Chairperson and Members
Commission on Water Resource Management
State of Hawaii

Gentlemen:

RESUBMITTED-Applications for Water Use Permits
and After-the-Fact Pump Installation Permit
Kawela Ground Water Management Area, Molokai

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Landowner</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. (Well No. 0352-10) David W. Curtis</td>
<td>Same</td>
</tr>
<tr>
<td>P.O. Box 1829 Kaunakakai, HI 96748</td>
<td></td>
</tr>
<tr>
<td>2. (Well Nos. 0456-04,06,08,09 &amp;0457-04)</td>
<td>Same</td>
</tr>
<tr>
<td>Kawela Plantation Homeowners Association</td>
<td></td>
</tr>
<tr>
<td>P.O. Box 698 Kaunakakai, HI 96748</td>
<td></td>
</tr>
<tr>
<td>3. (Well No. 0456-16) John Wm. Iaea Sr.</td>
<td>Lukela Estate</td>
</tr>
<tr>
<td>P.O. Box 405 Kaunakakai, HI 96748</td>
<td>P.O. Box 405</td>
</tr>
<tr>
<td></td>
<td>Kaunakakai, HI 96748</td>
</tr>
<tr>
<td>4. (Well No. 0456-17) R.M. Granger</td>
<td>D. E. Johnson</td>
</tr>
<tr>
<td>P.O. Box 371 Kaunakakai, HI 96748</td>
<td>P.O. Box 371</td>
</tr>
<tr>
<td></td>
<td>Kaunakakai, HI 96748</td>
</tr>
<tr>
<td>5. (Well No. 0457-01) Maui Dept. of Water Supply</td>
<td>Same</td>
</tr>
<tr>
<td>P.O. Box 1109 Wailuku, HI 96793</td>
<td></td>
</tr>
</tbody>
</table>

Background

At the September 15, 1993 meeting of the Commission on Water Resource Management (Commission) on Molokai, a contested case hearing was requested on seven (7) water use permit applications for existing uses in the Kawela Aquifer System. The Commission voted to defer action on the applications and directed staff to initiate public hearing proceedings. Public hearings were held on November 17, 1993 and June 2, 1994.

Staff's recommendation to the Commission is to deny the petitioner's standing in this matter because the claim of harm to legal water interests could not be established. Should the Commission approve the staff's recommendation to proceed with decision-making on pending Kawela applications, this submittal presents a description and analysis of the proposed water use permits. Specific information regarding the sources, uses, notifications, objections, and field investigations is provided in Attachment A and the attached exhibits.
An analysis of the proposed permits in relation to the seven (7) criteria set forth in HRS 174C-49(a) Conditions for a permit is provided as follows:

1. Water availability - The sustainable yield of the Kawela Aquifer System is 5 million gallons per day (mgd). To date, water use permits totalling 0.095 mgd have been awarded for existing uses. This leaves 4.905 mgd (about 98 percent) of the system's sustainable yield available to satisfy other existing uses and for meeting future demands.

Pending applications for verified existing uses show a total request for 1.283 mgd of Kawela groundwater (Table 1). It should be noted that this figure reflects both existing uses and projected future needs. Staff is recommending that the Commission consider allocating water for immediate, justified future uses at this time since there are no other applications for verified existing uses in the Kawela Aquifer System. Other pending applications in Kawela are incomplete and will be addressed in a separate submittal. Reasonable water quantities are discussed in the following section.
Chairperson and Members  
Commission on Water Resource Management  
March 14, 1995

Table 1. Kawela Aquifer System

<table>
<thead>
<tr>
<th>ITEM</th>
<th>KAWELA AQUIFER SYSTEM (mgd)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sustainable Yield</td>
<td>5</td>
</tr>
<tr>
<td>Less: Other Existing Permits</td>
<td></td>
</tr>
</tbody>
</table>
| Shigenobu Inouye  
(Well No. 0352-11) | -0.004 |
| Kanukuawa Ranch  
(Well No. 0354-03) | -0.017 |
| T.T. Meyer, Inc.  
(Well No. 0354-01) | -0.029 |
| (Well No. 0354-02) | -0.040 |
| (Well No. 0354-04) | -0.005 |
| Subtotal | 4.905 |
| Less: Pending Applications: | |
| David W. Curtis  
(Well No. 0352-10) | -0.050 |
| Kawela Homeowners Assoc.  
(Well No. 0456-04) | -0.250 |
| (Well Nos. 0456-06,08,09) | -0.300 |
| (Well No. 0457-04) | -0.225 |
| John Wm. Iaea Sr.  
(Well No. 0456-16) | -0.001 |
| R.M. Granger  
(Well No. 0456-17) | -0.025 |
| Maui DWS  
(Well No. 0457-01) | -0.432 |
| Available Allocation | 3.622 |

(2) Reasonable-beneficial - The applications scheduled for Commission action are summarized and evaluated with respect to reasonable and beneficial use:

David W. Curtis, Well No. 0352-10 - The water use permit application is in combination with an after-the-fact pump installation permit application. On June 17, 1992, water use permit and pump installation permit applications were submitted to the Commission. No action was taken on either application in accordance with the Commission's designation condition that the Molokai Working Group (MWG) would first formulate guidelines before any action on water use permits would take place. The field investigation on October 12, 1992 revealed that the applicant had installed a pump in 1989 and had been pumping prior to designation. Therefore, the applicant applied for a well that was an existing use at the time of designation only by virtue of the unpermitted installation of the
Chairperson and Members  
Commission on Water Resource Management  
March 14, 1995

pump which is a Water Code violation. Thus the application is for an after-the-fact pump installation permit.

The water use permit application is for continued existing use of potable water for irrigation supply for six (6) acres of papaya & nursery. The use has been in existence since 1989. The field investigation verified that only about four (4) acres of ornamental palms, papaya, and citrus trees are being irrigated. Using the Oahu Water Requirement Forecast, 4 acres of papaya would require about 12,000 gpd. The applicant has not submitted any water use reports to date.

Kawela Plantation - Three separate water use permit applications were initially made to continue existing domestic and irrigation uses at Kawela Plantation. On December 23, 1994, a request to amend the original applications for the following three wells was received (Attachment E):

a. Well No. 0456-04 - for irrigation of 200 acres covering 81 lots & common areas in Unit I (see Exhibit 1C).

b. Well Nos. 0456-06,08,09 - for domestic supply to Units I & II (see Exhibit 1C).

c. Well No. 0457-04 - for irrigation needs for Units II & III (See Exhibit 1C).

The applicant requests that the three individual sources (listed above) be permitted as a battery of wells since the sources are able to back each other up. This would allow greater flexibility for managing the system and maintaining adequate distribution. In terms of management and protection of the water resource, there does not seem to be a problem with permitting the wells as a single battery for the requested allocation of 300,000 gpd. The well locations are shown in Exhibit 1C. From the schematic diagram of the distribution setup, shown in Exhibit 1D, the AG #1 well (Well No. 0457-04) appears to supply an independent distribution system. An accurate diagram of the system should be provided for the record, if the Commission approves the applicant's request for a single water use permit for the battery of wells.

The total number of 2-acre lots serviced by the wells is 210. Of these, the field investigation verified that fifty (50) lots were occupied as of January 11, 1993. However, according to the applicant, there were about twenty-six (26) occupied lots as of July 1992, and currently, about forty (40) lots are using water. Based on State and County guidelines for reasonable water use, July 1992 usage would be roughly 172,000 gpd (26 units @ 600 gpd/unit plus 26 2-acre agricultural lots @ 3000 gpd/acre). Current usage would be about 264,000 gpd (40 units @ 600 gpd/unit plus 40 2-acre lots @ 3000 gpd/acre) according to the guidelines.

The water use data that are reported by the applicant support this estimate; as of August 1994, the latest 12-month moving average withdrawal from all pumped sources is 257,000 gpd. However, the applicant has documented problems with the meter readings (Attachment E). After adjustments have been made, 1992 usages average about 181,000 gpd, and current usage averages about 285,000 gpd.

John Wm. Iaea, Sr., Well No. 0456-16 - The application is for an existing use of potable water from the Kawela Aquifer System for irrigation of two acres of flowers and three homes. The field investigation verified the source and uses described in the application.

Using the Oahu Water Requirement Forecast and floriculture for 2 acres, the required estimated need for irrigation is 14,800 gpd. The applicant has not supplied any information on his actual pumpage. Therefore, it would appear that the applicant’s request is too low.
Chairperson and Members
Commission on Water Resource Management
March 14, 1995

R.M. Granger, Well No. 0456-17 - The application is for an existing source and an existing use of potable water from the Kawela Aquifer System for irrigation of four (4) acres of pasture and corn. The field investigation verified that there are four (4) acres of pasture for horse grazing.

Using the Oahu Water Requirement Forecast for the entire 4 acres in pasture, the estimated need of the applicant is 16,000 gpd. The applicant has only supplied limited information on his pumpage with the latest report in April of 1991 with a use of only 1,000 gpd. However, during the field investigation the applicant indicated that he uses about 3,700 gpd. Therefore, the applicant's request for 25,000 gpd seems excessive.

Maui Department of Water Supply, Well No. 0457-01 - The application is for continued existing use of potable water from the Kawela Aquifer System for municipal needs of the County of Maui's Kaunakakai-Kawela Municipal System. The field investigation verified that the source is a dug well equipped with two (2) pumps. At the date of the field investigation, new pump equipment seemed to be ready for installation. Staff contacted the Maui DWS and found that the applicant has put the project on hold. Staff reminded the applicant that a pump installation permit is necessary prior to installation work for the new equipment. An after-the-fact pump installation permit was approved in May 1994. The current 12-month moving average for reported pumpage from this well is 0.287 mgd. Usage as of July 1992 is about 0.315 mgd. During the field investigation, the applicant verbally estimated the use ranges from 0.310 to 0.370 mgd per month. Therefore, the applicant's request for 0.432 mgd has not been justified.

(3) Interference with other existing legal uses -

David W. Curtis, Well No. 0352-10 - There are six (6) wells immediately downgradient of the applicant's source which may be affected (See Exhibit 1A). Since the quantity of water requested is relatively small, the request is for an existing use, and there have been no objections to this application, there does not appear to be adverse impacts on other local wells. Granting of this existing use would not appear to jeopardize the recommendations by the MWG.

John Wm. Iaea, Sr., Well No. 0456-16 - Since the quantity of water required is relatively small, unacceptable adverse impacts on other local wells or streams are not anticipated. Granting of this existing use would not appear to jeopardize the recommendations by the MWG.

R.M. Granger, Well No. 0456-17 - Since the quantity of water required is relatively small, unacceptable adverse impacts on other local wells or streams are not anticipated. Granting of this existing use would not appear to jeopardize the recommendations by the MWG.

Maui Department of Water Supply, Well No. 0457-01 - There are no wells in the immediate vicinity of the applicant's source that should be affected (See Exhibit 1F). No objections to this application have been submitted. Granting this existing use would not appear to jeopardize the recommendations by the MWG.

(4) Public interest - These proposed beneficial uses of water for domestic and agriculture uses do not appear to be in conflict with the various objectives declared to be in the public interest. Review of these applications by various State and County agencies, which serve to protect and promote the interests of the public, has not prompted any statements of objections or concerns.
Chairperson and Members  
Commission on Water Resource Management  
March 14, 1995

(5) **State & County general plans and land use designations** - The Office of Conservation and Environmental Affairs and the Maui County Planning Department have reviewed these applications. No objections or concerns have been raised. These proposed uses have been shown to be consistent with the State and County general plans and land use designations.

(6) **County land use plans and policies** - These proposed uses have been shown to be consistent with the County land use plans policies.

(7) **Interference with Hawaiian home lands rights** - To meet the current and future needs of Hawaiian homesteaders, the Dept. of Hawaiian Home Lands (DHHL) has requested that water be reserved from the Kualapuu Aquifer System. This request has been granted, and currently, another request to reserve water from the Kualapuu Aquifer System is under consideration. Further, there are no lands in the Kawela Aquifer System that are under the administration of the Hawaiian Homes Commission. DHHL has reviewed these applications, and no objections have been raised.

The Final Report of the Molokai Working Group did not include specific recommendations for the Kawela Aquifer System, but listed general guidelines for the Southeast Aquifer Sector as follows:

1. Limit ground water withdrawal to 50% of its developable yield subject to verification of existing users and water use permits.
2. Any withdrawals from this Sector should not diminish water supplies and supply availability for traditional uses, including taro patches and fishponds.
3. Development of additional water from the Southeast Aquifer Sector should be reserved first for residences of this Sector who are not yet served.

Staff finds that the proposed permits for existing uses should not violate any of these recommendations made by the Molokai Working Group. No objections have been filed with the Commission.

**RECOMMENDATION**

Staff recommends that the Commission:

1. Deny without prejudice the standing of Ms. Wilma Kamakana Grambusch in this matter.

2. Approve the issuance of an after-the-fact pump installation permit and an interim water use permit to David W. Curtis for the reasonable and beneficial use of 12,000 gallons per day of potable water from the Kamalo-C Well (Well No. 0352-10) for irrigation of 4 acres of nursery and domestic use for one (1) residence, subject to the standard water use permit conditions listed in Attachment B, the standard pump installation permit conditions listed in Attachment B1, and the following special conditions:

   a. The applicant may continue this existing use of ground water within the limits approved by the Commission and the actual issuance of the interim permit shall not be a reason to interrupt this existing use.

   b. Prior to the issuance of any permits for this well, the applicant shall submit the filing fee of $25.00 for the after-the-fact pump installation permit application.
Chairperson and Members
Commission on Water Resource Management
March 14, 1995

3. Approve the issuance of a water use permit for 285,000 gallons per day for the Breadfruit Well (Well No. 0456-04), DW1 to DW3 Wells (0456-09,08,06), and Ag 1 Well (Well No. 0457-04) for agriculture and domestic use at forty (40) house lots for Kawela Plantation, subject to the standard water use permit conditions listed in Attachment B and the following special condition:

   a. The applicant may continue this existing use of ground water within the limits approved by the Commission and the actual issuance of the interim permit shall not be a reason to interrupt this existing use.

   b. The applicant shall submit an accurate schematic diagram of the distribution system for the battery of five wells.

