASTM F480. This is the same casing material used in State Well #5616-02 to the depth of 355'.

Also enclosed is the "pump performance curves" per your request. Again the pump is a Gould 13GS 1hp.

If you have any further questions please feel free to call upon me.

Sincerely,

Donald O'Connor
**Model 13GS**

**DIMENSIONS AND WEIGHTS**

<table>
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<tr>
<th>Model</th>
<th>HP</th>
<th>Phase</th>
<th>Stages</th>
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<th>Motor</th>
<th>L.O.A.Ø</th>
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© W.E. = water end or pump without motor.
© L.O.A. = length of assembly - complete pump - water end and motor.

**DISCHARGE 1½ NPT**

3.30" effective diameter with cable guard
## Model 13GS

### Selection Chart

**Horsepower Range ½ – 3, Recommended Range 4 – 20 GPM, 60 Hz, 3450 RPM**

<table>
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<th>Pump Model</th>
<th>HP</th>
<th>PSI</th>
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<th>40</th>
<th>60</th>
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**Shut-off PSI**

- 13GS05 1/4
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  - 40: 17.4, 15.9, 14.4, 12.9, 11.4, 9.9, 8.4
  - 50: 15.4, 13.8, 12.0, 9.5
  - 60: 13.2, 11.5, 8.5

- 13GS07 1/4
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  - 40: 17.4, 15.9, 14.4, 12.9, 11.4, 9.9, 8.4
  - 50: 15.4, 13.8, 12.0, 9.5
  - 60: 13.2, 11.5, 8.5

- 13GS10 1
  - 20: 19.4, 18.5, 17.6, 16.6, 15.5, 14.5, 13.0, 11.5, 9.9
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  - 40: 17.4, 15.9, 14.4, 12.9, 11.4, 9.9, 8.4
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  - 60: 13.2, 11.5, 8.5

- 13GS15 1/2
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  - 40: 17.4, 15.9, 14.4, 12.9, 11.4, 9.9, 8.4
  - 50: 15.4, 13.8, 12.0, 9.5
  - 60: 13.2, 11.5, 8.5

- 13GS20 2
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- 13GS30 3
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  - 30: 19.4, 18.8, 18.2, 17.4, 16.8, 16.2, 15.5, 14.8, 13.1, 11.4, 8.8
  - 40: 18.9, 18.3, 17.7, 16.9, 16.0, 15.2, 14.6, 13.7, 12.9, 10.8, 8.5
  - 50: 18.4, 17.8, 17.2, 16.5, 15.8, 15.1, 14.4, 13.6, 12.6, 11.5, 9.5
  - 60: 17.9, 17.3, 16.6, 15.9, 15.2, 14.5, 13.7, 12.9, 11.0, 9.0, 5.0

**Shut-off PSI**

- 13GS05 1/4: 80, 65, 57, 43, 35, 26, 17, 9
- 13GS07 1/4: 80, 65, 57, 43, 35, 26, 17, 9
- 13GS10 1: 80, 65, 57, 43, 35, 26, 17, 9
- 13GS15 1/2: 80, 65, 57, 43, 35, 26, 17, 9
- 13GS20 2: 80, 65, 57, 43, 35, 26, 17, 9
- 13GS30 3: 80, 65, 57, 43, 35, 26, 17, 9

---

**Goulds Pumps**

**Western Hydro/Hayward**
Hi Kevin:

Just wanted to let you know I have a company form the mainland mailing me the bottles to do the EPA 504.1 drinking water test. This includes the EDB & DBCP that you mentioned.

Also, if you could give your brother my phone number or e-mail address. He had mentioned a product called "Brush On" for vegetation control but I have not been able to locate it.

Thx for your time.

Aloha

Donald O'Connor
<table>
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<tr>
<th>FROM: Charley</th>
<th>DATE: 04 January 06</th>
</tr>
</thead>
</table>

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DBP is only swap concern?  apparently EDP was suspected - not reflected in results from host experience.
Mr. Donald O’Connor
P.O. Box 238
Puunene, HI 96784

Dear Mr. O’Connor:

Well Completion Reports 1 & 2
Unpermitted Well Construction
Manawai-O’Connor Well (Well No. 5616-09)

Thank you for your December 7, 2005 response to our November 7, 2005 letter on the well completion reports. We are approving your request that:

1. A certified survey of the well head elevation will be deferred at this time.
2. The pump testing is unnecessary. The pump is of such small size; the results would not likely be measureable. However, please submit a copy of the pump manufacturer’s (Gould) pump performance curves.

Thank you for providing the temperature, salinity, and the recent GPS reading.

However, we would like to note that despite the additional information provided in your December 7, 2005 letter and our field investigation on January 18, 2006, your well completion reports are still deficient and deemed incomplete for the following reasons:

1. We have contrary reporting that the well bit used for the well bore was 8-inch rather than 10-inch. The matter of a properly grouted annulus is the most serious concern because of potential contamination now or as the result of future accident.
2. There is no well pad to mark an elevation benchmark for future referencing, as required.
3. There is no indication of a flow meter, also required.
4. Well Completion Report should normally be completed by a licensed driller.
Your well completion reports indicate plastic casing that should not be used in wells this deep, and the stated annulus is less than the two-inch minimum for proper grouting. These, and the lack of a concrete well pad and flow meter are violations of the Well Construction and Pump Installation Standards.

Staff is currently preparing a submittal to the Commission, which will be transmitted to you for your information when complete, and will be recommending fines and remediation of well construction related deficiencies.

If you have any questions, please call Charley Ice of the Commission staff at [redacted] or toll-free at [redacted] extension 70251.

Sincerely,

DEAN A. NAKANO
Acting Deputy Director

Cl:ss
O'Conner Well Site Visit

I visited the O'Conner well on January 18, 2006. I called Mr. Donald O'Conner at about 10:00 AM and arranged to meet with him at 12 noon.

The only indication of the well on the surface is a meter box (figure 1). There is no concrete slab. I did not check for a water meter.

Mr. O'Conner gave the following figures on the well:
- approximate elevation: 200 feet
- well depth: 230 feet
- There was 35 feet of water in the well so approximate water level: 5 feet
- casing: 6" schedule 40 PVC
- Borehole: approximately 10 inch diameter
- The bottom 25 feet of the casing is perforated.
- The perforated part of the well is gravel packed.
- There is 145 feet of grout.

Well Log:
- 0-85 feet grey clay
- 85-90 feet rock and red clay
- 90-120 feet grey clay
- 120-230 feet all basalt

He says that there is a 4 inch PVC pipe hanging in the well and the pump is installed in this 4 inch pipe. He has a 13 to 15 gpm pump.

He says a driller from New Mexico drilled the well. He would not identify the driller. I told him that CWRM is considering enforcement action and that he should get in touch with Charley.

GPS NAD83
- N 20° 56' 10.6"
- W 158° 16' 42"
Figure 1. Surface completion of the O'Conner Well
O'Conner Well

Manawai

Uaoa

O'Conner Well Map

0 625 1,250 2,500 Feet
**COMMISSION ON WATER RESOURCE MANAGEMENT**

**FROM:** Roy  
**DATE:** JAN 20 2006  
**SUSPENSE DATE:**

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**INITIAL:** I.
**SIGNATURE:** L.
**DATE:** 1/20/06

**INIT: FOR:**

**PLEASE:**

**Xerox ___ copies**
January 18, 2006

State of Hawaii DLNR, CWRM
Attn: Charley Ice
P. O. Box 621
Honolulu, Hawaii 96803

RE: O'Connor Well No. 5616-09

Dear Mr. Ice:

The GPS location of our well is as follows,

N 20° 56' 10.6"
W 156° 16' 42"

If you need anything further please feel free to call upon me.

Sincerely,

Donald O’Connor
FROM: ROY
DATE: DEC - 9 2005

TO: ANAKALEA, P.
TO: KUNIMURA, I.
INIT: NAKAMA, L.
INIT: NAKANO, D.
INIT: OHYE, M.
INIT: SAKODA, E.
INIT: SUBIA, S.
INIT: SWANSON, S.
INIT: UYENO, D.
INIT: YODA, K.
INIT: YOSHINAGA, M.

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

Status of going to CWEN?
December 7, 2005

State of Hawaii DLNR, CWRM
Attn: Charley Ice
P.O. Box 621
Honolulu, Hawaii 96803

RE: O'Connor Well No. 5616-09

Dear Mr. Ice:

In response to Dean Nakano's letter dated November 7, 2005,

1. Please defer as our well pumps less than 70GPM. (Sec 2.11)
   GPS information to follow, as we are waiting on the surveyor
2. Water temp 70.7 degrees F, 165 PPM
3. 300' measuring tape and use of Topographical map
4. 20' below sea level
5. Please defer Per Table 8. 0 - 50 GPM have a 0 test period (15 gpm)

If you have any other questions and or concerns please feel free to contact me.

Sincerely,

Donald O'Connor
November 7, 2005

Mr. Donald O'Connor
P.O. Box 93
Puuene, HI 96784-0093

Dear Mr. O'Connor:

Well Completion Report Parts I & II for Well No. 5616-09

We have received your Well Completion Report Parts I & II for the Manawai-O'Connor (Well No. 5616-09). However, matters which must be addressed before we can accept your report as complete are as follows:

1. The wellhead must be surveyed for accurate elevation (to nearest 0.01 feet) and location (GPS accuracy to 40' acceptable).
2. Water quality must be evaluated for temperature and chlorides by way of simple available technologies.
3. Indicate how an accurate water level, referenced to mean sea level, was measured.
4. Indicate depth of pump intake setting referenced to mean sea level.
5. A continuous pump test should be run at the maximum withdrawal rate for 8 hours, with water levels measured while the pump is at rest for at least one hour and again at intervals as described in the pump test instructions and form (attached).

Until these matters are addressed, we cannot issue the certificates of well construction completion and pump installation completion that transfer responsibility of all aspects of well usage and maintenance to the well operator/landowner. Please remember that the well may not be pumped for purposes other than well and aquifer testing until the certificates of 1) well construction completion and 2) pump installation completion have been issued, otherwise such pumpage would constitute a violation of the permit conditions. Since the permit is issued to the contractor, the contractor will be responsible for any non-testing pumpage violations when the certificates of completion have not been issued. Please respond to the above items within thirty (30) days of this letter’s date. Failure to do so may result in fines of up to $5,000 per day.