4. Approve the issuance of an interim water use permit to John Wm. Iaea, Sr. for the reasonable and beneficial use of 16,600 gallons per day of potable water from the Kawela-Iaea #3 Well (Well No. 0456-16) for irrigation of 2 acres and domestic use at three (3) residences, subject to the standard water use permit conditions listed in Attachment B and the following special conditions:

   a. The applicant may continue this existing use of ground water within the limits approved by the Commission and the actual issuance of the interim permit shall not be a reason to interrupt this existing use.

   b. The applicant may submit his monthly measurements on a yearly basis.

5. Approve the issuance of an interim water use permit to R.M. Granger for the reasonable and beneficial use of 16,000 gallons per day of brackish water from the Johnson Well (Well No. 0456-17), subject to the standard water use permit conditions listed in Attachment B and the following special conditions:

   a. The applicant may continue this existing use of ground water within the limits approved by the Commission and the actual issuance of the interim permit shall not be a reason to interrupt this existing use.

6. Approve the issuance of an interim water use permit to the Maui Dept. of Water Supply for the reasonable and beneficial use of 28,000 gallons per day of potable water from the Kawela Shaft Well (Well No. 0457-01) for municipal supply for the Kaunakakai-Kawela Distribution System, subject to the standard water use permit conditions listed in Attachment B and the following special conditions:

   a. The applicant may continue this existing use of ground water within the limits approved by the Commission and the actual issuance of the interim permit shall not be a reason to interrupt this existing use.

Respectfully submitted,

RAE M. LOUI
Deputy Director

Attachments

APPROVED FOR SUBMITTAL:

MICHAEL D. WILSON, Chairperson
Chairperson and Members  
Commission on Water Resource Management  
March 14, 1995

WATER USE PERMIT DETAILED INFORMATION

Source Information

<table>
<thead>
<tr>
<th>AQUIFER:</th>
<th>KAWELA System, SOUTHEAST Sector, MOLOKAI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sustainable Yield:</td>
<td>5 mgd</td>
</tr>
<tr>
<td>Existing Water Use Permits:</td>
<td>0.095 mgd</td>
</tr>
<tr>
<td>Available Allocation:</td>
<td>4.905 mgd</td>
</tr>
<tr>
<td>Total of other pending existing use applications:</td>
<td>0 mgd</td>
</tr>
</tbody>
</table>

1. WELL: Kamalo-C 0352 Well (Well No. 0352-10)  
   Location: 10 Miles East Kam Hwy, Molokai, TMK:5-6-7.37  
   Year Drilled: 1989  
   Casing Diameter: 4 in.  
   Elevations (msl = 0 ft.)  
   - Water Level: below ground level by 45 ft.  
   - Ground: approximately 43 ft.  
   - Bottom of Solid Casing: none ft.  
   - Bottom of Perforated: below solid casing by 30 ft.  
   - Bottom of Open Hole:  
   Total Depth: 75 ft.  
   Grouted Annulus Depth: NA ft.

2.a. WELL: Breadfruit Well (Well No. 0456-04)  
      Location: Kawela, Molokai, TMK:5-4-1:26  
      Year Drilled: 1921  
      Casing Diameter: 6' x 8' dug  
      Elevations (msl = 0 ft.)  
      - Water Level: 1.8 ft.  
      - Ground: 30 ft.  
      - Bottom of Solid Casing: NA ft.  
      - Bottom of Perforated: NA ft.  
      - Bottom of Open Hole: -4 ft.  
      Total Depth: 34 ft.  
      Grouted Annulus Depth: NA ft.

2.b. WELL: DW3 Well (Well No. 0456-06)  
       Location: Kawela, Molokai, TMK:5-4-14:17  
       Year Drilled: 1980  
       Casing Diameter: 6 in.  
       Elevations (msl = 0 ft.)  
       - Water Level: 3.4 ft.  
       - Ground: 223 ft.  
       - Bottom of Solid Casing: 0 ft.  
       - Bottom of Perforated: -10 ft.  
       - Bottom of Open Hole: -10 ft.  
       Total Depth: 233 ft.  
       Grouted Annulus Depth: NA ft.
Chairperson and Members
Commission on Water Resource Management
March 14, 1995

WELL:
Location:
Year Drilled:
Casing Diameter:
Elevations (msl = 0 ft.)
   Water Level:
   Ground:
   Bottom of Solid Casing:
   Bottom of Perforated:
   Bottom of Open Hole:

Total Depth:
Grouted Annulus Depth:

WELL:
Location:
Year Drilled:
Casing Diameter:
Elevations (msl = 0 ft.)
   Water Level:
   Ground:
   Bottom of Solid Casing:
   Bottom of Perforated:
   Bottom of Open Hole:

Total Depth:
Grouted Annulus Depth:

2.c. WELL:
Location:
Year Drilled:
Casing Diameter:
Elevations (msl = 0 ft.)
   Water Level:
   Ground:
   Bottom of Solid Casing:
   Bottom of Perforated:
   Bottom of Open Hole:

Total Depth:
Grouted Annulus Depth:

3. WELL:
Location:
Year Drilled:
Casing Diameter:
Elevations (msl = 0 ft.)
   Water Level:
   Ground:
   Bottom of Solid Casing:
   Bottom of Perforated:
   Bottom of Open Hole:

Total Depth:
Grouted Annulus Depth:
4. WELL:
Johnson Well (well No. 0456-17)
Near Kakahaia Pond, Molokai, TMK:5-4-1:11
1976
8 ft dia. dug

Location: Near Kakahaia Pond, Molokai, TMK:5-4-1:11
Year Drilled: 1976
Casing Diameter:
Elevations (msl = 0 ft.)
Water Level: 3.5 ft.
Ground: 20 ft.
Bottom of Solid Casing: NA ft.
Bottom of Perforated: NA ft.
Bottom of Open Hole: 1 ft.
Total Depth: 19 ft.
Grouted Annulus Depth: NA ft.

5. WELL:
Kawela Shaft (Well No. 0457-01)
Kawela, Molokai, TMK:5-4-1:50
1921
NA in.

Location: Kawela, Molokai, TMK:5-4-1:50
Year Drilled: 1921
Casing Diameter:
Elevations (msl = 0 ft.)
Water Level: NA ft.
Ground: 36 ft.
Bottom of Solid Casing: NA ft.
Bottom of Perforated: NA ft.
Bottom of Open Hole: -2 ft.
Total Depth: 38 ft.
Grouted Annulus Depth: NA ft.

Use Information

1. Quantity Requested: 50,000 gallons per day.
Existing Type of Water Use: Irrigation of 4 acres of papaya & nursery.

ATTACHMENT A
Chairperson and Members  
Commission on Water Resource Management  

Place of Water Use: P.O. BOX 1829 at TMK: 5-6-7-37
Reported Water Usage: NA gpd
Nearby Similar Water Usage: NA gpd

2.a. Original Quantity Requested: 250,000 gallons per day.
Existing Type of Water Use: Irrigation of 200 acres covering 81 lots & common
Place of Water Use: Kawela Plantation Unit 1 at TMK: 5-4-14: various
Reported Current Water Usage: 4,000 gpd
Nearby Similar Water Usage: NA gpd

2.b. Original Quantity Requested: 300,000 gallons per day.
Existing Type of Water Use: Domestic use for 210 ag units
Place of Water Use: Kawela Plantation 1, 2, & 3 at TMK: 5-4-14: various
Reported Current Water Usage: 186,000 gpd
Nearby Similar Water Usage: NA gpd

2.c. Original Quantity Requested: 225,000 gallons per day.
Existing Type of Water Use: Irrigation of 300 acres over 139 lots.
Place of Water Use: Kawela Plantation 2 & 3 at TMK: 5-4-15: various
Reported Current Water Usage: 67,000 gpd
Nearby Similar Water Usage: NA gpd

3. Quantity Requested: 1,000 gallons per day.
Existing Type of Water Use: Supply 3 homes, irrigate 2 acres flowers
Place of Water Use: Kawela. Molokai at TMK: 5-4-1:52
Reported Water Usage: NA gpd
Nearby Similar Water Usage: NA gpd

4. Quantity Requested: 25,000 gallons per day.
Existing Type of Water Use: Irrigation of 4 acres of pasture, corn crop and livestock
Place of Water Use: Near Kakahaia Pond at TMK: 5-4-1:11
Reported Water Usage: 1,000 gpd
Nearby Similar Water Usage: NA gpd

5. Quantity Requested: 432,000 gallons per day.
Existing Type of Water Use: Municipal use
Place of Water Use: In the Kaunakakai-Kawela water system
Reported Water Usage: 288,000 gpd
Nearby Similar Water Usage: NA gpd

Kawela Aquifer System
Current 12-Month Moving Average Withdrawal: 0.545 mgd
(11% of SY)

Nearby Surrounding Wells and Other Registered Ground Water Use

In general, there are thirty-five (35) potential well sites in the Kawela Aquifer System. The 1992 Draft of the Molokai Water Use and Development Plan estimated that the total existing withdrawal from the Kawela Aquifer System is 0.31 mgd as of 1990. The Final Report of the Molokai Working Group Estimated the actual use from the Kawela Aquifer System to be 0.76 mgd.

March 14, 1995
1. There are sixteen (16) other wells within a mile of the well (see Exhibit IA). Eleven (11) of these wells are currently in use.

2.a to c. There are twenty-one (21) other wells within a mile of the Kawela Plantation Homeowners Assoc. water system (See Exhibit IC). Many of these wells are in use.

3. There are twenty-six (26) other wells within a mile of the well (see Exhibit IE). Thirteen (13) of these wells are currently in use. No wells are located downgradient.

4. There are twenty-six (26) other wells within a mile of the well (see Exhibit IB). Thirteen (13) of these wells are currently in use.

5. There are sixteen (16) other wells within a mile of the well (see Exhibit IF). Thirteen (13) of these wells are currently in use.

Public Notice

In accordance with HAR §13-171-17, public notices were published in the Star-Bulletin and copies of the notice were sent to the Mayor’s office and the Board of Water Supply. Additional notice copies were sent to the County Council and Department of Water Supply. Copies of the completed application were sent to the Department of Health, Department of Hawaiian Home Lands, Office of Hawaiian Affairs, Aquatic Resources & Historic Preservation Divisions of the Department of Land and Natural Resources, and other interested parties for comments. Written comments and objections to the proposed permit were to be submitted to the Commission within 10 days from the date of the last public notice.

Objections

The public notice specifies that an objector meet the following requirements: (1) state property or other interest in the matter; (2) set forth questions of procedure, fact, law, or policy, to which objections are taken; (3) state all grounds for objections to the proposed permits, (4) provide a copy of the objection letter(s) to the applicant, and (5) submit objections meeting the previous requirements to the Commission.

All objections and/or comments to each application are summarized as follows:

<table>
<thead>
<tr>
<th>Application</th>
<th>Objection</th>
<th>Objection</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.a to c.</td>
<td>Wilma K. Grambusch</td>
<td>See Attachment C.</td>
</tr>
</tbody>
</table>

Briefs in Support

Responses to objections, or briefs in support, regarding the application are required to be filed with the Commission ten (10) days after an objection is filed and, presumably, copies are served to the applicant. The following briefs in support for each applicant are summarized as follows:

<table>
<thead>
<tr>
<th>Application</th>
<th>Supporter</th>
<th>Statement</th>
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</thead>
<tbody>
<tr>
<td>3 a. to c.</td>
<td>Various</td>
<td>See Attachment D.</td>
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</table>
Field Investigation

The water sources and existing uses were investigated as follows:

1. October 12, 1992. Verified 4 acres of ornamental palms, papaya, and citrus trees. Estimated use is 5,400 gpd for irrigation plus domestic use for one home.

2. b. to c. January 11, 1993. Verified 50 of the total 210 lots are occupied. Estimated use is 1,000 gpd/lot for irrigation and 1,000 gpd/lot domestic.


5. February 10, 1993. Verified that the source existed. At the time new motor and pump was being prepared at site for installation. Well has meter. Applicant estimated pumpage at 0.310 mgd to 0.367 mgd annual average.
STANDARD WATER USE PERMIT CONDITIONS

1. The ground water described in the water use permit may only be taken from the location described, used for the reasonable-beneficial use described, and at the location described above and in the attachments. Reasonable-beneficial use means "the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is not wasteful and is both reasonable and consistent with the state and county land use plans and the public interest." (HAR §13-171-2).

2. The right to use ground water is a shared use right.

3. The water use must at all times meet the requirements set forth in HAR §13-171-13 which means that it:
   a. Can be accommodated with the available water source;
   b. Is a reasonable-beneficial use as defined in section §13-171-2;
   c. Will not interfere with any existing legal use of water;
   d. Is consistent with the public interest;
   e. Is consistent with state and county general plans and land use designations;
   f. Is consistent with county land use plans and policies; and
   g. Will not interfere with the rights of the Department of Hawaiian Home Lands as provided in section 221 of the Hawaiian Homes Commission Act and 174C-101(a), HRS.

4. The ground water use approved must not interfere with surface or ground water rights or reservations.

5. The ground water use approved must not interfere with interim or permanent instream flow standards. If it does, then:
   a. A separate water use permit for surface water must be obtained in the case an area is also designated as a surface water management area;
   b. The interim or permanent instream flow standard, as applicable, must be amended.

6. The water use permit is subject to the requirements of the Hawaiian Homes Commission Act, as amended, if applicable.

7. The water use permit application and staff submittal approved by the Commission at its September 15, 1993 meeting are incorporated into the permit by reference.

8. Any modification of the permit terms, conditions, or uses can only be made with the express written consent of the Commission on Water Resource Management.