If you have any questions, please contact Charley Ice of the Commission staff at [contact information] or toll-free at [contact information] extension 70251.

Sincerely,

[Signature]

DEAN A. NAKANO
Acting Deputy Director

[Attachment]
November 23, 2005

Mr. Michael W. Foley, Director
Planning Department
County of Maui
250 South High Street
Wailuku, HI 96793

Dear Mr. Foley:

Special Management Area Use Permit requirements for
Well Construction/Pump Installation Permit Application
Manawai-O'Connor (Well No. 5616-09)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application with regard to the SMA permitting requirements specific to your division. Please respond by returning this cover memo form by November 30, 2005. If we do not receive comments or a request for additional review time by this date, we will assume you have no comments.

Please find the attached maps to locate the proposed well. If you have any questions about this permit application, request additional information, or request additional review time, please contact Charley Ice of the Commission staff at 587-0251.

Sincerely,

DEAN A. NAKANO
Acting Deputy Director

RESPONSE:

This well project [ ] requires [ ] does not require a SMA. If a SMA is required it [ ] has [] has not been approved and [ ] is [ ] is not currently active.

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

[ ] No objections

[ ] Other comments: SMA Minor Permit has expired (SMA No. 2014/0118)

Signed: Robyn L. Loudenmilk

Phone: 220-7180

Date: 12/18/10
November 23, 2005

TO: Russell Tsuji, Administrator  
   Land Division

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

SUBJECT: Well Construction/Pump Installation Permit Application  
   Manawai-O'Connor (Well No. 5616-09)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application with regard to the programs, plans, and objectives specific to your division. Please respond by returning this cover memo form by November 30, 2005. If we do not receive comments or a request for additional review time by this date, we will assume you have no comments.

Please find the attached maps to locate the proposed well. If you have any questions about this permit application, request additional information, or request additional review time, please contact Charley Ice of the Commission staff at [Contact Information]

RESPONSE:

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

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

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

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

[ ] No objections

XXX] Other comments: Original source of private title was issued prior to statehood.

Contact Person: Gary Martin  
Phone: [Phone Number]

Signed: Gary Martin  
Date: [Date]
November 23, 2005

TO: Honorable Chiyome L. Fukino, M.D., Director
   Department of Health
   Attention: Director's Office
   Harold Yee, Wastewater Branch
   William Wong, Safe Drinking Water Branch
   Alec Wong, Clean Water Branch

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

SUBJECT: Well Construction/Pump Installation Permit Application
         Manawai-O'Connor (Well No. 5616-09)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your department. Please respond by returning this cover memo form by November 30, 2005. If we do not receive comments or a request for additional review time by this date, we will assume that you have no comments.

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

RESPONSE:

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

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

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

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

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

An NPDES permit is required.

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

In the event that the location of the well changes but is still within the parcel described on this application, our division considers the comments to still be applicable, and we do not need to review the new location.

No comments/objections

Contact Person: Loni Marikami
Phone: 586-4294

Signed: Loni Marikami
Date: 11-29-2005
A septic tank file has been found and the following information is provided. In general, the Department of Health has reviewed and approved of the plans based on the information submitted as verification that a treatment individual wastewater system (IWS) such as a septic tank was constructed and authorized to be used for wastewater disposal from a building/dwelling.

Tax Map Key number: 21 28 003: 044
Address: 425 hana road place
Septic Tank File #: 4859
Applicant Name: donald o'connor

Submit Plan Date: 10/02/2001
Plan Approval Date: 10/04/2001
Inspection Date: 
System Approved for Use Date: 
BPA Date: 

System / Disposal Via: Septic Tank / Bed
Use For: 5 BR
Designed By: taylor
Percolation Rate / Capacity: 24 min/in / 1250 gallons

For further information, you may call the Wastewater Branch engineer as listed:

[ ] Mr. Johnny Ong at the Wastewater Branch office on Oahu at

[ ] Mr. Dane Hiromasa at the Kealakekua Health Center in Kona at

[ ] Mr. Jerry Nunogawa at the Hawaii District Health Office in Hilo at

[ ] Mr. Joe Tateyama at the Kauai District Health Office at

[X] Mr. Roland Tejano at the Maui District Health Office at
TO:    Honorable Chiyome L. Fukino, M.D., Director
       Department of Health
       Attention:   Director's Office
                  Harold Yee, Wastewater Branch
                  William Wong, Safe Drinking Water Branch
                  Alec Wong, Clean Water Branch

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

SUBJECT: Well Construction/Pump Installation Permit Application
         Manawai-O'Connor (Well No. 5616-09)

November 23, 2005

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump
Installation permit application.

We would appreciate your comments on the captioned application for any conflicts or
inconsistencies with the programs, plans, and objectives specific to your department. Please respond by
returning this cover memo form by November 30, 2005. If we do not receive comments or a request
for additional review time by this date, we will assume that you have no comments.

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

CI: ss
Attachment(s)

RESPONSE:

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

This well does not qualify as a source supplying a public water system (serves less than 25 people or more people at least 60 days per year or 15 service
connections) and if the well water is used for drinking, the owner must adopt and follow the necessary rules and procedures before installing such use.

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

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

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

An NPDES permit is required.

Other relevant DWR rules/requisitions, information, or recommendations are attached.

If the event that the location of the well changes but is still within the parcel described on this application, our division considers the comments to still be
applicable, and we do not need to review the new location.

No comments/objections

Contact Person:   Alec Wong

Phone:   808-684-3009

Signed:    Alec Wong

Date:  11-29-05
The Department of Health, Clean Water Branch has the following comments:

1. For Well-Drilling Activities

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

2. For Well Pump Testing

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

JS/er
TO: Honorable Chiyome L. Fukino, M.D., Director Department of Health  
Attention: Director's Office  
Harold Yee, Wastewater Branch  
William Wong, Safe Drinking Water Branch  
Alec Wong, Clean Water Branch

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

SUBJECT: Well Construction/Pump Installation Permit Application

Manawai-O'Connor (WELL No. 5616-09)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your department. Please respond by returning this cover memo form by November 30, 2005. If we do not receive comments or a request for additional review time by this date, we assume that you have no comments.

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

Clss: Attachment(s)

RESPONSE:

[ ] This well qualifies as a source which will serve as a source of possible water to a public water system (defined as serving 25 or more people at least 60 days per year or 15 or more service connections) and must receive Director of Health approval prior to its use to comply with Hawaii Administrative Rules (HAR), Title 1, Chapter 20, Rules Relating to Potable Water Systems, §1-22-25.

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

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

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

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

[ ] An NPDES permit is required.

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

[ ] In the event that the location of the well changes but is still within the parcel described on this application, our division considers the comments to still be applicable, and we do not need to review the new location.

[ ] No comments/objections.

Contact Person: __________________________ Phone: __________________________

Signed: __________________________ Date: _______________
Mr. Donald O'Connor  
P.O. Box 93  
Puunene, Hawaii 96784

Dear Mr. O'Connor:


In response to your application received on September 7, 2004, and final agency comments received on November 15, 2004 and in accordance with the Special Management Area Rules for the Maui Planning Commission, Sections 12-202-12 and 12-202-14, a determination has been made relative to the above project that:

1. The project is a development;

2. The project has a valuation not in excess of $125,000.00; (Valuation: $30K - 45K)

3. The project has no significant adverse environmental or ecological effect, taking into account potential cumulative effects; and

4. The project is consistent with the objectives, policies, and Special Management Area guidelines set forth in the Hawaii Revised Statutes (HRS), Chapter 205-A, and is consistent with the County General Plan and Zoning.

In consideration of the above determination, you are hereby granted a Special Management Area Minor Permit approval, subject to the following conditions:

1. That construction shall be in accordance with plans submitted on September 7, 2004;
November 23, 2005

Mr. Donald O'Connor
P.O. Box 93
Puunene, HI 96784-0093

Dear Mr. O'Connor:

After-the-Fact Well Construction/Pump Installation Permit Application
Well No. 5616-09

We acknowledge receipt, on October 13, 2005, of your completed After-the-Fact Well Construction/Pump Installation permit application and filing fee for the Manawai-O'Connor (Well No. 5616-09). You can expect your application to be processed within ninety (90) days from this date.

For your information, the attached table describes the process, responsible parties, and deadline requirements for drilling or modifying a well and installing, modifying, or replacing a pump.

By this acceptance letter, we are also notifying the well operator/landowner that water may not be pumped for purposes other than testing until the certificate of well construction/pump installation completion letter is issued to the well operator and landowner. Additionally, the permitted pump capacity described on the pump installation permit may be reduced in the event that the pump test does not support the capacity. No certificate of pump installation will be issued until the Commission has determined that the pump capacity will not have adverse effects on the aquifer, other nearby wells, or streams. In other words, you may need to remove the pump and install a smaller pump at the Commission’s discretion before you can withdraw water for purposes other than testing.

If you have any questions about your permit application, please contact Charley Ice of the Commission staff at [redacted] or toll-free at [redacted] extension 70251.

Sincerely,

DEAN A. NAKANO
Acting Deputy Director

Cl:ss
Attachment
November 23, 2005

TO: Honorable Chiyome L. Fukino, M.D., Director
    Department of Health
    Attention: Director’s Office
    Harold Yee, Wastewater Branch
    William Wong, Safe Drinking Water Branch
    Alec Wong, Clean Water Branch

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

SUBJECT: Well Construction/Pump Installation Permit Application
         Manawai-O'Connor (Well No. 5616-09)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your department. Please respond by returning this cover memo form by November 30, 2005. If we do not receive comments or a request for additional review time by this date, we will assume that you have no comments.

Please find the attached maps to locate the proposed well. If you have any questions about this permit application, request additional information, or request additional review time, please contact Charley Ice of the Commission staff at [email protected]

Attachment(s)

RESPONSE:

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

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

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

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

An NPDES permit is required.

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

In the event that the location of the well changes but is still within the parcel described on this application, our division considers the comments to still be applicable, and we do not need to review the new location.

No comments/objections

Contact Person: ___________________________ Phone: ___________________________

Signed: ___________________________ Date: ___________________________
November 23, 2005

TO: Russell Tsuji, Administrator
    Land Division

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

SUBJECT: Well Construction/Pump Installation Permit Application
        Manawai-O'Connor (Well No. 5616-09)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application with regard to the programs, plans, and objectives specific to your division. Please respond by returning this cover memo form by November 30, 2005. If we do not receive comments or a request for additional review time by this date, we will assume you have no comments.

Please find the attached maps to locate the proposed well. If you have any questions about this permit application, request additional information, or request additional review time, please contact Charley Ike of the Commission staff at [redacted]

CI: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. [redacted]

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

[ ] No objections

[ ] Other comments:

Contact Person: ___________________________ Phone: ______________

Signed: ___________________________ Date: ______________
November 23, 2005

TO: Melanie Chinen, Administrator
   Historic Preservation

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

SUBJECT: Well Construction/Pump Installation Permit Application
         Manawai-O'Connor (Well No. 5616-09)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application with regard to the programs, plans, and objectives specific to your division. **Please respond by returning this cover memo form by November 30, 2005.** If we do not receive comments or a request for additional review time by this date, we will assume you have no comments.

Please find the attached maps to locate the proposed well. If you have any questions about this permit application or request additional review time, please contact Charley Ice of the Commission staff at [contact information removed]. If you require additional information regarding specific information that can be provided by the applicant, please contact the applicant directly at the contact information provided on the application form.

I:\ss
Attachment(s)

RESPONSE:

[ ] This is a [ ] public (county or state) project [ ] private project and [ ] will [ ] may disturb historic sites.

[ ] We concur that the work described under this permit will not disturb historic sites.

[ ] We do not concur that the work described under this permit will not disturb historic sites. We require the following for our concurrence:

Contact Person: ________________________________ Phone: ________________

Signed: ________________________________ Date: ________________
Mr. Michael W. Foley, Director
Planning Department
County of Maui
250 South High Street
Wailuku, HI 96793

Dear Mr. Foley:

Special Management Area Use Permit requirements for Well Construction/Pump Installation Permit Application Manawai-O'Connor (Well No. 5616-09)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application with regard to the SMA permitting requirements specific to your division. **Please respond by returning this cover memo form by November 30, 2005.** If we do not receive comments or a request for additional review time by this date, we will assume you have no comments.

Please find the attached maps to locate the proposed well. If you have any questions about this permit application, request additional information, or request additional review time, please contact Charley Ice of the Commission staff at [phone number]

Sincerely,

DEAN A. NAKANO
Acting Deputy Director

RESPONSE:

[ ] This well project [ ] requires [ ] does not require a SMA. If a SMA is required it [ ] has [ ] has not been approved and [ ] is [ ] is not currently active.

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

[ ] No objections

[ ] Other comments:

Contact Person: ____________________________ Phone: ____________________________

Signed: ____________________________ Date: ______________
November 7, 2005

Mr. Donald O'Connor
P.O. Box 93
Puunene, HI 96784-0093

Dear Mr. O'Connor:

Well Completion Report Parts I & 2 for Well No. 5616-09

We have received your Well Completion Report Parts I & II for the Manawai-O'Connor (Well No. 5616-09). However, matters which must be addressed before we can accept your report as complete are as follows:

1. The wellhead must be surveyed for accurate elevation (to nearest 0.01 feet) and location (GPS accuracy to 40’ acceptable).
2. Water quality must be evaluated for temperature and chlorides by way of simple available technologies.
3. Indicate how an accurate water level, referenced to mean sea level, was measured.
4. Indicate depth of pump intake setting referenced to mean sea level.
5. A continuous pump test should be run at the maximum withdrawal rate for 8 hours, with water levels measured while the pump is at rest for at least one hour and again at intervals as described in the pump test instructions and form (attached).

Until these matters are addressed, we cannot issue the certificates of well construction completion and pump installation completion that transfer responsibility of all aspects of well usage and maintenance to the well operator/landowner. Please remember that the well may not be pumped for purposes other than well and aquifer testing until the certificates of 1) well construction completion and 2) pump installation completion have been issued, otherwise such pumpage would constitute a violation of the permit conditions. Since the permit is issued to the contractor, the contractor will be responsible for any non-testing pumpage violations when the certificates of completion have not been issued. Please respond to the above items within thirty (30) days of this letter’s date. Failure to do so may result in fines of up to $5,000 per day.

If you have any questions, please contact Charley Iice of the Commission staff at [contact information] or toll-free at [contact information] extension 70251.

Sincerely,

DEAN A. NAKANO
Acting Deputy Director

Cl:ss
Attachment
## Well Check Program

4/1/04 • Revised for update to Well Standards (February 2004)

### Data Input

<p>| | |</p>
<table>
<thead>
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<tbody>
<tr>
<td>Well Number</td>
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</tr>
<tr>
<td>Well Name</td>
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<tr>
<td>Ground Elevation</td>
<td>200</td>
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<tr>
<td>Cement Groul</td>
<td>145</td>
</tr>
<tr>
<td>Grouting Method</td>
<td>other</td>
</tr>
<tr>
<td>Hole Diameter</td>
<td>10</td>
</tr>
<tr>
<td>Total Depth</td>
<td>230</td>
</tr>
<tr>
<td>Estimated Head</td>
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</tr>
<tr>
<td>Public Water Supply Well?</td>
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</tr>
<tr>
<td>Solid Casing Material</td>
<td>PVC plastic</td>
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<tr>
<td>Solid Casing Specification</td>
<td>Schedule 40</td>
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<tr>
<td>Solid Casing Length</td>
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<td>Solid Casing Wall Thickness</td>
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<tr>
<td>Open Casing Length</td>
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### Results

<p>| | |</p>
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<tr>
<th></th>
<th></th>
</tr>
</thead>
</table>
| Well Depth
  Theoretical Thickness of Aquifer | 205   |
  1/4 Aquifer Thickness     | 51.25 |
| Depth of Well below Sea Level | 30 okay | Section 2.2 |
| Well Casing
  Minimum Wall Thickness Material | PVC plastic |
  Minimum Wall Thickness per standards | no requirement |
  Wall Thickness provided | too small | Section 2.4(b) |
  Minimum Length of Solid Casing 90% of ground to top of aquifer | 175.5 |
  Length of Solid casing provided | 205 okay | Section 2.4(c) |
  Casing Material | Schedule 40 |
  (for pro only; check for 200' limit) | In compliance | Section 2.4(d) |
| Annular Space
  Calculated Depth of Grouting | 136.5 |
  Depth of Grouting provided | 145 okay | Section 2.6(c) |
  Minimum Annular Space required |        |
  Thickness of Annular Space | 2 okay | Section 2.6(d) |

---

**Note:** Steel was used instead of PVC, which did not collapse.

**Annotation:**
- It appears there was a discrepancy in the material used, with steel being the chosen option despite the recommendation for PVC. This may warrant further investigation to ensure compliance with standards.
### Well Check Program
4/1/04 - Revised for update to Well Standards (February 2004)

#### Data Input

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<tr>
<td>Well Name</td>
<td>Well Name</td>
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<tr>
<td>Ground Elevation</td>
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<td>Cement Grout</td>
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<tr>
<td>Grouting Method</td>
<td>other</td>
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<td>Hole Diameter</td>
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<tr>
<td>Estimated Head</td>
<td>5</td>
</tr>
<tr>
<td>Public Water Supply Well?</td>
<td>No</td>
</tr>
<tr>
<td>Solid Casing Material</td>
<td>PVC plastic</td>
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<tr>
<td>Solid Casing Specification</td>
<td>Schedule 40</td>
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<td>Solid Casing Wall Thickness</td>
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<tr>
<td>Open Casing Length</td>
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</table>

#### Results

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<th>Well Depth</th>
<th>Value</th>
<th>Notes</th>
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<tbody>
<tr>
<td>Theoretical Thickness of Aquifer</td>
<td>205</td>
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<tr>
<td>1/4 Aquifer Thickness</td>
<td>51.25</td>
<td></td>
</tr>
<tr>
<td>Depth of Well below Sea Level</td>
<td>-30</td>
<td>OKAY Section 2.2</td>
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</tbody>
</table>

<table>
<thead>
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<th>Well Casing</th>
<th>Value</th>
<th>Notes</th>
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<td>Minimum Wall Thickness</td>
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<tr>
<td>Material</td>
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<tr>
<td>Minimum Thickness per standards</td>
<td>No</td>
<td>Requirements</td>
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<tr>
<td>Minimum Length of Solid Casing</td>
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<td>90% of ground to top of aquifer</td>
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<td>Casing Material</td>
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<td>In compliance Section 2.4(d)</td>
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<tr>
<td>(for PVC only - check for 200’ limit)</td>
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<tr>
<td>Annular Space</td>
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<tr>
<td>Depth of Grouting</td>
<td>136.5</td>
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<tr>
<td>Minimum Annular Space required</td>
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<td>2 OKAY Section 2.6(d)</td>
</tr>
<tr>
<td>Thickness of Annular Space</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

**Notes:**
- If premix grout, need variance if > 200’ may go to sch. 80
- Well in use? PVC did not collapse?
- Yes or No
- Steel or Stainless steel

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

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

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

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

If airline installed, bottom of airline elevation = ____ ft. mean sea level
MEMO and ROUTE SLIP (ver. 5/25/05)

WCR 1 Check for Well No. ___________ (survey to regulation memo) 10/27/05

1. **Pump Tests Check** Glenn Bauer (initial)
   - **Yes**  **No**  **If no, describe deficiency**
   - **Step-Drawdown Test:**
     - followed WCPI Stds analysis attached
     - proposed pump cap o.k.
   - **Aquifer Pump Test:**
     - followed WCPI Stds T & S analysis attached
   - **Well Interference:**
     - estimated Steady-State drawdown at 1-mile radius is ___________ ft.
     - analysis attached
   - **Stream Surface Water Impacted:**
     - No
     - If yes, identify most probable stream
   - **Geology Code for Well Index:** ______

2. **Construction Check** Mitch Ohye (initial)
   - **Yes**  **No**  **If no, describe deficiency**
   - data complete followed Special Cond & elevations
   - well database updated
   - **Latitude**  **Longitude**
     - NAD27
     - NAD83