9. The water use permit may be modified by the Commission and the amount of water initially granted to the permittee may be reduced if the Commission determines it is necessary to:
   a. Protect water sources in quantity, quality, or both;
   b. Meet other legal obligations including other correlative rights;
   c. Insure adequate conservation measures;
   d. Require efficiency of water uses;
   e. Reserve water for future uses, provided that all legal existing uses of water as of June 1987, shall be protected;
   f. Meet legal obligations to the Department of Hawaiian Homes, if applicable; or
   g. Carry out such other necessary and proper exercise of the State’s and the Commission’s police powers under law as may be required.
### WATER USE PERMIT APPLICATION NOTICE STATUS REPORT 09/04/93

**MAPA NO** | **APPLICANT** | **WELL NO** | **WELL NAME** | **EXIST** | **PROPOSED** | **RECEIVED** | **ACKNOWLEDGED** | **ACCEPTED** | **PUBLIC 1 NOTICE** | **PUBLIC 2 NOTICE** | **OCCURRENCE** | **DEADLINE** | **SUSPENSE** | **DAYS LEFT** | **AGENDA** | **WATER mgd**
--- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | ---
0 | **ISLAND OF MOLOKAI** |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | 0.000

**Aquifer System: KAWELA**

<table>
<thead>
<tr>
<th>MAPA NO</th>
<th>APPLICANT</th>
<th>WELL NO</th>
<th>WELL NAME</th>
<th>EXIST</th>
<th>PROPOSED</th>
<th>RECEIVED</th>
<th>ACKNOWLEDGED</th>
<th>ACCEPTED</th>
<th>PUBLIC 1 NOTICE</th>
<th>PUBLIC 2 NOTICE</th>
<th>OCCURRENCE</th>
<th>DEADLINE</th>
<th>SUSPENSE</th>
<th>DAYS LEFT</th>
<th>AGENDA</th>
<th>WATER mgd</th>
</tr>
</thead>
</table>
| 0352-10 | U. KAMARA KAMELA | 07/15/93 | 09/01/93 | 08/23/93 | 08/30/93 | 09/03/93 | 09/14/93 | 10/13/93 | 10/13/93 | 10/13/93 | 0 | 0 | 0 | 0 | 0 | 0.000
| 0352-11 | KAMEL-CA 0352 | 06/11/93 | 07/10/93 | 07/15/93 | 08/23/93 | 08/31/93 | 09/14/93 | 10/13/93 | 10/13/93 | 10/13/93 | 0 | 0 | 0 | 0 | 0 | 0.000
| 0354-01 | T.T. MAYER INC #2 | 07/16/93 | 08/30/93 | 09/03/93 | 09/17/93 | 09/17/93 | 10/16/93 | 10/16/93 | 10/16/93 | 10/16/93 | 0 | 0 | 0 | 0 | 0 | 0.000
| 0355-01 | T.T. MAYER INC #2 | 07/16/93 | 08/30/93 | 09/03/93 | 09/17/93 | 09/17/93 | 10/16/93 | 10/16/93 | 10/16/93 | 10/16/93 | 0 | 0 | 0 | 0 | 0 | 0.000
| 0356-01 | T.T. MAYER INC #2 | 07/16/93 | 08/30/93 | 09/03/93 | 09/17/93 | 09/17/93 | 10/16/93 | 10/16/93 | 10/16/93 | 10/16/93 | 0 | 0 | 0 | 0 | 0 | 0.000
| 0357-01 | T.T. MAYER INC #2 | 07/16/93 | 08/30/93 | 09/03/93 | 09/17/93 | 09/17/93 | 10/16/93 | 10/16/93 | 10/16/93 | 10/16/93 | 0 | 0 | 0 | 0 | 0 | 0.000
| 0358-01 | T.T. MAYER INC #2 | 07/16/93 | 08/30/93 | 09/03/93 | 09/17/93 | 09/17/93 | 10/16/93 | 10/16/93 | 10/16/93 | 10/16/93 | 0 | 0 | 0 | 0 | 0 | 0.000
| 0359-01 | T.T. MAYER INC #2 | 07/16/93 | 08/30/93 | 09/03/93 | 09/17/93 | 09/17/93 | 10/16/93 | 10/16/93 | 10/16/93 | 10/16/93 | 0 | 0 | 0 | 0 | 0 | 0.000
| 0360-01 | T.T. MAYER INC #2 | 07/16/93 | 08/30/93 | 09/03/93 | 09/17/93 | 09/17/93 | 10/16/93 | 10/16/93 | 10/16/93 | 10/16/93 | 0 | 0 | 0 | 0 | 0 | 0.000
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| 0362-01 | T.T. MAYER INC #2 | 07/16/93 | 08/30/93 | 09/03/93 | 09/17/93 | 09/17/93 | 10/16/93 | 10/16/93 | 10/16/93 | 10/16/93 | 0 | 0 | 0 | 0 | 0 | 0.000
| 0363-01 | T.T. MAYER INC #2 | 07/16/93 | 08/30/93 | 09/03/93 | 09/17/93 | 09/17/93 | 10/16/93 | 10/16/93 | 10/16/93 | 10/16/93 | 0 | 0 | 0 | 0 | 0 | 0.000
| 0364-01 | T.T. MAYER INC #2 | 07/16/93 | 08/30/93 | 09/03/93 | 09/17/93 | 09/17/93 | 10/16/93 | 10/16/93 | 10/16/93 | 10/16/93 | 0 | 0 | 0 | 0 | 0 | 0.000
| 0365-01 | T.T. MAYER INC #2 | 07/16/93 | 08/30/93 | 09/03/93 | 09/17/93 | 09/17/93 | 10/16/93 | 10/16/93 | 10/16/93 | 10/16/93 | 0 | 0 | 0 | 0 | 0 | 0.000
| 0366-01 | T.T. MAYER INC #2 | 07/16/93 | 08/30/93 | 09/03/93 | 09/17/93 | 09/17/93 | 10/16/93 | 10/16/93 | 10/16/93 | 10/16/93 | 0 | 0 | 0 | 0 | 0 | 0.000
| 0367-01 | T.T. MAYER INC #2 | 07/16/93 | 08/30/93 | 09/03/93 | 09/17/93 | 09/17/93 | 10/16/93 | 10/16/93 | 10/16/93 | 10/16/93 | 0 | 0 | 0 | 0 | 0 | 0.000
| 0368-01 | T.T. MAYER INC #2 | 07/16/93 | 08/30/93 | 09/03/93 | 09/17/93 | 09/17/93 | 10/16/93 | 10/16/93 | 10/16/93 | 10/16/93 | 0 | 0 | 0 | 0 | 0 | 0.000
| 0369-01 | T.T. MAYER INC #2 | 07/16/93 | 08/30/93 | 09/03/93 | 09/17/93 | 09/17/93 | 10/16/93 | 10/16/93 | 10/16/93 | 10/16/93 | 0 | 0 | 0 | 0 | 0 | 0.000
| 0370-01 | T.T. MAYER INC #2 | 07/16/93 | 08/30/93 | 09/03/93 | 09/17/93 | 09/17/93 | 10/16/93 | 10/16/93 | 10/16/93 | 10/16/93 | 0 | 0 | 0 | 0 | 0 | 0.000

**Total Applications:** 20
## Molokai Working Group

**BREAKDOWN OF 2010 POTABLE WATER USE PROJECTIONS IN MGD**

### CENTRAL SECTOR

**Manawainui System**
- 1. Hawaiian Research: 0.56

**Kualapuu System**
- 1. County DWS: 0.94
- 2. DHHL: 0.84
- 3. Kaluakoi Resort: 2.14
- 4. Other State Projects: 0.11
- 5. Palaaau Industrial Park: 0.20
- 6. Others (Kualapuu, Kalae, Kipu): 0.20

Subtotal: 4.43

### NORTHEAST SECTOR

**Kahanui System**
- 1. National Park Service: 0.22

**Waikolu System**
- 1. DOA MIS: 2.70

### SOUTHEAST SECTOR

**Kamiloloa System**
- 1. Hawaiian Research: 0.26

**Kawela System**
- 1. County DWS: 0.32
- 2. Kawela Plantation: 0.40
- 3. Kamalo Ranch: 0.04

Subtotal: 0.76

**Ualapue System**
- 1. County DWS: 0.18
- 2. Kamalo Ranch: 0.22
- 3. Place, M. J.: 0.22

Subtotal: 0.62

**Alpha USA**
- 2.01

### WEST SECTOR

**TOTAL**
- 11.55

---

1 Water development source unidentified.
Molokai Working Group

**NON-POTABLE WATER USE PROJECTIONS IN MGD**

<table>
<thead>
<tr>
<th></th>
<th>5 to 10 years</th>
<th>Total</th>
<th>2010 to Build out</th>
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<tr>
<td><strong>DHHL</strong></td>
<td></td>
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<tr>
<td>Hoolieua</td>
<td>4.00</td>
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<tr>
<td>Kalaupala</td>
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<tr>
<td>Subtotal DHHL</td>
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<td>23.5</td>
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<tr>
<td><strong>Other MIS users</strong></td>
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<tr>
<td><strong>Molokai Ranch</strong></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture, Dairy, Pastures:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Ag. Park - Kualapuu</td>
<td>7.70</td>
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<tr>
<td>2. Coffee - 800 acres</td>
<td>1.50</td>
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</tr>
<tr>
<td>3. Dairy - 4,000 head</td>
<td>0.70</td>
<td></td>
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<td></td>
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<tr>
<td>4. Palm Nursery - brackish</td>
<td>0.30</td>
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<tr>
<td>5. Feedlot</td>
<td>0.20</td>
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<td></td>
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</tr>
<tr>
<td>6. Pastures</td>
<td>0.20</td>
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<tr>
<td>7. Hay - assume all irrigated on Homesteads</td>
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<td>Subtotal Agriculture</td>
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<td>10.6</td>
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<tr>
<td>Recreation:</td>
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<td></td>
</tr>
<tr>
<td>1. Maunaloa Links</td>
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</tr>
<tr>
<td>2. Ironwoods</td>
<td>0.20</td>
<td></td>
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<tr>
<td>3. Network</td>
<td>0.05</td>
<td></td>
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<tr>
<td>Subtotal Recreation</td>
<td></td>
<td>0.50</td>
<td></td>
<td>0.5</td>
</tr>
<tr>
<td><strong>Kaluakoi Resort</strong></td>
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<td></td>
<td></td>
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<tr>
<td>Recreation: Golf Course Addition</td>
<td></td>
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<td></td>
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<tr>
<td>(two 36-hole courses)</td>
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<td>0.00</td>
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<td>2.8</td>
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<tr>
<td><strong>Alpha USA</strong></td>
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<td>1.50</td>
<td></td>
<td>3.0</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td>20.52</td>
<td></td>
<td>42.9</td>
</tr>
</tbody>
</table>

*Estimates furnished by users and were accepted by working group without challenge.

1From DHHL projections
   From DOA - MIS average delivery = 7.5 mgd
   2/3 x 7.5 mgd = 5.0 mgd preference to DHHL
   1/3 x 7.5 mgd = 2.5 mgd for other MIS users
   Note: deficit from MIS of 0.42 mgd

2Assumes maximum usage of 1/3 of MIS for other users

3Water development source unidentified

*A portion of this projection will be met by the MIS and a portion from private sources

Note: Non-Potable Water Use Projections are for major agricultural and recreational uses in the central and western areas of the island. It does not include instreams uses, fishponds, taro patches, aquacultural projections, etc.
Molokai Working Group

**BREAKDOWN OF EXISTING GROUNDWATER USAGE IN MGD**

**CENTRAL SECTOR**
- Manawainui System
  1. Hawaiian Research 0.56
- Kualapuu System
  1. County DWS 0.59
  2. DHHL 0.38
  3. Kaluakoi Resort 0.82
Subtotal 1.79

**NORTHEAST SECTOR**
- Kahanui System
  1. National Park Service 0.22
- Waikolu System
  1. DOA MIS 1.13

**SOUTHEAST SECTOR**
- Kamiloloa System
  1. Hawaiian Research 0.26
- Kawela System
  1. County DWS 0.32
  2. Kawela Plantation 0.16
  3. Kamalo Ranch 0.04
Subtotal 0.52
- Ualapue System
  1. County DWS 0.18
  2. Kamalo Ranch 0.22
  3. Place, M. J. 0.22
Subtotal 0.62

**WEST SECTOR**

<table>
<thead>
<tr>
<th>Subtotal</th>
<th>0.00</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TOTAL</strong></td>
<td>5.10</td>
</tr>
</tbody>
</table>
Prior to any reduction, the Commission shall give notice of its proposed action to the permittee and provide the permittee an opportunity to be heard.

10. If the ground water source does not presently exist, the new well shall be completed, i.e. able to withdraw water for the proposed use on a regular basis, within twenty-four (24) months from the date the water use permit is approved.

11. An approved flowmeter(s) must be installed to measure withdrawals and a monthly record of withdrawals, water-levels, salinity, and temperature must be kept and reported to the Commission on a monthly basis in accordance the Commission’s September 16, 1992 action on reporting requirements;

12. The water use permit shall be subject to the Commission’s periodic review of the applicable aquifer’s sustainable yield. The amount of ground water use authorized by the permit may be reduced by the Commission if the sustainable yield of the KAWELA Aquifer System, or relevant modified aquifer, is reduced;

13. The water use permit may not be transferred or the use rights granted by this permit sold or in any other way alienated. Pursuant to HAR §13-171-25 and the requirements of Chapter 174C, the Commission has the authority to allow the transfer of the permit and the use rights granted by the permit in a manner consistent with HAR §13-171-25. Any such transfer shall only occur with the Commission’s prior express written approval. Any sale, assignment, lease, alienation, or other transfer of any interest in this permit shall be void.

14. The use(s) authorized by law and by the water use permit do not constitute ownership rights.

15. The permittee shall request modification of the permit when necessary to comply with all applicable laws, rules, and ordinances which will affect the permittee’s water use.

16. The permittee shall prepare and submit a water shortage plan within 30 days of issuance of the permit to assist the Commission in fulfilling HAR §13-171-42(c). The permittee’s water shortage plan shall identify what the permittee is willing to do should the Commission declare a water shortage in the KAWELA Ground Water Management Area.

17. The water use permit granted shall be an interim water use permit, pursuant to HAR §13-171-21. The final determination of the water use quantity shall be made within five years of the filing of the application to continue the existing use.

18. The water use permit shall be issued only after AG review.

19. The water use permit shall be subject to the Commission’s establishment of instream standards and policies to Stream Protection and Management (SPAM), as well as legislative mandates to protect stream resources.
STANDARD PUMP INSTALLATION PERMIT CONDITIONS

1. The pump installation permit shall be for an after-the-fact installation of a 30 gpm capacity pump in the well.

2. The proposed use shall not adversely affect existing or future legal uses of water in the area, including any surface water or established instream flow standards. This permit or the authorization to pump water from a well shall not constitute a determination of correlative water rights. The permittee is notified and by this provision understands that the quantity of water taken from the well could be reduced by the Commission in the future. This permit is not a commitment that the pump capacity permitted here or even some lesser amount is guaranteed in the future.

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

4. The applicant shall provide and maintain an approved meter or other appropriate device or means for measuring and reporting total water usage. Water usage shall be measured on a monthly basis and annual reports shall be submitted to the Commission.