3. **Charley/Lenore/Ryan** (initial) take action based on above analysis
   - ATTACHMENTS FOR PUMP INSTALLATION PERMIT (2x):
     - 1 COVER LETTER
     - 2 COUNTY COMMENTS (DWS/SMA)
     - 3 DOH COMMENTS
     - 4 DLNR COMMENTS (LD/OCC/DPD)
     - 5 WCR 1 Accept
     - 6 WSSG CONST. COMPLETION CERTIFICATE
     - 7 USGS MAP UPDATED
     - 8 PARCEL CHECK
     - 9 WELL DATABASE INPUT CHECK
     - 10 GLENNS PUMP TEST WORKSHEET
     - 11 WELL As-Built CHECK PRINT
     - not necessary – only WCP or BOTH.
     - To be sent to driller/pump installer
     - Staff internal checks
     - To Landowner

4. Roy (initial) check (Entered WCR 1/WCCC accept date into database)
5. Subia (initial) finalize
6. Mitch (initial) signature (Entered PIP issue date if required)
7. Charley/Lenore/Ryan File
1. State Well No.: ___________________ Well Name: O'CONNOR WELL Island: MAUI

2. Address: 425 MANAWAI PL HAU 96706 Tax Map Key: (2) 28 003 0-4

3. Drilling Company: OWNER BUILDER

4. Drilling method used during construction: □ Rotary □ Percussion □ Other (describe)

5. Date Well Construction (drilled, cased, grouted) completed: 3/1/2005 Fill out attached Driller's Log

6. Was the subject well cored? □ Yes □ No

7. Initial water-level encountered __________ ft. below ground Date and time of measurement: ______________________ month/day/year time

8. Step-Drawdown Test completed? □ No □ Yes Attach Step-Drawdown Test form (12/17/97 SDPTD Form)

9. Constant Rate Aquifer Test completed? □ No □ Yes Attach Constant Rate Aquifer Test form (12/17/97 CRPTD Form)

Parameters prior to pump test:
10. Water-level: __________ ft. above msl Date and time of measurement: ______________________ month/day/year time

11. Chloride: __________ ppm Date and time of sampling: ______________________ month/day/year time

12. Temperature: __________ °F Date and time of measurement: ______________________ month/day/year time

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

14. Attach photograph of well and concrete pad showing benchmark on concrete pad.

15. Fill in attached surveyor's report.

16. If a pump is not planned to be installed, please describe (below in the remarks section) how well is secured to prevent unauthorized access (example: lockable cover, threaded coupling, etc.)

17. Remarks: __________

Licensed Driller (print) ___________________ C-57 Lic. No. __________

Signature ___________________ Date 10/26/05
13. AS-BUILT WELL SECTION (Please attach as-built if different from diagram provided below)

**Solid Casing Material:**
- Carbon Steel: compliant with (check one or more): □ ANSI/AWWA C200 □ API Spec. 5L □ ASTM A53 □ ASTM A139
- Stainless Steel: (check one): □ ASTM A409 (production wells) □ ASTM A312 (monitor wells)
- ABS Plastic conforming to ASTM F480 and ASTM D1527: (check one): □ Schedule 40 □ Schedule 80
- PVC Plastic conforming to ASTM F490 and (ASTM D1785 or ASTM D2241): (check one): □ Schedule 40 □ Schedule 80 □ Schedule 120
- Thermoset Plastic: (check one) □ Filament Wound Resin Pipe conforming to ASTM D2996 □ Centrifugally Cast Resin Pipe conforming to ASTM D2997 □ Reinforced Plastic Mortar Pressure Pipe conforming to ASTM D3517 □ Glass Fiber Reinforced Resin Pressure Pipe conforming to AWWA C950 □ PTFE Fluorocarbon Tubing conforming to ASTM D3296 □ FEP Fluorocarbon Tubing conforming to ASTM D3296

**Open Casing Material:**
- Carbon Steel: compliant with (check one or more): □ ANSI/AWWA C200 □ API Spec. 5L □ ASTM A53 □ ASTM A139
- Stainless Steel: (check one): □ ASTM A409 (production wells) □ ASTM A312 (monitor wells)
- ABS Plastic conforming to ASTM F480 and ASTM D1527: (check one): □ Schedule 40 □ Schedule 80
- PVC Plastic conforming to ASTM F490 and (ASTM D1785 or ASTM D2241): (check one): □ Schedule 40 □ Schedule 80 □ Schedule 120
- Thermoset Plastic: (check one) □ Filament Wound Resin Pipe conforming to ASTM D2996 □ Centrifugally Cast Resin Pipe conforming to ASTM D2997 □ Reinforced Plastic Mortar Pressure Pipe conforming to ASTM D3517 □ Glass Fiber Reinforced Resin Pressure Pipe conforming to AWWA C950 □ PTFE Fluorocarbon Tubing conforming to ASTM D3296 □ FEP Fluorocarbon Tubing conforming to ASTM D3296

**Note:** msl = mean sea level

---

**Details:**
- Elevation at top of casing: 145 ft. (min. 70% of distance from ground elevation to top of water surface or 500 ft., whichever is less)
- Grouting method: □ Positive displacement □ Other
- Total Depth: 230 ft.
- Rock or Gravel Packing: □ Crushed Basalt □ Rounded Gravel
- Water Level Elevation: 5 ft., msl
- Solid Casing: (≥ 90% x (Ground Elev.-Water Level Elev.))
  - Length: 205 ft.
  - Nominal Diameter: 6 in.
  - Wall Thickness: ________ in.
  - Bottom Elevation: -30 ft., msl
- Open Casing: □ Perforated □ Screen
  - Length: 25 ft.
  - Nominal Diameter: 6 in.
  - Wall Thickness: ________ in.
  - Bottom Elevation: ________ ft., msl

**Diagram Details:**
- Hole Diameter: 10 in.
- Minimum of 2' Radius & 4' Thick Concrete Pad
- **HAWAII WELL CONSTRUCTION AND PUMP INSTALLATION STANDARDS**
  - Please refer to the standards to ensure your as-built is in compliance with applicable standards.

---

**Signatures:**
- **Loeber**
DRILLER'S LOG

WELL NUMBER: __________

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<tr>
<th>Depths (ft.)</th>
<th>Rock Description, Water Level, etc.</th>
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<tr>
<td>85 to 90</td>
<td>TAN ROCK</td>
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<td>BROWN CLAY</td>
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<tr>
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Remarks:
# WELL COMPLETION REPORT - PART II

**Pump Installation**

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

## 1. State Well No.:

5616-09

**Well Name:** O'Conner Well

**Island:** Maui

## 2. Address:

425 Manawa Place, Hau

**Tax Map Key:** (2) 28 005 044

## 3. Pump Installation Company:

**OWNER BUILDER**

## 4. Date Pump Installed:

31 Dec 2005

**month/day/year**

## 5. PERMANENT PUMP INFORMATION

**Pump Type, Make, Serial No.:**

Goulds 13G10412L SSF M0406502

**Rated Capacity:** 14 gpm at head of: 220 ft.

**Motor Type, H.P., Voltage, rpm:**

1 HP 3 Wire Pump

**Pump type (check one):**

- Deep Well Turbine
- Submersible
- Centrifugal
- Rotary
- Rotary-Displacement
- Rotary-Gear
- Reciprocating
- Propeller
- Impulse

## 6. Method of flow measurement:

- Flowmeter
- Weir
- Open Pipe
- Orifice
- Other*, explain below

*attach schematic

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

## 8. Attach 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. Other remarks/comments:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

---

**Pump Installation Contractor (print)**

**Owner/BUILDER**

**C-57/C-57a/A Lic. No.**

**Signature**

Date 10/12/05
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<td>0 E6C</td>
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</table>

***** CREDIT CARD SALE *****

Merchandise: $1,027.97
Tax: $89.95
TOTAL DUE: $1,250.92

See Customer Comments or Order Header for CC Number

Authorization #: 048907

Freight: $133.00

3/21/05
David B.

VISA / MASTERCARD

CONTINUED
FROM: **CHARLEY**  
DATE: **19-Oct-05**  
SUSPENSE DATE: **26-Oct-05**

TO:  
- BAUER, G.  
- CHING, F.  
- FUJII, N.  
- GOODING, K.  
- HARDY, R.  
- HIGA, D.  
- ICE, C.  
- IMATA, R.  
- KUNIMURA, I.

TO:  
- AKAMA, L.  
- NAKANO, D.  
- OHYE, M.  
- SAKODA, E.  
- SUBIA, S.  
- SWANSON, S.  
- UYENO, D.  
- YODA, K.  
- YOSHINAGA, M.

INIT:  
- 1 Approval  
- 2 Signature  
- 3 Information

FOR:  
- See Me  
- Review & Comment  
- Take Action  
- Type Draft acknow letter  
- Type Final wielc signat. label file folder  
- File  
- Xerox copies

PLEASE:

**MANAWAI**

WELL NUMBER: **5616-09**  
WELL NAME: **O'Conner**

☐ WELL CONSTRUCTION  
☐ PUMP INSTALLATION  
☒ BOTH  

ATTACHMENTS FOR APPLICATION PROCESSING - Both applicant & staff generated

1. TRANS. LETTER  
2. PERMIT PROCESS TABLE  
3. CWRM MAP  
4. APPL. FORM (11 COPIES)  
5. GIS MAPS (11 COPIES)  
6. JAW MAPS (11 COPIES)  
7. PARCEL OWNER VERIF.  
8. CONTRACTOR VERIF.  
9. ALL INFO FILLED IN  
10. BACKGROUND CHECK  
11. $25 FEE DEPOSIT SLIP  
12. DHP/CDUP/PLMA pre-screen (SMA map printout http://gis.hicentral.com/website/parcelzoning/viewer.htm)  

FOLDER:

☒ MADE NEW FILE FOLDER, ATTACHED  
☐ FILE FOLDER ALREADY MADE, IN FILE CABINET

INCOMPLETE ACTION DATES:

<table>
<thead>
<tr>
<th>DATE</th>
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|      | 01-Nov-05 | no license - this is his response to our notice letter? 3 responses to date: | 2) No response 2) WCPA 13-Oct  
3) WCP (x 2 27-Oct  |
<p>|      |         | Do we need SMA letter - we should have? |<br />
|      |         | b. Vastor can go when we have a reply to the letter |<br />
|      |         | c. We have completed with the process. |</p>
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TOTAL $ 25.00

REMARKS:
LINE (1) O'Connor Well
LINE (2)           
LINE (3)           
LINE (4)           
LINE (5)           
LINE (6)           
LINE (7)           
LINE (8)           
LINE (9)           
LINE (10)          
LETTER OF TRANSMITTAL

October 7, 2005

Donald & Valerie O’Connor
P.O. Box 93
Puunene, Hawaii 96784-0093

TO: State of Hawaii, DLNR, CWRM
P.O. Box 621
Honolulu, Hawaii 96803

RE: O’Connor Well Application

Attachments

Check for $25.00 (filing fee)
Application for well construction and pump installation (10x)
Letter from HPD w/SMA approval
100 year flood map
Plot plan w/well location
STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
APPLICATION FOR A WELL CONSTRUCTION / PUMP INSTALLATION PERMIT

Instructions: Please print in ink or type and send completed application with attachments to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96805. Application must be accompanied by 10 copies and a non-refundable filing fee of $25.00 payable to the Dept. of Land and Natural Resources. The Commission may not accept incomplete applications. For assistance, call the Regulation Branch at (808) 587-6477 or visit http://www.hawaii.gov/dlnr/cwrm.

For further information and updates to this application form, visit http://www.hawaii.gov/dlnr/cwrm.

WELL LOCATION INFORMATION

1. STATE WELL NO. (if already assigned)  
2. WELL NAME  
3. ISLAND  
4. TMI  
5. LANDOWNER'S NAME/COMPANY  
6. LANDOWNER'S Mailing Address  
7. LANDOWNER'S Phone  
8. LANDOWNER'S Fax  
9. LANDOWNER'S E-mail

WELL OPERATOR'S NAME/COMPANY

10. Well Operator's Contact  
11. Well Operator's Mailing Address  
12. Well Operator's Phone  
13. Well Operator's Fax  
14. Well Operator's E-mail

PROPOSED WELL CONSTRUCTION

7. Proposed Work

- X Construct New Well
- X Modify Existing Well
- X Abandon/Seal Well
- D Tunnel
- D Weir of Orifice
- D Orifice
- D Flowmeter
- D Open Pipe
- D J-265's
- Other (explain)

8. Construction Type

- X Drilled
- X Dug
- X Shaft
- X Tunnel

9. Is this well part of a battery of wells?  
   - X Yes  
   - X No

10. Proposed Work

- X Install New Pump
- X Replace Pump

11. Proposed Pumping Rate, gpm (gallons per minute)

- 13: 15 6PM

12. Proposed Amount of Withdrawal, gpd (gallons per day)

- 75,000 ANNUALLY

PROPOSED PUMP INSTALLATION

13. Method of flow measurement

- [ ] Flowmeter  
- [ ] Open Pipe  
- [ ] Weir
- [ ] Orifice
- [ ] Other (explain)

OTHER LEGAL REQUIREMENTS

If required, items 21 and 22 must be obtained before the Commission can legally issue a permit:

21. Conservation District Use Permit (CDUP)

- [ ] Required, CDUP #________ date approved __________
- [X] Not Required (attach documentation from OCCL)

I have not checked with OCCL about whether or not a CDUP is required. I understand that checking with OCCL prior to making this application will expedite my review. I further understand that issues raised by this agency may delay or result in denial of the permit issuance, or revocation of the permit after it is issued.

22. Special Management Area Permit (SMA)

- [X] Required, SMA #________ date approved __________
- [ ] Not Required (attach documentation from applicable County agency)

I have not checked with the County about whether or not an SMA Permit is required. I understand that checking with the County prior to making this application will expedite my review. I further understand that issues raised by this agency may delay or result in denial of the permit issuance, or revocation of the permit after it is issued.

I have consulted with the HPD regarding potential impacts of well construction activities on historic sites. I have attached applicable documentation from the HPD.

I have not consulted with the HPD regarding potential impacts of well construction activities on historic sites. I understand that checking with the HPD prior to making this application will expedite my review. I further understand that issues raised by this agency may delay or result in denial of the permit issuance, or revocation of the permit after it is issued. Additionally, the history of past land use is attached.

Additional remarks, explanations, etc. (attach additional sheet if more space is needed)

NOTE: Signing below indicates that the signatories understand and swear that the information provided is accurate and true to the best of their knowledge. Further, the signatories understand that upon permit approval: 1) the proposed work is to be completed within two (2) years of the approval date; 2) the contractor shall submit to the Commission a well completion/abandonment report within 60 days after the completion date of the permitted work; 3) in the event that the application is not completed correctly, any permit may be suspended until the item is brought in to compliance, and any work done while the permit is in suspension may result in fines of up to $5000/day.

24. WELL DRILLER (Must be filled out if application is for Well Construction)

- [ ] Signature  
- [ ] Print  
- [ ] Date

- [ ] License No.  
- [ ] Business Name  
- [ ] Address

25. PUMP INSTALLER (Must be filled out if application is for Pump Installation)

- [ ] Signature  
- [ ] Print  
- [ ] Date

- [ ] License No.  
- [ ] Business Name  
- [ ] Address
PROPOSED WELL SECTION (Please attach schematic if different from diagram provided below)

**Solid Casing Material:**
- Carbon Steel: compliant with (check one or more): 0 ANSI/AWWA C200 0 API Spec. 5L 0 ASTM A53 0 ASTM A139
- And compliant with (check one or more): 0 ASTM A425 (or A696) 0 Type E 0 Type S 0 Grade B 0 Other
- Stainless Steel: (check one): 0 ASTM A409 (production wells) 0 ASTM A312 (monitor wells)
- ABS Plastic conforming to ASTM F480 and ASTM D1527: (check one) 0 Schedule 40 0 Schedule 80
- PVC Plastic conforming to ASTM F480 and (ASTM D1785 or ASTM D2241): (check one): 0 Schedule 40 0 Schedule 60 0 Schedule 120
- Thermoset Plastic: (check one) 0 Filament Wound Resin Pipe conforming to ASTM D2995 0 Centrifugally Cast Resin Pipe conforming to ASTM D2997 0 Reinforced Plastic Mortar Pressure Pipe conforming to ASTM D3517 0 Glass Fiber Reinforced Resin Pressure Pipe conforming to AWWA C950 0 PTFE Fluorocarbon Tubing conforming to ASTM D3296 0 FEP Fluorocarbon Tubing conforming to ASTM D3296

**Open Casing Material:**
- Carbon Steel: compliant with (check one or more): 0 ANSI/AWWA C200 0 API Spec. 5L 0 ASTM A53 0 ASTM A139
- And compliant with (check one or more): 0 ASTM A425 (or A696) 0 Type E 0 Type S 0 Grade B 0 Other
- Stainless Steel: (check one): 0 ASTM A409 (production wells) 0 ASTM A312 (monitor wells)
- ABS Plastic conforming to ASTM F480 and ASTM D1527: (check one) 0 Schedule 40 0 Schedule 80
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**For non-salt water Basal Wells - bottom elevation of well should not be deeper than 1/4 of aquifer thickness or, Bottom Elevation of Well Limit = \(\text{Water Elevation} - \frac{1}{4} \times \text{Aquifer Thickness}\) Example: Estimated + 2 ft. Water Level Elev. \(\text{Bottom Elevation of Well Limit} = (2 - \frac{1}{4} 	imes 2) = 1.5\) ft.

**Solid Casing:** (0 90% x (Ground Elev.-Water Level Elev))
- Total Length: __________ ft.
- Nominal Diameter: __________ in.
- Wall Thickness: __________ in.
- Bottom Elevation: __________ ft., msl*

**Open Casing:**
- X Perforated 0 Screen
- Total Length: __________ ft.
- Nominal Diameter: __________ in.
- Wall Thickness: __________ in.
- Bottom Elevation: __________ ft., msl*

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

---

**Open Hole:**
- Length: __________ ft.
- Diameter: __________ in.
- Bottom Elevation: __________ ft., msl*

**HAWAII WELL CONSTRUCTION AND PUMP INSTALLATION STANDARDS**
- Please refer to the applicable standards.
- To ensure that your as-built is in compliance with

---

**Well Completion:**
- Well Diameter: __________ in.
- Hole Diameter: __________ in.
- Total Depth: __________ ft.
- Estimated Water Level Elevation: __________ ft., msl*
- Rock or Gravel Packing: __________ ft.
- Material: __________
- Crushed Basalt: 0
- Round Gravel: 0
- Annular space between hole and casing (1.5" for positive displacement, 3" for other methods): __________ in.
- Total Grouting: __________ ft.
- Grouting method: 0 Positive 0 Other
- Cement 0 Gravel 0 Perforated 0 Other
- Rock or Gravel Packing: __________
- 0 Crushed Basalt 0 Round Gravel
- Solid Casing: __________ ft., msl*
- Minimum of 2 Radius & 4" Thick Concrete Pad (to contain benchmark surveyed to nearest 0.01 ft.)
- Ground Elevation: __________ ft., msl*
- Fluid cement grout and bentonite are the materials of choice for positive displacement grouting. 3% by weight of bentonite to be added to cement mix.
- For other displacement, Annular space between hole and casing must be filled with 3" of bentonite or saturated sand possible.
- For other displacement, Annular space between hole and casing must be filled with 3" of bentonite or saturated sand possible.
- Other methods:
- Cement: 0 0 Gravel 0 Perforated 0 Other
- Rock or Gravel Packing: __________
- 0 Crushed Basalt 0 Round Gravel
- Solid Casing: __________ ft., msl*
- Minimum of 2 Radius & 4" Thick Concrete Pad (to contain benchmark surveyed to nearest 0.01 ft.)
- Ground Elevation: __________ ft., msl*
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- Cement: 0 0 Gravel 0 Perforated 0 Other
- Rock or Gravel Packing: __________
- 0 Crushed Basalt 0 Round Gravel
- Solid Casing: __________ ft., msl*
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- For other displacement, Annular space between hole and casing must be filled with 3" of bentonite or saturated sand possible.
- For other displacement, Annular space between hole and casing must be filled with 3" of bentonite or saturated sand possible.
- Other methods:
We believe there are no historic properties present, because:

1. a) intensive cultivation has altered the land
   b) residential development/urbanization has altered the land
   c) previous grubbing/grading has altered the land
   d) an acceptable archaeological assessment or inventory survey found no historic properties
   e) other: In 1995, Scientific Consultant Services conducted an archeological inventory survey which included the subject property during which eleven historic sites were identified (Dunn et al. 1995). We have reviewed and accepted the report documenting the findings (SHPD DOC NO.: 9601KD14/LOG NO.: 16358). No historic sites were identified on the subject property.