5. The well shall not be used for drinking water unless it is properly tested and approved by the State Department of Health.

6. The pump installation and water use permit application and staff submittal approved by the Commission at its March 14, 1995 meeting are incorporated into the permit by reference.
Dear Sir,

I am writing this letter in response to the application of Kawela Plantation requesting 250,000 plus 225,000 gallons per day from their wells as noted from their existing wells on Thursday, June 17, 1993 as published in the Honolulu Star Bulletin.

I am objecting to the amount of water requested from their wells whose source is the Kawela Aquifer. I am the land owner of TMK: 5-04-01-29 which is in the pocket of the Kawela Plantation. I am also a native tenant on an Ahupuaa living on land for over 200 years, prior to the Mahele. My family lived on wells which continue today to be on my property. These wells have been registered with your department.

I object to the granting of Kawela Plantation's request for the amount of water per day for the following reasons:

1. I am a Native Tenant living on an Ahupuaa, Kawela, as granted for over 200 years;
2. I am a Native Hawaiian claiming Native Hawaiian water rights as I continue to farm the above named property;
3. My family has lived here from time immemorial;
4. The Kawela aquifer is a fragile aquifer and the Commission should consider all aspects of possible future growth in this area and the need for future water use;
5. I believe that the Commission has a responsibility to me as a Native Hawaiian in water use today and into the future in order to continue the life of my family;
6. The Commission needs to protect the life of others who do not live on large tracts of land, zoned for agriculture, such as the Kawela Plantation;
7. The Commission has a direct responsibility to insure all consumers of water and taxpayers that zoning on parcels of land with request for water use does in fact display intent of intended use which is a County of Maui responsibility;
8. I register this
objection and demand that the State Water Commission protect and reserve my water rights as a Native Hawaiian, owner of private fee simple land, today and into the future; (9) I have a direct vested interest as a land owner at Kawela; (10) I am here today because of the Kawela Aquifer that gave life to my ancestors; (11) I demand the protective rights of the fragile Kawela Aquifer by your Commission.

I close with my pursuit to happiness in protective and reserved water rights for my children, grandchildren, and my life blood to come.

Yours truly,

Wilma K. Grumbusch
Ms. Rae M. Loui, Deputy Director
Department of Land and Natural Resources
Commission on Water Resource Management
P.O. Box 621
Honolulu, Hawaii 96809

Subject: Response to objection to water use permits for wells 0456-04, 06, 08, 09 &0457-04.


Dear Ms. Loui,

I have no comment on the procedural objections.

The objection on the Breadfruit Well No. 0456-04 states that "use of potable water" it should be noted that this well is not certified for potable use and to our knowledge has always been an AG well.

Yours truly,

John F. Davis, President
Kawela Plantation
Homeowners Association

cc: Native Hawaiian Advisory Council
1088 Bishop Street
Suite 1024
Honolulu, HI 96813
Mr. Rae M. Loui, Deputy Director
Department of Land and Natural Resources
Commission on Water Resource Management
P.O. Box 621
Honolulu, Hawaii 96809

Subject: Response to objection to water use permits for wells 0456-04, 06, 08, 09 & 0457-04.


Dear Mr. Loui,

Kawela Plantation consists of a 6000 acre parcel with 500 acres subdivided into 210 two acre lots and roads to service them. There are currently 65 lots drawing water from the system. There are 2987 plants that have been planted in the common area along the roads in the plantation these include various trees and shrubs included on the attached list. We are currently pumping about 300,000 gallons of water a day from all of our wells on average.

To respond specifically to Mrs. Grumbusch's objection:

1.) The Kawela Ahupuaa has been deeded to the Kawela Plantation Homeowners Association and its members. The association is responsible for the stewardship of this Ahupuaa. The plantation's plantings and its planting program are an indication of the quality of its stewardship. Mrs. Grumbusch's property is not an Ahupuaa.

2.) Many of the owners of lots at Kawela Plantation are native Hawaiians. According to ancient Hawaiian law "all" people had water rights, and the water rights went with the land not with the person.

3.) Kawela Plantation has done nothing to interfere with the rights of the Grumbusch family. The tree planting program in fact will lead an improvement to the water shed and hence to the aquifer.

4.) Kawela Plantation owns the 6000 acres that is the Kawela Ahupuaa. The Plantation is limited to 210 lots, therefore the growth in this area will be from the current 65 water users to the 210 that are allowed on the Plantation.

5.) Kawela Plantation's plan for replanting native species throughout the Ahupuaa will improve the quality of the aquifer. This action will have a positive effect on the issue raised.
6.) I thought that the Commission was chartered to protect the water resource and that should really have nothing to do with the size of the parcel of land that one owns. It is not the size of the parcel that is significant but the density of the population and the intensity of the use. Kawela Plantation is limited to 210 residences on 6000 acres which is one residence for each 28.5 acres and only about 500 acres of the 6000 will be placed in production. This is lower density and less intensive use of the land than Mrs. Grambusch has on her lot. The individual lot owners in Kawela Plantation have two acre parcels, all smaller than Mrs. Grambusch's nine acres.

7.) The intent of the use of the water which has been requested is for agricultural purposes. A number of our lot owners have already had their lots inspected to demonstrate this usage.

8.) I am sure that Mrs. Grambusch's rights along with all the other residents of Molokai will be protected by the Commission.

9.) I agree that Mrs. Grambusch has a vested right as a land owner just as the 210 land owners at Kawela Plantation have vested rights.

10.) I can not deny that the waters of the Kawela aquifer nurtured Mrs. Grambusch's ancestors as it continues to nurture her and the families of the Kawela Plantation. Kawela Plantation recognizes this fact and accepts the responsibility of the stewardship of this valuable resource. Our plantings and native species reintroduction program are a testimony to this stewardship.

11.) We agree that the Kawela aquifer should be protected, which can only be done by a program of replanting and reforesting the watershed. Kawela Plantation as the owners of the Ahupuaa are the only ones with the power and the inclination to pursue this project.

Besides the points raised in the specific responses I believe that it is important to be aware of Kawela Plantation's commitment to the environment.

Kawela Plantation is currently identifying endemic species, propagating native species for reintroduction, improving beach front areas with plantings of native species, and working with local, state, and federal programs to protect and recharge our aquifer as a willing participant.

Each Kawela lot owner installs at their own expense an evapotranspiration system to ensure that no waste water reaches our aquifer. These systems cost from $6,000.00 to $15,000.00.

Kawela Plantation has been active in identifying and protecting the historic sites on our Ahupuaa. A large number of rare relics have been preserved through these efforts.
There have been no cattle run on the Kawela Ahupuaa since it has been deeded to Kawela Plantation nor does Kawela Plantation have any plan to run cattle on the Ahupuaa. The cattle did cause a lot of damage to the water shed it is however slowly recovering.

Kawela Plantation's request for water was based on 5000 gallons of AG water per lot per day half the amount normally allocated by the county for AG use. We are attempting to be conservative in our requests and conservers in our use of water.

In conclusion, Mrs. Grambusch has presented no evidence that Kawela Plantation's water use has or will in any way effect her water availability. The pumping allocation that the Commission has recommended for Kawela Plantation should be granted.

Yours truly,

[Signature]

(NINE OTHER IDENTICAL BRIEFS LIKE THIS W/ OTHER SIGNATURES SUBMITTED)
EXHIBIT 14
Schematic diagram of the Kamera Plantation Water System

UNIT I

UNIT II

UNIT III

Kamera Plantation

Water Well

Water Treatment Plant

Domestic

Agricultural

NOT TO SCALE
Chairperson Wilson called the meeting of the Commission on Water Resource Management to order at 9:15 a.m.

The following were in attendance:

**MEMBERS:**
- Mr. Michael Wilson
- Mr. Robert Girald
- Mr. Robert Nakata
- Mr. David Nobriga
- Dr. Lawrence Miike

**STAFF:**
- Ms. Rae Loui
- Mr. Edwin Sakoda
- Mr. David Higa
- Ms. Lenore Nakama
- Ms. Janis Uwalne

**COUNSEL:**
- Mr. William Tam

**OTHERS:**
- Mr. Gary Lee
- Mr. Eric D. Bjorken
- Mr. Anthony Paresa
- Mr. James Kumagai
- Mr. Tracy Runnells
- Mr. Creighton Matoon
- Ms. Denise Antolini
- Mr. Jim Murray
- Mr. Stephen Kubota
- Mr. Peter Nakanishi
- Mr. Darren Michibata
- Mr. Victor Lee
- Mr. David Craddick
- Mr. Al Chee
- Mr. Charlie Reppun
- Ms. Elizabeth Martin
- Mr. Chester Lao
- Mr. George Yuen
- Mr. Andy Okada
- Mr. Wayne Muraoka
- Ms. Joan Scanlan
- Mr. Roger Masuoka
- Dr. Jim Anthony
- Ms. Toni Bissen
- Ms. Jan Sullivan
- Mr. Andrew Monden

All written testimonies submitted at the meeting are filed in the Commission office and are available for review by interested parties. The items were not taken in the order posted on the agenda.

**Agenda 1**

**ITEM 1**

**MINUTES OF THE FEBRUARY 15, 1995 MEETING**

UNANIMOUSLY APPROVED. (NOBRIGA/NAKATA)

**ITEM 2**

**OLD BUSINESS/ANNOUNCEMENTS**

Ms. Loui reported that there were none.

**ITEM 3**

**REQUEST FOR A CONTESTED CASE HEARING, KOOLAU AGRICULTURAL CO.**
ITEM 3
REQUEST FOR A CONTESTED CASE HEARING, KOOLAU AGRICULTURAL CO., LTD., APPLICATION FOR WELL CONSTRUCTION PERMITS, REQUEST TO DRILL THREE 12-INCH DIAMETER, 200-FOOT DEEP EXPLORATORY WELLS, MAKALII EXPLORATORY WELLS I, II, AND III (WELL NOS. 3452-02, 3453-12 & 13), TMK 5-3-01: 41 AND 5-3-03:1, PUNALUU, OAHU

PRESENTATION OF SUBMITTAL: Edwin Sakoda

Staff recommended:

1. That the Commission consider and act on the request by the Punaluu Community Association and the Hawaii Laieikawai Association for a contested case hearing.

2. That if the request for a contested case hearing is denied, the Commission approve the issuance of well construction permits for Makalii Exploratory Wells I, II, and III, subject to the standard well construction permit conditions, with a special condition, which includes that the applicant shall contact the State Historic Preservation Division (587-0014).

PRESENTATION BY APPLICANT: Mr. Gary Lee, who represented Koolau Agricultural Co., Ltd. was present and available to answer any questions, along with Mr. Yuen, consultant for the applicant.

QUESTIONS/CLARIFICATIONS:

In response to Commissioner Nakata’s question of the exploratory drilling of three wells, Mr. Yuen explained that economically, it was better for the applicant to drill three wells at the same time.

TESTIMONIES:

Mr. Creighton Matoon of the Punaluu Community Association and Dr. Jim Anthony of The Hawaii Laieikawai Association testified jointly against the construction of the exploratory wells and requested for a contested case hearing.

Dr. Anthony suggested to the Commission that they require Mink and Yuen to put their theory, that there is no hydrological connection between the stream bed and the aquifer, in writing and allow it to be reviewed by a consultant representing The Laieikawai Association.

Dr. Anthony stated that someone from the Board of Water Supply [maybe Chester Lao, who is here today] made a statement that the Board of Water Supply has no use for the water.

He also suggested that if the Commission decides to approve the project, the staff submittal should be changed in the following manner:

1. Allow their consultants to participate, in all phases of the exploratory process. Their consultant will be allowed to be on site to participate in all phases of the drilling process and be given access to all information that is in the care,
custody, or control of the Commission and/or its staff.

2. In addition to looking into the groundwater/surface water relationship, the effects of any taking of groundwater on species will be researched.

Dr. Anthony pointed out that he had less than 48 hours to prepare his testimony. He did not have enough time to hire a consultant to review the project.

QUESTIONS/CLARIFICATIONS:

Chairperson Wilson asked Dr. Anthony how much time he would like in the future to be informed of the proposed decisions of the Commission, such as the denial of the contested case hearing.

Dr. Anthony replied that he needed at least six weeks in for preparation and to able to obtain their own consultant.

Mr. Chester Lao of the Board of Water Supply testified that, in regards to Dr. Anthony's earlier statement that the Board of Water Supply does not want the water, he does not ever recall having made that statement.

EXECUTIVE SESSION

Commissioner Nakata moved that the Commission go into Executive Session to discuss with the Deputy Attorney General. Commissioner Nobriga seconded the motion. The Commission was in Executive Session from 10:12 a.m. to 11:15 a.m.

UNANIMOUSLY APPROVED TO DEFER UNTIL APRIL 5, 1995.

Chairperson Wilson requested that all parties interested in sending any additional information to the Commission on "standings" do so within the next two weeks. Also, he stated for the record, that the staff sent the submittals to all the parties six days prior to this hearing. The submittal will be sent out to all parties six days prior to the next meeting.

ITEM 10

MAUI DEPARTMENT OF WATER SUPPLY AND C. BREWER HOMES, INC.,
APPLICATION FOR A STREAM CHANNEL ALTERATION PERMIT,
CONSTRUCTION OF A WATERLINE CROSSING FIVE WEST MAUI STREAMS,
WAIIHEE, MAUI

PRESENTATION OF SUBMITTAL: David Higa

AMENDMENT: Staff recommended to delete Page three, #8, under Recommendations:

"Prior to construction activities, the applicant shall submit to the Commission a letter from the Department of Health indicating that it has a site-specific and method-specific Best Management Practice Plan acceptable to the Department of Health. This conditions shall only be applicable to those stream channel crossings not subject to Section 404 of the Federal Clean Water Act, administered by the U.S. Army Corps of Engineers."

PRESENTATION BY APPLICANT: None.
Chairperson and Members
Commission on Water Resource Management
March 1, 1995

ITEM 14
REQUEST FOR EXTENSION, C. BREWER PROPERTIES, INC., REQUEST TO INSTALL 1400 GPM PUMPS IN NORTH WAIHEE WELLS 1 & 2 (WELL NOS. 5631-02 & 03), TMK 3-2-14, WAIHEE, MAUI

PRESENTATION OF SUBMITTAL: Edwin Sakoda

AMENDMENT: Staff recommended approval with an amendment to delete the word "original" from the Recommendation, so as to read:

"That the Commission approve the extension of the pump installation permits for North Waihee Wells, subject to the same following conditions."