2. This project has already gone through the historic preservation review process, and mitigation has been completed.

Thus, we believe that “no historic properties will be affected” by this undertaking.

In the event that historic sites (human skeletal remains, etc.) are identified during the construction activities, all work needs to cease in the immediate vicinity of the find, the find needs to be
protected from additional disturbance, and the State Historic Preservation Office needs to be contacted immediately at [redacted] on Maui, or at [redacted] on O'ahu.

Staff: [signature]

Date: 12 November 2014

Cathleen A. Dagher, Assistant Maui/Lana'i Island Archaeologist, (808) 692-8023
arranged for Dave Pico to do work. Pico got gear stuck in well, used dynamite to blast out; withdrew, left gear.

Jeff Naftulin called from Pennsylvania to inquire about developments; with six hours difference and chasing other geese on this project, I didn't get back to him until Thursday am 06 Oct, left message.

Mike Robertson returned my call. He explained that he had been contacted to do work for Ron Serle, and had agreed, but couldn't get there for three weeks. He says Dave Pico was brought in to do "test well" to determine that water was available. Dave got gear stuck in the well. Mike offered to run a camera down and see what could be done, but Dave said it was too late, they had already tried blasting, had dislodged drill pipe but left other gear in wellbore. That well was abandoned, and was graded over.

Mike noted that the gear got stuck in a hard rock layer down about 200 ft below grade, Mike had encountered this layer himself, drilling a well for Ron Serle. When he got to basal ground water, they sealed off the casing and pumped for a while and got clean water. He mentioned something about using a state certified lab to test water quality and found contamination that cleared after pumping. Mike believed the perched water above the hard rock layer had followed the bit down and was the source of the contamination.

Mike indicated that Tom Nance was the hydrologist on the project, and had brought in Dave Pico. Mike thought Tom would know more about the situation, but probably wasn't told about the blasting.

He expressed dismay over the illegal drilling situations - one guy had probably contaminated three different neighborhoods and was still out there working, while a guy on the Big Island had been fined and had left the State. I said we had finally located the illegal driller and were expecting some information from him. Once we got our facts straight, we were prepared to go to the Commission with everything.

04 Oct 

Call to Bill Wong about whether blasting was illegal; he was not in, nor was Stuart Yamada, but Sharon Nekoba agreed to check it out; she returned the call later in the day, saying DoH had no regulations against blasting.

05 Oct 

Call to Donald O'Connor concerning his illegal well and the paperwork that was required by September 30 (we hadn't seen it yet). He later (next day) left a message that he'd been copying the info and was sending it in.

06 Oct

Call from Mike Robertson inquiring about a Big Island well. I indicated he needed to contact Ryan. He also noted that one of his drillers quit, and there was a problem pulling gear out of another hole somewhere that had taken a lot of time. We discussed the Peahi matter further. Mike indicated that a second test hole had been drilled by Pico after the gear got stuck and abandoned after blasting in the first. The second hole was successful in getting a water sample, but may also not have been properly sealed, and was graded over along with the first.

Mike also said that the original problem with the "H-Poko Well" (Hāmākuapoko Wells 1 & 2, 5420-02 & 5320-01) was blasting in the wellbore. At that time, the story goes, some stuff flew 150 feet in the air. A well for Kent Smith (not a Kuiaha well) that Mike did drilled right through an old landfill, and the testing showed predictable contaminants, but that after cleaning and purging, the well had tested clean.

Call to John Cahill to clarify info. He said that he and Jeff Fagerholm were partners in buying the land and in developing his well (5517-02). They were among those organized to buy parts of land offered by an executive of Japan Airlines, who was an absentee owner living on the East Coast (as he remembers it). Ron Serle was the agent.

06 Oct Th

I left messages for Colleen Suyama and Robyn Loudermilk of Maui Planning, asking about overall perspective on property development in Peahi area. The two had been involved in SMA approval, and may shine light on requests reviewed by their department, may have compiled info on various parties involved.

Jeff Naftulin called again. He bought property around 2000, with Serle and other partners, later sold to Holt and others; knows that Tom Nance was their hydrologist consultant, that test wells were drilled to assure water availability. He was under the assumption that necessary approvals were obtained,
MEMO To File

Illegal Well Drilling

Mike Robertson returned my call today, and commented at length on two matters

1) Illegal driller of at least three known wells where Mike has done work for others. This is the driller we have identified at Don Wilburn, who says he brought a rig from New Mexico and was “practicing” on his property in Honopou.

   Mike says the other three wells were a) down Hanawana Road (no TMK or other specific ID; b) Ho’olawa (same lack of specific info); and c) the Donald O’Conner well in Manawai (TMK 2-4-3:44).

   Mike is concerned and frustrated because well owners for whom Mike has done work are now at risk for contamination; and because the guy on the Big Island got fined big-time and this other guy is going free. [I mentioned that we’re not done yet, and that getting the relevant info to move forward has been frustrating. Wilburn was to have submitted WCRs for the well we identified, by 30 Sep 05, and they have not arrived.] Mike notes that improper construction standards means that three separate neighborhoods have been potential contaminates.

2) The current “test pumping” to remove pesticides from Peahi Farms wells. Mike drilled three wells for Ron Serle (Opana Pt. 1 & 2, Stream Resources #3 – 5617-02, 03, & 04) and these two wells for Rick Holt (Holt #1 & 2 – 5517-05, 5617-05).

   Before Mike was able to get started on the Holt Wells, the well owner was trying to get a test well done to draw a water sample for his investors’ information [news articles place the purchase price of this development at $3.5 M.] As Mike was unavailable, the hydrologist Tom Nance was able to line up Tom Pica to do the work. The work was done without a permit [no WCPIA was ever received for such a well, described by Mike as ~100 feet from the Holt Well #1 (Well No. 5517-05), at ~400 ft. el.]. About halfway down, around 200 feet, Pico got his gear jammed in a hard layer, and blasted it loose (not illegal), but Mike believes some of the gear is still down there, and that the well was not properly sealed. Bulldozing has since eliminated trace of the well’s location.

   Mike had done the Serle wells earlier and was aware that a hard rock layer above the basal lens had perched water with pesticide contamination. The water had been tested – that’s how he knows. After grouting off that section, he continued drilling to basal water, and pumped for a period of time to clear the pesticides from the well bore and immediate vicinity. The subsequent testing showed the water to be clear of contamination.

   Mike told Holt that it would be desirable to pump the wells continuously for a week to purge contaminants from the groundwater. He is concerned that the Pico well continues to conduct contaminants to the basal lens. [We are told that Holt’s current pumping is actually the
second effort, and that if a third is required, he will do it again. This suggests that the contamination is not acute but chronic, suggesting that it is not from the properly grouted wellbore but from another source, possibly the Pico well; it may also be directly from pineapple cultivation.

I've inquired with Safe Drinking Water Branch, and they indicate they have no rules against dynamiting in a well. We also have no prohibition in our standards.

**Opana-Peahi Wells** potentially subject to contamination from “Pico Test Well” (unpermitted)

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September 1, 2005

Mr. Donald O'Connor
P.O. Box 93
Puunene, HI 96784

Dear Mr. O'Connor:

Follow-up to Notice of Potential Violation for
Well Construction and Pump Installation at TMK: 2-4-3:44

Thank you for your prompt response to our May 26, 2005 letter seeking answers to questions about your well. We had anticipated receipt of your after-the-fact well construction and pump installation permit application, but find that it has now been 90 days since we requested it.

At this point, it is also appropriate for you to be filing the well completion reports, parts 1 & 2 (well construction & pump installation, enclosed). These are normally signed by a licensed driller. If you do not have a licensed driller to sign, further evidence of the information provided must be supplied (building material and equipment purchase receipts, etc.). We have also attached another application and instructions for your use.

We appreciate good faith efforts to remedy a situation for which there could be potential fines, and look forward to the receipt of your application and completion reports by September 30, 2005. Please be aware that violations of the Water Code are subject to fines of up to $5000 per day.

If you have any questions, please call Charley Ice of the Commission staff at [number] or toll-free at [number] extension 70251.

Sincerely,

W. Roy Hardy

DEAN A. NAKANO
Acting Deputy Director

Cl:ss
Enclosures
July 12, 2005

State of Hawaii
DLNR, CWRM
Attn: Dean A. Nakano
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Nakano:

Enclosed please find a copy of our original response to your letter of May 26, 2005, also enclosed is our "Proof of Mailing" dated June 14, 2005.

After following up with the USPS they could not confirm the original was ever received.

Sincerely,

Donald O'Connor

enclosure
June 14, 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

State of Hawaii
DLNR, CWRM
Attn: Dean A. Nakano
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Nakano:

In response to the questions in your letter of May 26, 2005,

1) March 2005
2) It was drilled by owner builder
3) Yes
4) Yes, irrigation & non-potable water
5) No, per County of Maui, Building Department, if there was no structure no permit would be needed, just the SMA (SMX 2004/0582)
6) Please contact me @ [email address] to arrange.

I will forward the well permit application upon completion.

Sincerely,

[Signature]

Donald O'Connor
June 14, 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

State of Hawaii
DLNR, CWRM
Attn: Dean A. Nakano
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Nakano:

In response to the questions in your letter of May 26, 2005,

1) March 2005
2) It was drilled by owner builder
3) Yes
4) Yes, irrigation & non-potable water
5) No, per County of Maui, Building Department, if there was no structure no permit would be needed, just the SMA (SMX 2004/0582)
6) Please contact me @ [redacted] to arrange.

I will forward the well permit application upon completion.