PRESENTATION BY APPLICANT: None; however, Mr. Jim Murray of C. Brewer Homes was present and available for questioning.

TESTIMONIES:

Mr. David Craddick of the Maui Board of Water Supply asked to have an amendment to the staff recommendation (#6) so that the applicant must face the Commission again for review if work is not started within six months.

QUESTIONS/CLARIFICATIONS:

Commissioner Nobriga wondered whether six months was too long.

Mr. Murray responded that, in regards to time table, they are in the "engineering" process for this project. They are also in the final stages of discussing, with the Board of Water Supply, the manner in which this will be developed. Also, C. Brewer anticipates that this will become the Board of Water Supply's project. He is very confident that the project will be started within the six months; less than that will be too "tight".

Commissioner Nobriga asked if the Board of Water Supply is ready to take over the project, once it's developed. He also asked why C. Brewer is taking so long to complete the project and turn it over to the Board of Water Supply.

Mr. Craddick replied that is what they are negotiating for. The Board meeting will be held on March 7, 1995 and the terms of the agreement will be discussed at that time. After the meeting, they will know whether they will be able to start the project within six months.

AMENDMENT: Page Two, Condition # 6 was amended from six (6) months to two (2) months.

UNANIMOUSLY APPROVED AS AMENDED. (NOBRIGA/NAKATA)

ITEM #4
ACCEPTANCE OF THE PRE-FINAL DRAFT NONPOTABLE WATER MASTER PLAN AND APPROVAL OF A PUBLIC REVIEW PROCESS

PRESENTATION OF SUBMITTAL: Rae Loui

UNANIMOUSLY APPROVED. (NOBRIGA/MIIKE)
ITEM #5
REQUEST FOR EXTENSION, HALEKUA DEVELOPMENT CORPORATION, STREAM CHANNEL ALTERATION PERMIT AND STREAM DIVERSION WORKS PERMIT, DIVERSION OF 2.95 MGD FOR GOLF COURSE AND AGRICULTURAL PARK USE, WAIKELLE STREAM, WAIPAHU, OAHU

PRESENTATION OF SUBMITTAL: David Higa

Staff recommended that the three extension be granted with the following amendments:

1. Page three, Condition # 12 be deleted.
2. Page three, Condition # 3, adding, "This permit will expire on July 15, 1997. A new application will be required of the applicant if the project is not completed by this date."

PRESENTATION BY APPLICANT: None; however, Ms. Jan Sullivan, attorney representing the applicant, was present to answer any questions.

QUESTIONS/CLARIFICATIONS:

There was some discussion by the Commissioners in regards to the fact that the permit has already expired; however, the applicant is requesting for an extension, rather than reapplying for another permit.

Ms. Jan Sullivan referred to the transmittal, dated August 14, 1992 (Exhibit A-1) and explained that there was a misinterpretation, on the applicant's part, of the date of expiration.

Commissioner Miike pointed out that the enclosure to the transmittal, Exhibit A-2, has the expiration date of July 15, 1994 on it.

TESTIMONIES:

Ms. Toni Bissen of the Native Hawaiian Advisory Council voiced their concern regarding the potential harm of the o'opu population. She also indicated that the request for an extension is untimely and improper.

Mr. George Hudes expressed his concern about the timeliness of the request for extension. He felt that it is improper to extend the permit when it has expired.

Commissioner Nakata moved that the Commission deny the extension and have the applicant reapply for a new permit. He also stated although it has been done in the past, there is a need to correct and change the policy, whereby when a permit expires, the applicant must reapply.

UNANIMOUSLY DENIED. (NAKATA/GIRALD)

ITEM #6
REQUEST FOR EXTENSION, CITY AND COUNTY OF HONOLULU, DEPARTMENT OF PUBLIC WORKS, STREAM CHANNEL ALTERATION PERMIT, CONSTRUCTION OF A LEVEE FOR FLOOD CONTROL, TMK 4-2-16:1, KAWAINUI MARSH, KAILUA, OAHU

PRESENTATION OF SUBMITTAL: David Higa

UNANIMOUSLY APPROVED. (NAKATA/NOBRIGA)
ITEM #7  HONOLULU BOARD OF WATER SUPPLY, APPLICATION FOR A STREAM CHANNEL ALTERATION PERMIT, PIPELINE REPLACEMENT, WAIMAQ STREAM, TMK 9-4-22.01, HONOLULU, OAHU

PRESENTATION OF SUBMITTAL: David Higa

PRESENTATION BY APPLICANT: None; however, Mr. Peter Nakanishi from Park Engineering, working in conjunction with the Board of Water Supply was available to answer questions.

QUESTIONS/CLARIFICATIONS:

Commissioner Nobriga questioned why a three year permit was requested instead of the standard two.

Peter Nakanishi responded to the question by stating that they just wanted some lead time.

AMENDMENT: The permit will be amended to be valid for two years, instead of three.

UNANIMOUSLY Approved AS AMENDED. (NOBRIGA/NAKATA)

ITEM #9  COALITION FOR SPECIALIZED HOUSING, APPLICATION FOR A STREAM CHANNEL ALTERATION PERMIT, RECONSTRUCTION OF WAIMANO DRAINAGE CHANNEL, TMK 9-7-19.35, PEARL CITY, OAHU

PRESENTATION OF SUBMITTAL: David Higa

Staff recommended approval with a special condition that the applicant shall provide the Commission a copy of the BMPP required by the Department of Health prior to construction activities. The applicant shall also notify the Division of Aquatic Resources when construction activities in the stream starts.

PRESENTATION BY APPLICANT: None

UNANIMOUSLY APPROVED. (NAKATA/NOBRIGA)

ITEM #8  CITY AND COUNTY OF HONOLULU, DEPARTMENT OF PUBLIC WORKS, APPLICATION FOR A STREAM CHANNEL ALTERATION PERMIT, CONSTRUCTION OF A MAINTENANCE RAMP, TMK 2-8-27, PALOLO STREAM, HONOLULU, OAHU

PRESENTATION OF SUBMITTAL: David Higa

PRESENTATION BY APPLICANT: None.

UNANIMOUSLY APPROVED. (NOBRIGA/GIRALD)

ITEM #11  HEARING FOR REVOCATION OF A WATER USE PERMIT, AMERON HG & D WELL (WELL NO. 2053-05) AT TMK 1-2-16.6, MOANALUA GROUNDWATER MANAGEMENT AREA, OAHU

PRESENTATION OF SUBMITTAL: Lenore Nakama
Chairperson and Members  
Commission on Water Resource Management  
March 1, 1995

UNANIMOUSLY APPROVED. (NOBRIGA/GIRAID)

Commissioner Miike was excused.

ITEM #12  
THE ESTATE OF JAMES CAMPBELL, WATER USE PERMIT AND PUMP INSTALLATION PERMIT APPLICATIONS, REQUEST TO INSTALL A 1.000 GPM PUMP AND USE 1.189 MGD FROM PUMP 3A (WELL NO. 3957-03) AT TMK 5-6-6:18, KOOLAULOA GROUNDWATER MANAGEMENT AREA, OAHU

PRESENTATION OF SUBMITTAL: Lenore Nakama

UNANIMOUSLY APPROVED. (NOBRIGA/GIRAID)

ITEM #13  
DIRECTORATE OF PUBLIC WORKS, USAG-HI. APPLICATIONS FOR WELL CONSTRUCTION, PUMP INSTALLATION, AND WATER USE PERMITS FOR WELL NO. 2053-13 AND APPLICATION TO MODIFY WELL NO. 2053-10, TMK 1-1-8:14, MOANALUA GROUNDWATER MANAGEMENT AREA, OAHU

PRESENTATION OF SUBMITTAL: Lenore Nakama

UNANIMOUSLY APPROVED. (NOBRIGA/GIRAID)

ITEM #15  
HONOLULU BOARD OF WATER SUPPLY. REQUEST TO CONSTRUCT A 610-FOOT DEEP WELL, AND INSTALL A 1750 GPM PUMP IN KUNIA WELLS II, WELL #4 (WELL NO 2402-05), TMK 9-4-2:51, HOAEAE, EWA, OAHU

PRESENTATION OF SUBMITTAL: Edwin Sakoda

UNANIMOUSLY APPROVED. (NOBRIGA/GIRAID)

ITEM #16  
HONOLULU BOARD OF WATER SUPPLY. AFTER-THE-FACT REQUEST TO CONSTRUCT AN 18-INCH DIAMETER, 558-FOOT DEEP WELL AND INSTALL A 1750-GPM PUMP IN KUNIA WELLS II, WELL #3 (WELL NO. 2402-03), TMK 9-4-2:51, HOAEAE, EWA, OAHU

PRESENTATION OF SUBMITTAL: Edwin Sakoda

UNANIMOUSLY APPROVED. (NOBRIGA/NAKATA)

ITEM #17  
KAUAI DEPARTMENT OF WATER. REQUEST TO DRILL A 12-INCH DIAMETER, 260-FOOT DEEP WELL, KOLOA WELL P (WELL NO. 5425-15), TMK 2-9-3:1, NAHAULEPU, KOLOA, KAUAI

PRESENTATION OF SUBMITTAL: Edwin Sakoda

UNANIMOUSLY APPROVED. (GIRAID/NOBRIGA)
Chairperson and Members
Commission on Water Resource Management March 1, 1995

ITEM #18 KAUAI PROFESSIONAL GROUP APPLICATION FOR A WELL CONSTRUCTION/PUMP INSTALLATION PERMIT. REQUEST TO CONSTRUCT A 16-INCH DIAMETER, 154-FOOT DEEP WELL, AND INSTALL A 100 GPM PUMP IN KILAUEA-KPG BACKUP WELL (WELL NO. 1225-04). TMK 5-2-17:28, KILAUEA, HANALEI, KAUAI

PRESENTATION OF SUBMITTAL: Edwin Sakoda

UNANIMOUSLY APPROVED. (GIRALD/NAKATA)

ITEM #19 DIVISION OF WATER AND LAND DEVELOPMENT APPLICATION FOR A PUMP INSTALLATION PERMIT. REQUEST TO INSTALL A 700 GPM PUMP IN WAIALAE NUI WELL (WELL NO. 1747-03). TMK 3-5-24:1, WAIALAE, HONOLULU, OAHU

PRESENTATION OF SUBMITTAL: Edwin Sakoda

QUESTIONS/CLARIFICATIONS:

Commissioner Girald asked why the applicant waited until now in asking for a pump installation permit, when the well was constructed back in 1983.

Mr. Andrew Monden, Project Engineer with the Division of Water and Land Development, responded that there was some problem with getting the land acquired from Bishop Estate. He further explained that they went to a tri-party agreement between Bishop Estate, the State, and the Board of Water Supply. He agreed to provide the Commission with a copy of the agreement.

UNANIMOUSLY APPROVED. (NOBRIGA/NAKATA)

ADJOURNMENT: Agenda I was concluded and the meeting was adjourned at 12:55 p.m. and Chairperson Wilson announced that Agenda II of the Commission meeting will resume at around 1:30 p.m.

AGENDA II

Commissioner Miike was excused.

ITEM #1 PETITION FOR DECLARATORY RULING - IN RE: BOARD OF WATER SUPPLY WATER USE PERMIT APPLICATIONS FOR KOOLAUPOKO GROUND WATER MANAGEMENT AREA (OAHU)

PRESENTATION OF SUBMITTAL: Lenore Nakama

TESTIMONIES:

Charlie Renpun of the Kahalu'u Neighborhood Board voiced his concerns. He felt that the biological assessment that was done for the BWS Maakua well project was "altered" and is wrong. He also stated that the Commission should check on impacts on transporting water from the watershed. He also felt there needs to be more comprehensive long term planning for future uses.
Mr. Chester Lao of the Board of Water Supply gave an explanation of the hydrogeologic conditions at the Maakua well site and drew a sketch showing perched stream conditions.

Mr. Stephen Kubota of the Windward Neighborhood Board testified that the 1990 Oahu Water Management Plan is too old and needs to be updated and changed.

ITEM DROPPED/WITHDRAWN (NO ACTION)

ADJOURNMENT:

Chairperson Wilson asked to be excused at 2:45 p.m.

Commissioner Nakata announced that there will be a public hearing continuance on Honolulu Board of Water Supply, Applications for Water Use Permits, Koolaupoko Groundwater Management Area on April 5, 1995, 6:00 p.m., at the Windward community College, Eckerdt Building, Room 102.

Commissioner Nakata declared the meeting adjourned, due to lack of quorum.

Respectfully submitted,

JANIS F. UWAINE
Secretary

APPROVED AS SUBMITTED:

RAE M. LOUI
Deputy Director
FROM: Lenore
DATE: 6/22/94
FILE IN: WILMA GRAMBOUGH FILE

TO: INIT: E. SAKODA F. Ching R. Hardy L. Nakama D. Higa J. Zhang

PLEASE: See Me Call Review & Comment Take Action Investigate & Report Draft Reply Acknowledge Receipt Type Draft Type Final Xerox copies

FOR YOUR: Approval Signature Information

REMARKS: Called Wilma -
She received letter.
stands firm on CCH request.
Wants to consult w/Bill Chang
(on mainland currently).
Major issue: Native tenant
rights. Will call her on 8/1/94 if
I don't hear from her by
then.
Ms. Wilma Grambusch  
P.O. Box 614  
Kaunakakai, HI 96748

Dear Ms. Grambusch:

Ground Water Use Permit Applications  
Request for Contested Case Hearing  
Kawela Ground Water Management Area, Molokai

We are responding to your request for a contested case hearing on the following applications for existing ground water uses in the Kawela Aquifer System on Molokai in which you reside and have a real property interest:

David W. Curtis  
R.M. Granger  
Kawela Plantation Homeowners Associations  
John Wm. Iaea, Sr.  
Maui Department of Water Supply

Our records indicate that you have filed water use permit applications as landowner of TMKs 5-5-6:14,15 & 5-4-1:2,18,29 and claim existing uses totalling 129,155 gpd that could be harmed by the existing pumping of the applicants listed above.