Sincerely,

Donald O'Connor
Product Description

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Paid by: Cash $10.42
Change Due: $6.00

Bill #: 1000200480191
Clerk: 02

All sales final on stamps and postage. Refunds for guaranteed services only. Thank you for your business.
Customer Copy

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Postage $0.37
Certified Fee $2.30
Return Receipt Fee (Endorsement Required) $1.75
Restricted Delivery Fee (Endorsement Required) $0.00
Total Postage & Fees $4.42

PS Form 3800, June 2002 See Reverse for Instructions
June 2, 2005

Dear Manawai Owner:

We would like to respond to the accusations about our well mentioned in the 2005 Manawai Minutes and set the record straight.

We contacted the County of Maui concerning any permits etc. regarding the possible drilling of a well at our residence. We were told we needed a SMA only, since a permit is only needed if we erect a pump house. Our SMA was issued in October of 2004. The well was drilled in March of 2005 under owner builder and is in compliance with regulations. We were never contacted by Wailani Well Drilling as stated in the minutes and as far as we know, Rick Strini of 263 Manawai Place was the only one who issued a complaint to the State of Hawaii. The State has already inspected our well and there is no hearing scheduled as stated that we are aware of.

We can only surmise that this whole well issue was brought about because we decided to disconnect our property from the original Manawai well. This was due to the fact that this well drilled by Wailani was constantly under repair.

Our well is in no way posing a threat to other wells in the area. We suggest that this case of "sour grapes" be put behind us and everyone be allowed to enjoy their homes on Manawai Place.

Perhaps this is the time to remember, "People who live in glass houses shouldn't throw stones."

Regards,

Donald & Valerie O'Connor

Pouwene, HI 96784
Dennis Vanderwilde
430 Manawai Pl
Haiku 96708

Frank Felton
1745 Larson Lane
Alta, WY 83422

Attn: Charlie Lee
808 587 0219
May 26, 2005

CERTIFIED MAIL
RETURN-RECEIPT REQUESTED

Mr. Donald O’Conner
P.O. Box 93
Puunene, HI 96784

Dear Mr. O’Conner:

Notice of Potential Violation: Unpermitted Well Construction on TMK: 2-8-003:044

It has come to our attention that there may be a well on parcel 44 that has not been permitted through our office. Hawaii Revised Statutes (HRS) Chapter 174C-84 states that:

“No well construction and no installation of pumps and pumping equipment shall commence without appropriate permit from the commission. An application for a permit for well construction shall be required for all areas of the State including water management areas and shall be made by the well driller who will construct the well. An application for a permit for installation of a pump and pumping equipment shall be made by the pump installation contractor who will install the pump and pumping equipment."

Several other well owners in your neighborhood with wells properly permitted and constructed have raised concerns over potential contamination of their wells if your well was improperly constructed and if this resulted in contaminants reaching the ground the water. Due to potential harm to neighboring well owners, we alerted the Division of Conservation and Resources Enforcement to this situation and after an investigation, they have submitted their report, verifying a completed well on your property for which we have no record of a permit. As the responsible landowner, you may share liability in this matter. Any information you have in this matter is of immediate public interest.

Please respond to the following questions:

1) When was the well drilled?
2) Who drilled the well, and what is the driller’s contractor license number?
Mr. Donald O’Conner  
Page 2  
May 26, 2005

3) Is there a pump installed in the well?  
4) Is the well currently being used? How and what is it being used for?  
5) Were you aware that a well construction permit from the Commission was required prior to the well being drilled?  
6) When may we schedule a field visit to verify your responses to these questions?

We have also enclosed a well construction permit application that you should complete and file with our office.

Please respond within 30 days from the date of this letter. Failure to do so may result in fines of up to $5,000 per day.

If you have any questions, please call Charley Ice of the Commission staff at [redacted] or toll-free at [redacted] extension 70251.

Sincerely,

DEAN A. NAKANO  
Acting Deputy Director

CI:ss  
Enclosure  
c: Rick Strini  
    Dennis Vandevelde  
    Charles Laquidara  
    Frank Felton  
    Peter Martin  
    Tom Caltride  
    Richard Perry
To: Hawaii State Water Commission  
P.O. Box 621  
Honolulu, Hawaii, 96809  

Attention Please: Charley Ice  

This letter is to document our phone conversations, regarding unpermitted and illegally constructed water wells on Maui.  

Approximately 7 months ago I received a call from a man on Hanavana Rd. Huelo Maui and he was requesting consultation from me concerning a problem he was having with a certain cable tool driller named Don and his well project at hand.  

He was concerned because the driller had drilled an 8 in. hole to approx 450 ft. and they could not keep the hole open. They were at approx El. 650 ft. so they still had quite a ways to go to the basal lens.  

He told me the driller went to purchase 460 ft of 6 in. PVC and wanted to install 6 in down to the heaving depth and then drill through the 6 in the rest of the way.  

I instructed and advised him against this because #1 he had no well permit, #2 He Was employing an un licensed driller, and #3 I didn't believe it would work but even if it did, He would have a well which would be a huge liability, not an asset, due to the fact that this well; with less than a ¼ in. annulus could not possibly be sealed properly against surface contamination.  

I gave him a very generous price discount and offered to help him obtain his permits and he agreed he wanted to do this but never followed through.  

I told him I didn't want to get him in trouble but that if any contaminates showed up in the Hanavana-Douglas's Well or any other adjacent well, he would be responsible.  

Word came through a neighbor, the well was completed. I never heard from this man again.  

Several weeks later a client on Manawai Rd. Haiku called me and asked if I knew anything about a drilling rig on Donald O Connor's property. I said no and sent one of my workers to check it out.  

Donald had requested an estimate from me 6 months previous and said he wanted to proceed to obtain his permits. I instructed him to first obtain an SMA permit and then we would apply for and obtain the State water well permit. He said ok and I never heard from him again.  

My worker and also Brian Sarasin verified that this man, Don, was drilling an 8 in. hole and installing 6 in. casing. This illegal well is located approx 150 - 200 ft. directly uphill from the Manawai-Vandeveldel Well which we drilled several years ago and it is within 300 - 1000 ft of 5 other permitted wells which we also drilled.  

Many of these neighbors are seriously concerned about the potential for contamination of their wells especially since this is recent pineapple land and contaminates have been discovered in the shellfish along the shoreline below.
In my opinion, this well needs to have the casing removed, if possible, or drilled out and then a new well should be properly constructed. Then if contaminants are discovered, the well should be surged and pumped at a high flow rate until the contaminants are all pumped out, if possible.

We at Wailani Drilling, have a vested interest in protecting the groundwater in this State and have taken every necessary action to do so in the past for over 15 years. All of the wells we have drilled are constructed to the State of Hawaii standards as a minimum. Many of our wells are constructed with standards which exceed the State standards.

We and the well owners in the area desire that this violation be resolved and the potential for contamination removed.

These are the only two wells I know of for certain which have been illegally drilled but I have been told that there are several others.

Thank you.

Sincerely, Michael Robertson
To: Hawaii State Water Commission  
P.O. Box 621  
Honolulu, Hawaii, 96809

Attention Please: Charley Lee

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We and the well owners in the area desire that this violation be resolved and the potential for contamination removed.

These are the only two wells I know of for certain which have been illegally drilled but I have been told that there are several others.

Thank you.

Sincerely, Michael Robertson
These letters are part of the case file for the Manawai unlicensed driller/unpermitted wells/non-standard construction.
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FROM: ROY  DATE: MAY 5 2008  SUSPENSE DATE: 

Please print out for me. The complete file attached need to include all sent an email 3 weeks ago. Plz print out for me. The complete file attached need to include all

as soon as I learned something was afoot. Could not do this potential violation. Did some go沉浸在

anything re solid info, news, etc. I know this is a case where comments or lack of comments and communication with CWRM led this guy to think all he needed was SMA.
STATE OF HAWAII

INVESTIGATION REPORT

1. REPORT NUMBER: MA005-1051
2. INVESTIGATOR: DECAMBA, RANDY

3. ISLAND: MAUI
4. DISTRICT: HAIKU

CLASSIFICATION:
LAND DIVISION INV.; UNPERMITTED WATER WELL CONSTRUCTION

5. COMPLAINANT (Full Name, if Business)
STRINN, RICK

6. SEX: M
RACE: WHITE
AGE: 42

7. D.O.B.
8. OCCUPATION

9. ADDRESS: 425 MANAWAI PLACE, HAIKU, HI 96708

10. SCHOOL EMPLOYEE/SCHOOL ATTENDINGS

11. LOCATION OF OFFENSE AND CLOSEST INTERSECTING STREET
425 MANAWAI PLACE, HAIKU, HI

12. DATE/TIME/DAY OCCURRED
ON GOING

13. DATE/TIME REPORTED
040405/1615 hrs.

14. Describe location of offense or type of premises
PRIVATE PROPERTY/RESIDENCE

15. HOW REPORTED
LAND DIVISION LETTER

16. VEHICLE INVOLVED

17. BOAT INVOLVED

18. REGISTERED OWNER

CODE: W = Witness
S = Suspect (Fill in Composite Description)
R = Reporting Person
O = Other

19. NAME
O'CONNOR, DONALD
Age: 42

20. SEX
Composite Description
Race: W

21. INVESTIGATION
1. Insert synopsis of the crime or incident. 2. Summarize details of the crime or incident. 3. Describe persons from whom statements taken and who took them. 4. Identify additional suspects and witnesses. 5. Identify additional investigators. 6. Use opposite side for continuation of report, if necessary.

Synopsis:
C-1 related that S-1 had drilled a water well at the above location without the required permits. Checks with DLNR/CWRM.

COMMISSION ON WATER RESOURCE MANAGEMENT HYDROLOGIST Charley ICE revealed that S-1 did not have the required DLNR/CWRM Well Construction Permit and Pump Installation Permit. Checks confirmed S-1's water well and absence of the required DLNR/CWRM permits. Case pending, request case be submitted to DLNR/CWRM for further review and action.

ASSIGNMENT:
Assigned by Conservation Enforcement Supervisor Clarence YAMAMOTO to investigate a complaint of an unpermitted water well drilling at 425 MANAWAI PLACE, HAIKU, HAWAII.

CONTACT WITH CWRM:
Checks with DLNR/CWRM Hydrologist Charley ICE revealed that if O'CONNOR is indeed drilling a water well on his property he is required to obtain a well construction permit and pump installation permit from DLNR/CWRM.

CHECKS MADE:
On Thursday 042105. I along with Conservation Enforcement Supervisor Dexter TOM made contact with Donald O'CONNOR at his residence at 425 MANAWAI PLACE, HAIKU, HAWAII. I informed O'CONNOR of the complaint in which he stated that he had a county permit to construct the water well on his property. O'CONNOR provided me with COUNTY OF MAUI/SPECIAL MANAGEMENT AREA MINOR PERMIT# (SMX2004/00582) (SMZ 2004-011) for my review. O'CONNOR did not have the required permits from DLNR/CWRM. I along with TOM inspected the water well site which consisted of a rectangle box positioned in the ground containing plumbing and electrical items. I provided O'CONNOR with ICE's phone number and informed him that he would need to contact ICE regarding the matter. O'CONNOR was very cooperative during the investigation, was unaware of the DLNR/CWRM permit requirements, and was willing to acquire whatever necessary permits.

PHOTOGRAPHIC EVIDENCE:
REFER TO ATTACHED PHOTOGRAPHIC REPORT FOR DETAILS.

OFFICER'S DEPART: I along with TOM departed the immediate area without further contact or incident with O'CONNOR.

DISPOSITION:
Case pending, request case be submitted to DLNR/CWRM for further review and action.

22. REPORT WRITTEN BY
YAMAMOTO, RANDY

23. SUPERVISOR APPROVING

24. DISPOSITION

25. DATE/TIME REPRODUCED
042105/1615 HRS.

26. DISTRIBUTION

27. CONNECTING REPORT NO.
CASE NUMBER: MA#05-1051

CLASSIFICATION: UNPERMITTED WATER WELL CONSTRUCTION

SCENE: 425 MANAWAI PLACE

DATE/TIME TAKEN: 042105

PHOTO TAKEN BY: OFC. R. DECAMBRA #204

DESCRIPTION OF PHOTOS:

Below photographs depict a rectangle box positioned in the ground containing plumbing and electrical items.
Mr. Donald O'Connor
P.O. Box 93
Puunene, Hawaii 96784

Dear Mr. O'Connor:


In response to your application received on September 7, 2004, and final agency comments received on November 15, 2004 and in accordance with the Special Management Area Rules for the Maui Planning Commission, Sections 12-202-12 and 12-202-14, a determination has been made relative to the above project that:

1. The project is a development;
2. The project has a valuation not in excess of $125,000.00; (Valuation: $30K - 45K)
3. The project has no significant adverse environmental or ecological effect, taking into account potential cumulative effects; and
4. The project is consistent with the objectives, policies, and Special Management Area guidelines set forth in the Hawaii Revised Statutes (HRS), Chapter 205-A, and is consistent with the County General Plan and Zoning.

In consideration of the above determination, you are hereby granted a Special Management Area Minor Permit approval, subject to the following conditions:

1. That construction shall be in accordance with plans submitted on September 7, 2004;
2. That full compliance with Department of Land and Natural Resources Historic Preservation Division requirements as stated in Doc. #0411CD26, Log. #2004.3358, dated November 12, 2004, shall be rendered (attached).

3. The State Historic Preservation Division (Maui and Oahu offices) shall receive written notification, via facsimile, upon the onset and completion of the proposed undertaking;

4. That full compliance with Department of Water Supply requirements as stated in letter dated October 6, 2004, shall be rendered (attached).

5. That a building permit shall be obtained prior to the initiation of construction;

6. That construction of the improvements shall be initiated by June 30, 2005, and shall be completed within one (1) year of said initiation; and

7. That full compliance with all other applicable governmental requirements shall be rendered.

Thank you for your cooperation. If additional clarification is required, please contact Mr. Paul Fasi, Staff Planner, of this office at

Sincerely,

MICHAEL W. FOLEY
Planning Director

Enclosure
MWF:PF:do

c: Wayne A. Boteilho, Deputy Planning Director
Clayton I. Yoshida, AICP, Planning Program Administrator
Aaron H. Shinmoto, PE, Planning Program Administrator (2)
Paul Fasi, Staff Planner
Development Services Administration (2)
DLNR, SHPD-Maui Office
2004/SM2 Minor Permit File
General File
(K:\WP_DOCS\PLANNING\SM2\2004\0118_O'connorWell\sm2.wpd)
October 6, 2004

Mr. Michael W. Foley, Director
Planning Department
County of Maui
250 South High Street
Wailuku Hi 96793
Attn: Paul Fasi

Subject: ID: SMX 2004/0582
TMK: (2) 2-8-003:044
Project Name: O'Connor Irrigation Well

Dear Mr. Foley:

Thank you for the opportunity to comment on this project proposal.

The Department of Water Supply does not currently provide service in the project area. The aquifer serving the project is Haiku Aquifer. This aquifer has a sustainable yield of 31 MGD, however, according to the 1990 State Water Resources Protection Plan, a more conservative estimate is 15 MGD. DWS anticipates the need for additional wells in the Haiku aquifer in the future. Please note that as one of the richest aquifers on the island, this could one day be an important source of municipal/county water.

In conversation with the applicant, we were informed that the well will be used to fill a 15,000 gallon storage tank to irrigate a two-acre palm tree nursery and will be refilled as needed. By standards, estimated consumption is about 25,000 GPD.

While the proposed well does not seem likely to have immediate effect on existing DWS wells, there are private wells that are in the zone of influence which does point to potential conflict in use. This conflict depends on pumpage, drawdown and aquifer status. Attached is a map showing the location of private wells in the zone of influence.

In order to protect groundwater resources, we encourage the applicant to adopt Best Management Practices (BMPs) designed to minimize infiltration and runoff from daily activities. Sample BMPs are as enumerated below.

1) Inspect exposed parts of the well periodically for problems such as: cracked or corroded well casing, broken or missing well cap, damage to protective casing, settling and cracking of surface seals.
2) Slope the area around the well so that surface runoff drains away from the well.
3) Provide a well cap or sanitary seal to prevent unauthorized use of or entry into the well.
4) Provide a sediment removal or well cleaning as necessary.
5) Avoid mixing or using pesticides, fertilizers, herbicides, degreasers, fuels or other pollutants near the well.

By Water Will Flow. And Life

amazing they don't quote 0

\begin{align}
  &A_{\text{cool}}\end{align}

\text{SWPA}
HAWAII HISTORIC PRESERVATION DIVISION REVIEW

Log No.: 2004.3358
Doc No.: 0411CD26
Received: 20 September 2004

Applicant/Agency: Mr. Michael Foley, Planning Director
Address: County of Maui
Department of Planning
250 South High Street
Wailuku, Hawaii 96793

SUBJECT: Chapter 6E-42 Historic Preservation Review – Special Management Area Assessment Application for the Proposed O’Conner Irrigation Well (Subject I.D.: SMX 2004/0582) [County/Planning]

Ahuapua`a: Kea’aula
District, Island: Makawao, Maui
TMK: (2) 2-8-003:044

1. We believe there are no historic properties present, because:

   ___ a) intensive cultivation has altered the land
   ___ b) residential development/urbanization has altered the land
   ___ c) previous grubbing/grading has altered the land
   ___ d) an acceptable archaeological assessment or inventory survey found no historic properties
   ✔️ e) other: In 1995, Scientific Consultant Services conducted an archeological inventory survey which included the subject property during which eleven historic sites were identified (Dunn et al. 1995). We have reviewed and accepted the report documenting the findings (SHPD DOC NO.: 9601KD14/LOG NO.: 16358). No historic sites were identified on the subject property.

2. This project has already gone through the historic preservation review process, and mitigation has been completed.

   ✔️ Thus, we believe that “no historic properties will be affected” by this undertaking

In the event that historic sites (human skeletal remains, etc.) are identified during the construction activities, all work needs to cease in the immediate vicinity of the find, the find needs to be
To Gary D Moniz/DLNR/StateHiUS
cc
bcc
Subject Manawai Place follow up

I'm informed that the unlicensed driller lives at 425 Manawai Place (not Road), which is TMK 2-8-3:44

To Gary D Moniz/DLNR/StateHiUS@StateHiUS
cc
bcc
Subject Manawai Road follow-up

The well driller who alerted me to the illegal drilling by an unlicensed driller called again this morning to say that a few of the neighbors have called him to say they're afraid of this guy -- a little too crazy, but will probably call me later. Apparently the guy lives down Manawai Road himself, and the wife, who is there all day, is a little crazy, too. (I don't know what to make of this -- just a word to the wise). The parcel is (2) 2-8-03: 44, although there's a question of which lot because the original lot may have been subdivided, and if you see the TMK map, you'll notice there are at least two lots that it might be. It is the parcel makai of #44, and maybe two lots down if it's a subdivided parcel (the "lower" parcel).

Because there was pineapple grown in this area before, some wells nearby have found DBCP. Mike Robertson, the good driller, says there's an impermeable lava layer down about 80 feet that he drilled through and grouted off, and the contaminants seem to sheet across that layer without getting down to the water table; instead it seeps out and drops into the ocean. If the unlicensed driller is not properly grouting, as suggested, then he could be putting as many as five wells at risk for contamination, and we'll try to notify them.

To Gary D Moniz/DLNR/StateHiUS@StateHiUS
cc
bcc
Subject illegal well-drilling

No whales (sorry!)
I got a call about 5 pm this afternoon from Mike Robertson, one of my most active well-drillers on Maui, saying there's a guy drilling an illegal well at the foot of Manawai Road. This is evidently the third such well. He had called me a few weeks ago to check whether this guy had permits, and from the information I was given, there were no permits issued. That's still true. It seems this guy is also working without a license, without an SMA permit, and could be endangering groundwater resources by incorrect (substandard) drilling construction standards. He's subject to our fines of up to $5000 per day (per violation).

Manawai Road goes down toward Manawai Point, across Uaoa Bay from Kealii Pt and "Jaws", just down the coastline from Opana Pt. I'm told that if you get down to the bottom of the road, you can't miss it. It's not very far from a few other permitted wells (van de Velde 5616-05, Steele 5616-06, and Felton 5616-07). He probably has the drilling rig in place.

Thanks, Gary!