Your July 15, 1993 applications are still pending at this time. In order to proceed, we need to visit and verify your existing source and use sites. Our records show that we have attempted to schedule a staff field investigation of your uses on five separate occasions:

- September 8, 1992
- October 31, 1992
- September 8, 1993
- November 1, 1993
- February 1, 1994
On each of these dates, Water Commission staff members were denied permission to conduct the necessary field investigation. In light of these numerous, unsuccessful attempts by Commission staff to verify your uses, we must conclude that you have no presently existing verifiable uses. Please be aware that any ground or surface water rights you may have are not invalidated or harmed by this conclusion.

In a telephone conversation with you on March 11, 1994, we confirmed that you wish to proceed with your request for a contested case hearing on the water use permit applications filed by David W. Curtis, R.M. Granger, Kawela Plantation Homeowners Association, John Wm. Iaea, Sr., and the Maui Dept. of Water Supply. The basis for your contested case hearing request is a claim that these applicants' existing uses interfere, or will interfere, with your future legal rights to water.

In light of the statute and rules of the Commission on Water Resource Management, the basis for your claim of harm to an "existing legal right" is unclear. The type of analysis that you are requesting is standard during the preparation of each submittal to the Commission. The results are incorporated into the submittal and are used to provide a rational basis for the staff recommendation. With regard to the specific issues outlined in your written petition, dated September 27, 1990, please be advised of the following:

1. The estimated sustainable yield for this aquifer is 5 mgd. Pending applications for existing uses reflect a total draft rate of 1.72 mgd. However, the latest 12-month moving average of actual recorded water usage indicates that existing withdrawals are less than 0.6 mgd. This is the most reasonable estimate of existing uses in the aquifer. All reasonable and beneficial existing uses will require about 15% of the total sustainable yield. An increase of about 3-4% in use at the major developments is projected through the year 2010. By this analysis, over 80% of the system's sustainable yield remains available for other new uses on lands that are currently undeveloped, including your land.

2. At the present, the Commission is only awarding permits for verified existing uses in the aquifer. Where water use data are available, a 12-month moving average of actual recorded usage has been used to estimate existing needs. In the absence of any water use data, the Commission has relied on established guidelines to determine an allocation that is reasonable for the proposed use.

3. Under Hawaii's constitutional or statutory law, correlative rights to ground water are protected. This is a fundamental mission of this Commission. All approved permits are subject to a set of standard conditions which provide for modification of the permit so that existing legal use rights may be accommodated, should the water resource become inadequate to satisfy all uses.
In light of the existing law, standard permit conditions, and the large unused sustainable yield underlying the lands in question, we find that your concerns have been properly addressed and conclude that no harm to your legal rights will result from the permitting of other existing uses through the water use permitting process.

Unless you can further demonstrate a real harm, not already protected against by existing law, permit conditions, Commission process, and remaining ground water supply in the aquifer underlying your lands, we are not able to determine that you have presented a legal claim for water.

If you still wish to proceed with a contested case hearing, additional information is required to clarify the nature of your claim of harm. We request that this information be submitted by August 1, 1994. We hope that your concerns have been addressed by this discussion. If you fail to respond by the specified date, we will take this matter before the Commission for disposition at its next meeting on Molokai.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

RAE M. LOUI
Deputy Director

LN:ssk
Ms. Wilma Grambusch
P.O. Box 614
Kaunakakai, HI 96748

Dear Ms. Grambusch:

Ground Water Use Permit Application
Request for Contested Case Hearing
Kawela Ground Water Management Area, Molokai

We are responding to your request for a contested case hearing on the following applications for existing ground water uses in the Kawela Aquifer System on Molokai in which you reside and have a real property interest:

- David W. Curtis
- R.M. Granger
- Kawela Plantation Homeowners Associations
- John Wm. Iaea, Sr.
- Maui Department of Water Supply

Our records indicate that you have filed water use permit applications as landowner of TMKs 5-5-6:14,15 & 5-4-1:2,18,29 and claim existing uses totalling 129,155 gpd that could be harmed by the existing pumping of the applicants listed above.

Your July 15, 1993 applications are still pending at this time. In order to proceed, we need to visit and verify your existing source and use sites. Our records show that we have attempted to schedule a staff field investigation of your uses on five separate occasions:

- September 8, 1992
- October 31, 1992
- September 8, 1993
- November 1, 1993
- February 1, 1994
Mr. Darryl Yagodich, representing the DHHL, presented testimony supporting additional water reservation from the Kualapuu Aquifer System for uses on Hawaiian home lands (see file).

David Craddick of the Maui Department of Water Supply, Noelani Joy, DeGray Vanderbilt, William Kaleimomi, and Judy Caparida, all supported the reservation of water for DHHL/homesteader use.

Mr. Duncan Annandale, Operations Director for Molokai Ranch, supported the water needs of DHHL "to the extent that it is determined that this petition is for water which is government-owned or surplus water from private sources as defined in Subsection 221(A) of the Hawaiian Homes Commission Act". Mr. Annandale added that the petition should be granted subject to the rights of all property owners to obtain their allocations of water from the Kualapuu Aquifer for reasonable future use (see file).

Ms. Toni Bissen of Native Hawaiian Advisory Council (NHAC) supported DHHL's petition but felt that the additional 2 mgd should come from within the 5 mgd planning figure (see file).

Mr. Cox commented that there is obvious need to coordinate the various water needs for Molokai - DHHL, agriculture, county, and economic development. Staff's public hearing process would resolve a lot of these questions.

Unanimously approved (Lewin/Ing).

ITEM 4  DAVID W. CURTIS, APPLICATION FOR A WATER USE PERMIT, KAMALO-C WELL (WELL NO. 0352710), KAWELA GROUND WATER MANAGEMENT AREA, MOLOKAI

Unanimously approved (Ing/Cox).

ITEM 5  CIBA SEEDS, APPLICATION FOR A WATER USE PERMIT, NAIWA WELL (WELL NO. 0705-05), MANAWAINUI GROUND WATER MANAGEMENT AREA, MOLOKAI

Mr. Walter Ritte asked if there would be any impact on the Hoolehua/Kalamaula area. Ms. Nakama stated that the long-term impact is not known, but that this rate of pumpage would not have a great impact on the aquifer.

Ms. Joy supported the use of brackish water for agriculture production as opposed to potable water and asked the Commission's support of the applicant's request.

Unanimously approved (Cox/Ing).

ITEM 6  KUKUI (MOLOKAI), INC. APPLICATION FOR A WATER USE PERMIT, NAIVAA WELL (WELL NO. 0295-05), KUALAPUU GROUND WATER MANAGEMENT AREA, MOLOKAI

Ms. Nakama presented amended recommendations for Commission action. After discussions the following was recommended:

- 2 -
1. That the Commission find that there was just cause for the applicant's failure to file within the specified one-year period, and that this late filing of a water use permit application be allowed.

2. That the Commission approve the issuance of an interim water use permit to Kukui (Molokai), Inc. for the reasonable and beneficial use of 928,000 gallons per day of potable water for municipal, domestic, and irrigation uses at the Kaluakoi Resort Hotel, condominiums, residences, and golf course from Well #17 (Well No. 0901-01), subject to the standard water use permit conditions listed in Attachment B and the following special conditions:
   
a. The applicant may continue this existing use within the levels approved by the Commission, and the actual issuance of the permit document shall not be a reason to interrupt the approved level of use.

b. The filing of an application for future uses in excess of 2.0 mgd shall be just cause for re-evaluation of this interim permit.

c. Upon completion of a new transmission line for the transport of the water used by Well #17, the permitted use of Well #17 shall be reduced by 10% to 218,800 gallons per day.

3. That the Commission defer action on the remaining observed usage of 240,200 gallons per day, for a period not to exceed 90 days, pending the following:
   
a. Justification for additional allocation for existing uses in excess of 918,800 gallons per day.

b. Development of a conservation plan or program that shall address, but not be limited to, the following:
   
   (1) Identifying and using efficient plants and drought tolerant plants for landscaping and quantifying their demands (xeriscape).

   (2) Use of efficiently designed landscaping and irrigation systems.

4. In the event that water conservation programs and plans are not complied with or that a waste of water is occurring, the Commission shall proceed with the necessary actions to revoke this permit.

5. Defer other requests for future uses.

Mr. Ron Hedani of Kukui (Molokai), Inc. presented testimony on their application for water use (see file). He explained that their current usage of 1.2 mgd is based on the currently depressed occupancy rates in the hotel and resort condominiums. Testimonies objecting to the application were filed by Kaiwi Naki, Sara Sykes, NHAC, Noelani Joy, Rachel Kamakana, DeGray Vanderbilt, and Judy Caparida (see file). Ms. Sykes asked that a public hearing be held. Mr. Matthew Adolpho requested a contested case hearing.

Chairperson Ahue stated that due to the request for a contested case, action was deferred to determine if Mr. Adolpho has standing. In the next ten days,
Mr. Adolpho must submit information to verify his standing for a contested case hearing. Ms. Sykes asked if her request for a public hearing still stands since Mr. Adolpho requested a contested case hearing. Chairperson Ahue suggested both could be looked at because the public hearing could resolve the issue and a contested case hearing may not be needed.

Additional testimonies were heard for informational purposes only.

Unanimously approved for deferral (Cox/Nakata).

**ITEM 7**

APPLICATIONS FOR WATER USE PERMITS, KAWELA GROUND WATER MANAGEMENT AREA, MOLOKAI

Mr. Ing suggested the following amendment be made to Condition 2:

"That the Commission approve the issuance of an interim water use permit to T.T. Meyer, Inc. for the reasonable and beneficial use of 28,800 gallons per day of brackish water for the domestic needs of five residences and any existing subsistence farming on 15.5 acres from the Meyer, Inc. #1 Well (Well No. 0354-01), subject to the standard water use permit conditions listed in Attachment B.

Unanimously approved as amended (Ing/Lewin).

**ITEM 8**

LOKO I'A KALO AFTER-THE-FACT APPLICATION FOR STREAM CHANNEL ALTERATION PERMIT, STREAM DIVERSION WORKS PERMIT, AND AMENDMENT TO THE INTERIM INSTREAM FLOW STANDARD, HONOUWI stream, MOLOKAI

Mr. Higa recommended the following amendments to the Recommendations:

"The applicant shall install an appropriate water meter subject to the approval of the Chairperson. The applicant shall report monthly water usage for one year after the meter is installed, or as required by the Commission."

Also, Mr. Eddie Tanaka's name should be added to the list of corporate members.

The applicant indicated that the requirement for a water meter would cause an excessive financial burden since the project is not a large aquacultural farming operation. Staff understood that the cost of the water meter would be over $500 and did not object to the deletion of this condition provided there are no objections from other competing users.

Unanimously approved as amended (Nakata/Cox).
Chairperson and Members
Commission on Water Resource Management
State of Hawaii
Honolulu, Hawaii

Gentlemen:

David W. Curtis
Application for a Water Use Permit
Kamalo-C Well (Well No. 0352-10)
Kawela Ground Water Management Area, Molokai

Applicant:
David W. Curtis
P.O. Box 1829
Kaunakakai, HI 96748

Landowner:
T.T. Meyer, Inc.
P.O. Box 156
Kaunakakai, HI 96748

Background

The applicant filed a completed water use permit application with the Commission on January 14, 1993. At the September 15, 1993 Commission meeting on Molokai, an objection was filed on behalf of the Kalamaula Homestead Association, whose members have property interests in lands overlying the aquifer. A Petition to Intervene in water use permit applications for the Kawela Aquifer System was filed on behalf of an individual residing within the hydrologic unit, also a member of the Association, pursuant to the right to a contested case hearing under Section 174C-60. A petition to be a party in a contested case hearing was filed in a timely manner, and public hearing proceedings were initiated by staff following a determination on standing by the Office of the Attorney General. However, this application was inadvertently omitted from the public notice announcements. As such, public testimony on this application was precluded at the November 17, 1993 public hearing held by the Commission.

Analysis & Issues

Because an objection has been filed by a party having standing to file an objection, a public hearing on this application should be held, pursuant to §13-171-14(b). Testimonies received at the public hearing may help to resolve some of the issues that have been raised, possibly precluding the need for resolution of this matter by contested case proceedings.

RECOMMENDATION

Staff recommends:

That the Commission authorize staff to initiate public hearing proceedings for this application.

Respectfully submitted,

RAE M. LOUI
Deputy Director

APPROVED FOR SUBMITTAL:

KEITH W. AHUE, Chairperson
David W. Curtis  
P.O. Box 1829  
Kaunakakai, HI  96748

Dear Mr. Curtis:

Commission Submittal for your Water Use Permit  
**Kawela Ground Water Management Area, Molokai**

The Commission on Water Resource Management will be acting on your water use permit application for your **Kamalo-C 0352 Well** (Well No. 0352-10) at its April 14, 1994 meeting at 10:30 a.m. at the Mitchell Pauole Center, Molokai.

A copy of the submittal for action on your water use application is enclosed for your information and review. You may wish to attend the meeting in case the Commissioners have questions regarding your application. Otherwise, we will notify you of the Commission's decision soon thereafter.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

RAE M. LOUI  
Deputy Director

LN:fc

Attach.
FOR: Lenne
DATE: 1/1/00
TIME: A.M.
M: Dave Curtis
OF: 
PHONE: 415-928-4
FAX: 
MOBILE: 

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To: Dave Curtis

From: Lenne

Date: 1/1/00

Hi, Dave,

I called Dave. His communication with U.S. Steel was not timely. I decided to hang up and call again this morning. I believe they are aware of the issue.

I told him we were engaged in discussions with Wilma and Hope to resolve soon.

Signed:

Lenne
October 14, 1993

The Honorable Keith W. Ahue
Chairperson
Commission on Water Resource Management
Department of Land and Natural Resources
P. O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Ahue:

Withdrawal of Objections

The Department of Hawaiian Home Lands has been in a position to raise objections to various applications for water use permits, particularly in Windward O‘ahu, on the basis that water reservations were yet required to meet statutory obligations to Hawaiian home lands.

Please be advised that as the proposed water reservations in O‘ahu and Moloka‘i water management areas are finalized, our objections for this reason are thereby withdrawn.

Warmest aloha

Hoaliku L. Drake, Chairman
Hawaiian Homes Commission

HLD:BH:ci/1608L.77
Re: Curtis Well #0352-10

Gentlemen:

We have been advised that on Saturday, July 2, 1994, a Contested Proceeding is scheduled for our application for well pump installation and water use. The intervener, Mrs. Wilma Grambush, has objected to our well in Kumueili and to several others six miles away in the Kawela Ground Water Management area where she has a small parcel of land. It is my belief that Mrs. Grambush is in error in including our well in the Kawela "aquifer".

According to a Public Notice dated August 19, 1992 (copy enclosed), our application is for use in the Ualapue Ground Water Management Area and thus should not be included in the upcoming Contested Proceeding.

Your consideration of this apparent oversight will be most appreciated.

Yours sincerely,

[Signature]

David W. Curtis

encl.
PUBLIC NOTICE

Application for a Water Use Permit
UALAPUE Ground Water Management Area, MOLOKAI

An application for the following water use permit has been received and is hereby made public, in accordance with Department of Land and Natural Resources Administrative Rules 13-171, "Designation and Regulation of Water Management Areas."

KAMALO-C 0352 (Well No.0352-10)

Applicant: DAVID W. CURTIS
P.O. BOX 1829
KAUNAKAKAI, HI 96748

Date Completed Application Received: July 15, 1992
Aquifer: UALAPUE System, SOUTHEAST Sector, MOLOKAI
Well Source: KAMALO-C 0352 (Well No. 0352-10) at Tax Map Key: 5-6-7:37
Quantity Requested: 50,000 gallons per day.
Proposed Water Use: IRRIGATION FOR 6-ACRE NURSERY & PAPAYA
Place of Water Use: P.O. BOX 1829 at Tax Map Key: 5-6-7:37

Written objections or comments on the application for water use may be filed by any person who has property interest in any land within the hydrologic unit of the source of water supply or who will be directly and immediately affected by the proposed water use. Written objections shall: (1) state property or other interest in the matter; (2) set forth questions of procedure, fact, law, or policy, to which objections are taken; and (3) state all grounds for objections to the proposed permits. Send written objections by September 15, 1992 to 1) the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809, and 2) a copy of the letter to the applicant at the above address.

COMMISSION ON WATER RESOURCE MANAGEMENT

WILLIAM W. PATY, Chairperson

Dated: AUG 19 1992

MEMORANDUM

TO:       Mr. Johnson H. Wong, Supervisor
Division of Land/Transportation
Office of the Attorney General

ATTN:     Mr. William Tam, Deputy Attorney General

FROM:     Rae M. Loui, Deputy Director

SUBJECT:  Application to be a Party in a Contested Case Hearing

Attached is an application to be a party in a contested case hearing for all water use permit applications in the Kawela Ground Water Management Area, Molokai.

We request that a determination be made concerning the validity of the request and, if valid, whether the applicant does indeed have standing. At the September 15, 1993 Commission meeting on Molokai, the applicant requested a contested case if any of the water use permit applications in the Kawela Ground Water Management Area were approved. As you know, the Commission deferred action to go to public hearing.

We believe that the contested case request is premature. However, an application to be a party was filed but we do not know its legal implications. We believe that Mrs. Grambusch has the right and can request a contested case hearing at the public hearing or at a Commission meeting where action on the individual applications in the Kawela area are to be acted upon.

RH:ko
Attach.
APPLICATION TO BE A PARTY IN A CONTESTED CASE HEARING BEFORE THE COMMISSION ON WATER RESOURCE MANAGEMENT

NOTE: THIS PETITION IS TO BE FILED IN PERSON OR MAILED AND POSTMARKED WITHIN 10 DAYS OF PUBLIC HEARING OR COMMISSION MEETING AT WHICH THE REQUEST FOR A CONTESTED CASE HEARING IS MADE.

IF MAILED, SEND TO: Commission on Water Resource Management
P.O. Box 621
Honolulu, Hawaii 96809

Please provide the following information:

1. NAME: Wilma Kamakana Grambusch
   PHONE:

2. ADDRESS: P.O. Box 614,
   Kaunakakai, HI 96748

3. ATTORNEY (IF ANY): Williamson B. C. Chang, Esq.

4. ATTORNEY ADDRESS: 969 Ahuwale Place
   Honolulu, HI 96821
   PHONE: (808) 377-1205

5. SUBJECT MATTER: Objection to water permit applications

6. DATE OF PUBLIC HEARING/COMMISSION MEETING: September 15, 1993

7. LEGAL AUTHORITY: Intervention pursuant to Water Code section 174C-60 (contested Cases). Petitioner Grambusch has a property interest in the area in which permits are sought.

8. WHAT STATUTORY OR OTHER RIGHT OF YOURS IS BEING AFFECTED?

Applicant's use will interfere with standard water use permit conditions 3(c) and 3(g) "existing legal right" to use water by members of the Kalamaula Homestead Association, including petitioner.

(see Petition for Contested Proceeding 9/15/93 and letter of 9/13/93)

8. SPECIFIC LEGAL ISSUE: The Commission must protect Native Tenancy and Native Tenant's rights under the Water Code. Applicants have not shown a need for amounts requested and the Commission must protect the right of those who have not yet applied for water from the aquifer.

9. PROVIDE YOUR TAX MAP KEY AND THE TAX MAP KEY OF THE PROPERTY
CONSIDERED IN THIS ISSUE. ARE YOU AN ADJACENT OR NEIGHBORING PROPERTY OWNER? DESCRIBE THE NATURE AND EXTENT OF YOUR INTEREST IN THIS MATTER.

Petitioner is adjacent to some of the properties in question and draws from the same aquifer as all of the applicants seeking permits. See tax map keys attached.

10. WHAT IS YOUR SPECIFIC DISAGREEMENT REGARDING THIS ISSUE?

As outlined in petition to intervene/petition for Contested Proceeding of 9/15/93, Petitioner's right to develop her property for agriculture as well as the right's of those Homestead Association members she represents will be threatened by the "water banking" which applicants seek via the permits in question. As a native tenant, her water rights supercede those of surrounding landowners.

11. OUTLINE THE SPECIFIC ISSUES.

1. Can the Commission permit the use of a substantial portion of an aquifer (36%) without a comprehensive plan to protect those who have not yet applied? 2. The Commission must limit any permit to an amount the applicant can prove a need for to limit "water banking". 3. The Commission must protect the rights of native tenants who have a superior claim to the water. (for individual permit objections see attached Petition)

12. OUTLINE OF THE BASIC FACTS: Applicants have sought a combined 36% share of the Kawela aquifer. This threatens the water interests of all landowners over the aquifer. Water must be given out fairly, equitably and a primary right must rest with the native tenants.

13. WHAT RELIEF OR REMEDY DO YOU SEEK:

Petitioner seeks denial of the permits, or in the alternative, a reduction in the amount to that which can be proved is necessary. Further, petitioner seeks a showing by the Commission that Native Rights are being protected. (see attached)

If there is not sufficient space to fully answer any of the items noted above, please use additional sheets of paper).

The above-named person hereby requests and petitions the Commission on Water Resource Management for a Contested Case Hearing in the matter described above.

Mrs. Wilma Kamakana Brambusch

Petitioner

DATED: 

TAX MAP KEYS

Kawela Plantation

5-4-01-29  1/2 owner
5-4-01-94
5-4-01-63
5-4-01-41  1/2 owner
5-4-01-65  1/2 owner

Iaea and Granger

as above plus

5-4-01-18  1/2 owner
5-4-01-15  1/2 owner
5-4-01-14  1/2 owner

Curtis and Hawaiian Research

all Keys referenced above
BEFORE THE COMMISSION ON WATER RESOURCES MANAGEMENT

STATE OF HAWAI’I

In the Matter of the Petition for Contested Proceeding on Applicants’ Request for Water Permits

Application of Certificate of Service
Use Permits for
David Curtis, R.M.
Granger, Kawela Plantation Homeowners Association, John Wm. Iaea, Sr., and Maui Water Department of Water Supply for Water Use Permits,
Kawela Ground Water Management Area, Molokai

PETITION TO INTERVENE AND CERTIFICATE OF SERVICE

WILLIAMSON B.C. CHANG, ESQ. 1696-0
MICHAEL FOULKES
969 AHUWALE PLACE
HONOLULU, HAWAI’I 96821
TEL: 808-377-1205
ON BEHALF OF INTERVENOR
MRS. WILMA KAMAKANA GRAMBUSCH
BEFORE THE COMMISSION ON WATER RESOURCES MANAGEMENT

STATE OF HAWAII

In the Matter of the Application of
Use Permits for David Curtis, R.M.
Granger, Kawela Plantation Homeowners Association, John Wm. Iaea, Sr., and Maui Water Department of Water Supply for Water Use Permits,
Kawela Ground Water Management Area, Molokai ) Petition for Contested Proceeding on Applicants' Request for Water Permits

Certificate of Service

PETITION TO INTERVENE

INTERVENOR, MRS. WILMA GRAMBUSCH, RESIDENT OF KAWELA, MOLOKAI, STATE OF HAWAII, an individual and Native Hawaiian tenant residing within the Ahupua'a bequeathed to her by her ancestors, petitions for unrestricted status as an intervenor in this proceeding. ON BEHALF OF HERSELF AND HER LEGAL HEIRS objects to the application of the above noted applicant.

I. NATURE OF PETITIONERS STANDING AND STATUTORY OR OTHER RIGHT

Petitioner seeks to intervene pursuant to the right to a contested case hearing under section 174C-60 [contested Cases] as set forth in the state water code. Petitioner Grambusch has a property interest in the area in which applicant seeks a permit and thus has statutory power to petition and seek a contested case proceeding under the water code. In addition petitioner Grambusch possesses appurtenant water rights, which, pursuant to the common law of Hawaii, have priority over applicant's claims to correlative water rights, whether or not petitioner Grambusch's property is overlying the aquifer or is riparian to the water source.

II. REASONS FOR REJECTION OF PETITIONER'S REQUEST

2
1. **THE NUMBER OF APPLICATIONS FOR GROUNDWATER FOR THE KAWELA AQUIFER REQUIRE DEFERRING THE ISSUANCE OF ANY PERMITS UNTIL ALL INFORMATION CAN BE OBTAINED.**

In the "background" section of the submittal, the staff reports indicates that a total of 23 applications for permits have been submitted for the Kawela aquifer system. This application seeks 5 permits. The purpose of the water code was to provide all parties with legal rights to an aquifer a fair right to their appropriate share of water. The issuance of permits herein would prejudice other applicants, including those who plan to file in the near future. Moreover, the water code requires that no permit be issued in contravention of the common law of the state of Hawaii. Since the groundwater law of the state is that of correlative rights and such correlative uses are protected under the statute constitution, all overlying landowners, pursuant to the City Mill decision, have a right to a share of water. The issuance of the permits sought herein would prejudice overlying landowners such as intervenor Grambusch.

2. **COMMISSION ACTION AT THIS TIME WOULD BE INCONSISTENT WITH ITS PROPOSED FUTURE ACTIONS**

It would clearly be premature to grant these permits since the staff report admits that so far, only one permit, for 2,000 gpd has been granted. It is admitted that nine permits require action, eight are scheduled to be heard on November 11, and five are incomplete pending further augmentation of their application. Intervenor Grambusch asserts that as the possessor of appurtenant water rights, a matter which she can prove to the commission, the constitution of the state of Hawaii, and the water code, give her a priority as to the appropriate quantity of water due to appurtenant right holders.

In this situation, the water code clearly contemplated an aquifer-wide adjudication of all rights at once. Indeed, the doctrine of correlative water rights is derived from mutual respect for the rights of all landowners with property near or overlying an aquifer. The large volume of potential withdrawal from this aquifer (.31 mgd) constitutes a strong rationale for preventing parties from "gun-jumping" in an attempt to secure water permits ahead of other rightful claimants.

3. **APPLICANT CURTIS SHOULD BE DENIED A PERMIT BASED ON FAILURE TO COMPLY WITH THE REQUIREMENTS FOR A PUMP INSTALLATION PERMIT**

Petitioner Curtis is seeking a water use permit although he
has failed to comply with the legal requirements that called for an earlier application for a pump installation permit. In light of the above general reasons for denying all permits at this time, Mr. Curtis appears before the Commission with "unclean hands" and should not be allowed a permit as if his prior flouting of commission rules has no consequence. Apparently the Staff and the MWG feel that since the amount requested is small, no penalty should be levied for his prior wrongful acts. There is no relationship between violation of the code and the present size of the application. To award a permit would be tantamount to sanctioning disregard of Commission rules that have been applied with vigor to other parties. The applicant can face a variety of penalties for the knowing failure to apply for the pump installation permit. Clearly, the applicant sought to grandfather a questionable existing use by pumping without application for a pump installation permit on the eve of designation. This is exactly the kind of conduct that constitutes the worst exploitation of the designation process and was raised during testimony during designation. It appears that the staff is confused in its own reasoning when it refers to the applicant’s use as "genuine" albeit conduct clearly designed to avoid the appropriate regulations. Applicant should be facing enforcement of penalties rather than the possible award of a permit.

4. APPLICANT GRANGER HAS FAILED TO PROVIDE THE COMMISSION WITH HONEST AND RELIABLE INFORMATION AS TO INTENDED USES AND BE DENIED A PERMIT.

The applicant is clearly seeking to bootstrap a small use into a much larger use where there is strong likelihood that the applicant intends to improperly change the nature of the water received under a permit. He presently admits only a 3,700 gpd use and has applied for a 25,000 gpd. There is no verification as to what crops he intends to plant, and the fact that he has not begun such planting nor disclosed the nature of a plant which requires 16,000 gpd undermines the credibility of applicant’s request which is limited to four acres. The staff has placed no limitation on applicant preventing him from transferring water to other plots, or from using the water for other large scale uses. The staff recommendation allows a margin of error of 600 per cent. It appears that the applicant will not be using the water for corn, nor is he willing to disclose his intended plans. The staff’s failure to require further details violates the letter and spirit of the water code and the state water plan.

5. APPLICANT KAWELA PLANTATION MISREPRESENTS THE INTENDED PURPOSE OF ITS APPLICATION AND ITS APPLICATION SHOULD BE DENIED
The Staff recommends that the objector, Mrs. Grambusch be allowed a public hearing on this applicant’s request. Hence, Intervenor is agreement with the staff recommendation. Kawela Plantation is clearly seeking a much larger amount of water than its present needs indicate and furthermore, is seeking water for irrigation purposes. A site visit of the applicant would show that the applicant clearly intends to develop housing and other urban uses and that the irrigation quantification is an erroneous factor to be used.

6. APPLICANT IAEA’S APPLICATION SHOULD BE DENIED AS INCOMPLETE:

The applicant has failed to supply sufficient data for the Commission to make a proper ruling. The staff has made an error in concluding that 1) since applicant has failed to supply information 2) his request fall below the threshold of concern of the Commission and 3) therefore it should be granted. Any code exemption for small users is predicated on the users proof of that small usage. Until applicant provides sufficient information his application should be denied.

7. APPLICANT MAUI DWS SHOULD BE DENIED ITS REQUEST FOR .432 MGD SINCE THE APPLICANT HAS NOT CONCURRENTLY APPLIED FOR A PUMP INSTALLATION PERMIT, PROVEN THAT ITS WITHDRAWAL WILL NOT DETRIMENTALLY AFFECT THE INTERVENOR AND HAS FAILED TO SHOW THAT ITS WITHDRAWAL IS CONSISTENT WITH THE MOLOKAI GENERAL PLAN.

Moreover, Intervenor Grambusch wishes to prove at trial that DWS will interfere with intervenor’s exercise of appurtenant water rights which protected by the state constitution and the water code.

II. PETITIONER GRAMBUCH’S INTEREST WILL NOT BE REPRESENTED BY OTHER PARTIES

In addition to objecting to the application on the above grounds, Intervenor requests a contested case proceeding if any adverse actions are taken. No other party present before the commission can adequately represent her interest as she is asserting her rights as a native Hawaiian tenant with appurtenant water rights who can demonstrate a continuity of title from the Mahele.

III. NONE OF THE ABOVE APPLICATION SHOULD BE GRANTED SINCE THE STAFF RECOMMENDS THAT A PUBLIC HEARING ON INTERVENOR’S INTERESTS...
Intervenor contends that all applicants are, under the common law of the state of Hawaii, hold correlative water rights, and as such, no party can be awarded a right to water until the full extent of the rights of all parties are adjudicated in an aquifer-wide proceeding. This is required under the City Mill decision which is still in effect as part of the common law. The issuance of permits to some but not all applicants would violate the water code's assurance that present legal rights not be violated by the issuance of permits.

IV. INTERVENOR'S REQUEST WILL ASSIST IN THE DEVELOPMENT OF A COMPLETE RECORD, AND SERVE THE PUBLIC INTEREST

This request for a contested case proceeding is the first of its kind as a designated groundwater area. It will assist the commission in developing a process for implementing a basin-wide adjudication in keeping with the law of correlative water rights. In this sense, intervenor appears before this body in a respectful, relevant and timely manner. This petition is filed before the date of the scheduled hearing of September 15, and in any event is filed in advance of staff's recommendation for a November hearing. It is thus timely. Intervenor asserts that law and logic require that all parties seeking claims to the Kawela aquifer necessarily participate in the proposed November hearing.

VII. PRAYER FOR RELIEF

In the event that the Commission seeks to issue permits to
any of the contested applicants, intervenor seeks a contested case, under HRS Chapter 91, as referenced in the state water code, with full review before the Hawaii Supreme Court [as provided in the state water code.]

Dated: Molokai, Hawaii, September 14, 1993

Williamson Chang, Esq. and Michael Foulkes [admission to the California Bar pending] on behalf of Intervenor Mrs. Wilma Grambusch
CERTIFICATE OF SERVICE

I hereby certify that on September 15, 1993, I served a copy of the foregoing petition to Intervene and Certificate of Service by hand delivery or certified mail to the following and at the following addresses:

Commission on Water Resources Management  
Kalanikouli Building  
Honolulu, Hawaii  [fifteen copies plus original]

David W. Curtis  
P.O. Box 1829  
Kaunkakai, Hi 96748

R.M. Granger  
P.O. Box 371  
Kaunkakai, Hi 96748

Kawela Plantation Homeowners Assn  
P.O. Box 698  
Kaunkakai, Hi 96748

John Wm Iaea  
P.O. Box 405  
Kaunkakai Hi 96748

Maui Department of Water Supply  
P.O. Box 1109  
Wailuku, Maui HI 96793

Dated: September 15, 1993, Kaunkakai, Hi,

[Signature]

Michael Foulkes, for the Intervenor
Mrs. Wilma Grampusch
Counsel for Kalamaula Homestead Association, an Unincorporated Association, Mrs. Wilma Grambusch, President

September 13, 1993

Commission on Water Use Management
Mr. Keith Ahue, Chairperson
P.O. Box 621
Honolulu, Hi 968020

Re: Matters raised at Meetings on Molokai, September 15th, 1:30 at Mitchel Pauoli Center and at 6:00 at Molokai High School

I. Request for Deferral of Several Matters scheduled for 1:30 until 6:00

On behalf of the Kalamaula Homestead Association, I wish to request deferral of decision-making on items 7-13 of the agenda for the Meeting of COWRM scheduled for 1:30 on September 15. Unfortunately, many of the members of the association, including myself, acting as counsel for the association have work commitments which prevent us from attending the 1:30 meeting. We request that you keep open the record on these items, defer decision making and allow us to testify at the 6:00 meeting. The Kalamaula Homestead Association, asserts that it has appropriate standing on all of these issues as its lands are sufficiently proximate to the applicants proposed use such that the association has an adequate property interest. The Association relies on the language of the HHCA, particularly section 221, which strongly states that the waters of Molokai, shall be first used to place homesteaders on the land.

II. Specific Objections to Applications:

a. Item 8 -- application of Curtis, et al, Kawela Plantation Homeowners Association. The Kalamaula Homeowners Association objects to the application of David Curtis et al on numerous grounds:

1. The applicant's use will interfere with the 3(c)
standard water use permit conditions] and 3(g) "existing legal right" to the use of water by members of the Kalamaula Homestead Association. The rights of Homesteaders are defined by both congressional and state law and the barrier to homesteading has been the inability to obtain water. The rights of the association extend island-wide and thus all uses other than those for homesteading are subordinate to the rights of homesteaders not able to live on their lands due to failure to supply water. The strength of this right is obvious, since it is repeated a number of times in different parts of the standard water use permit conditions, particularly in 9(g) and section 6. Any issuance of a water use permit on Molokai should be deferred until the public hearing on the proposed rule. Chronologically, only after the rule reserving waters is finalized, including the scope of aquifers which are affected, can water permits be issued on Molokai.

2. Request for Contested Case Proceeding: In the event that the Commission sees fit to proceed with the issuance of a water permit for the applicants in item 8, the Kalamaula Homestead Associations exercises its rights under Chapter 91 in seeking a contested case proceeding. The request for such a hearing requires the Commission to defer decision making.

b. Item 9 --

a. Request of DHHL for Water Use Permits: Kalamaula Homestead Association requests that this matter be consolidated with the proposed rule to be heard at 6:00 P.M. The reservation of amount sought by DHHL coheres with the amount proposed by the Molokai Working Group. Kalamaula Homestead Association asserts that the rights to water of Hawaiian Homesteaders is not subservient to the rulemaking authority of COWRM and that the amounts set forth are grossly inadequate to meet the needs of the Kalamaula Homestead Association and its future plans. Objector, Kalamaula Homestead Association protests the arrangements made by DHHL for sharing water with the Department of Water Supply and the complete failure of DHHL to act as a fiduciary representative of the native Hawaiian beneficiaries. The limitation stated on page 3 limiting the issuance of interim permits, which is to be temporary until the reservations are set by rule, is a limitation that should be placed on all permits on Molokai. Under the original version of the Hawaiian Homes Commission Act, all waters, for domestic or agricultural use, were to be first used for the benefit of Homesteaders.

b. The Kalamaula Homestead Association asserts that COWRM has no legal authority to issue interim permit subject to conditions that are based on federal restrictions.

c. In addition, the Kalamaula Homestead Association asserts that the Supremacy Clause of the United States Constitution nullifies the right of COWRM to set limitations on water use of

Item 10: Kalamaula Homestead Association, acting on behalf of Mr. Harry Aki, and other residents of Mauna Loa town, objects to applicant Molokai Ranch's request, and objects to the staff recommendation as to nos. 2 and 3, on the grounds that Molokai Ranch, under equitable doctrines of law, is acting with "unclean hands" in that it has failed to comply with the federal Safe Drinking Water Act in its delivery of water to Mauna Loa Town. Until this violation of federal standards is rectified, the applicant should not receive further sources of water.

Item 11: Kalamaula Homestead Association objects to the applicant, Maui Department of Water Supply to use 171,000 gallons for municipal use on the grounds that the Department of Water Supply has "unclean hands" in failing to enforce the intent of the consent decree between the state and Molokai Ranch as to the quality of water delivered to Mauna Loa Town. Kalamaula Homestead Association is willing to put on evidence of the failure of DO and Maui County to meet the terms of the decree and the terms of the Safe Drinking Water Act. Moreover, Kalamaula Homestead Association objects to the issuance of a water use permit to the County when there is present evidence of the county's failure to fully comply with environmental laws in terms of the proper closing of the landfill and dumpsite that exists on Kalamaula Homestead Property. The County should not be rewarded with permits for more water when they have failed to meet the quality requirements as to existing uses.

Item 13: Kalamaula Homestead Association objects to applicants proposal and agrees with the staff recommendation for a deferred public hearing on November 10. Objector asserts that the original purposes and terms of the Waikolu source have been violated to the benefit of the County and the detriment of Objector. Objector wishes to have the ability to prove its case at a later date.

Item 7: Objector, Kalamaula Homestead Association, opposes the staff recommendation on the grounds that the permit should be issued only after all needs of the native Hawaiian beneficiaries have been met. Moreover, it does not make any sense to grant such a permit prior to the full hearing and final determination of the rule to be heard on the reservation of homestead waters.
In conclusion, Objector seeks a consolidation of the 1:30 agenda with the 6:00 rule making agenda and finds that the attempt to proceed with permitting without a final rule as to reserved waters violates the intent of the state legislature. Objector thus reserves its right to seek judicial review, by way of a contested case proceeding, or otherwise as to all permits issued prior to finalizing the issues as to the rule reserving waters for Homesteaders.

DATED: September 13, 1993. Honolulu, Hawaii

Yours,

Williamson B.C. Chang
Counsel for Objector, Kalamaualaa Homestead Assn, Professor of Law, University of Hawaii
1993 September 15

TESTIMONY TO THE STATE OF HAWAII COMMISSION ON WATER RESOURCE MANAGEMENT

ITEM 3 Sea Life Park Wells

Background

The submittal mistakenly states that "no specific objections were filed." In fact, NHAC filed specific written objections to the application on September 3, 1993 (copy attached), focussing on issues of permit consolidation, wastewater, and water licensing.

Analysis & Issues

The submittal again mistakenly states that "no specific objections to this application have been submitted to the Commission."

Recommendation:

No action should be taken until applicant and the Commission respond to the specific objections filed by NHAC.

The recommendation should also include permitting of Well A as a back-up source.

NHAC would like to see the Commission suggest to BLNR and Land Management Division that water licenses are required for the proposed type of water use, since such uses have quantifiable economic value that can be shared with the State.

Public Notice

The submittal mistakenly states that "Written comments and objections to the proposed permit were to be submitted to the Commission by September 2, 1993." The public notice requires that persons "Send written objections by September 3, 1993 ..."

Objections/Comments

This section of the submittal omits NHAC's specific objections sent to the Commission on September 3, 1993.
ITEM 5 Wahikuli Irrigation Well 5440-01

Well Location

The proposed well seems very close to an unlabelled intermittent stream. Is there any possible connection between streamflow and aquifer dynamics in this area?

Analysis:

In non-designated areas, pump installation permitting is the one of the few controls available to the Commission for preventing harm to the resource from occurring. Issuance of a pump installation permit prior to pump testing seems to be a dangerous precedent which limits the Commission's options for proactive water management.

Water Availability.

What is existing use from the Honokowai System?

RECOMMENDATION:

If the Commission decides to issue the pump installation permit prior to pump testing under the proposed conditions, condition 2. should be amended to require the matter to be brought back to the entire Commission for decisionmaking if the pump test results reveal any potential problems with the 200 gpm capacity pump that would suggest installation of a smaller pump to better protect the resource.

ITEM 6 Kalaeloa Wells 1805.10-12

Analysis:

The submittal fails to mention if construction of the new wells has been completed and to analyze any pump test results. It seems that in this case the water use permit should not be amended until these activities are completed.

If the three new wells are to "... take the place of the existing six wells for operational efficiency," will the old wells be abandoned or maintained for system back-up? If they are not going to be maintained, they should be deleted from the amended water use permit and abandoned in accordance with Water Code requirements.
ITEM 7  Hawaiian Research Dug Wells 0501-04, 0601-01

Analysis & Issues

The submittal states that "... additional adverse impacts on other local wells, streams, and the Kamililoa aquifer system are not anticipated." Does this imply that identifiable adverse impacts already exist? If so, what are they? What baseline data exist to support the implication that six years of existing use leads to a conclusion that additional adverse impacts are not anticipated?

If "... data were only provided for the seven-month period from November 30, 1991 through June 30, 1992," does this mean that data were recorded for other periods but were not provided by the applicant? If so, these data should be obtained and incorporated in the analysis before recommendations for decisionmaking are submitted.

RECOMMENDATION

NHAC concurs with the recommendation to defer action until reservation of water for Hawaiian Home Lands is set by rule. We also suggest that action be further deferred until bulk allocation to the Maui Department of Water Supply is set by the Commission.

WATER USE PERMIT DETAILED INFORMATION

Nearby Surrounding Wells and Other Registered Ground Water Use

Identification, assessment, and evaluation of nearby surrounding streams, springs, seeps, pond, and other registered surface water use should also be required at this level of review.

ITEM 8  Kawela Ground Water Management Area 0352-10, 0456-17, 0456-04...

1. David W. Curtis

The presence of six wells immediately downgradient of the applicant's source which may be affected and the present lack of objections to the application emphasizes the need for the Commission to provide direct notice of proposed actions in designated water management areas to those who have already declared or are otherwise known to have interests that may be affected. If the Commission can readily identify these six wells, it can certainly mail notice of the permit applications directly to their owners and operators.

3. Kawela Plantation

Owners and operators of other downgradient wells should be served direct notice of the permit application and objections filed to date.
4. John Wm. Iaea, Jr.

Owners and operators of the wells immediately downgradient of the applicant's source which may be affected should be served direct notice of the permit application and be afforded additional opportunity to file their objections.

ITEM 9  Kualapuu Water Management Area 301-01, 602-01

NHAC would like the record to reflect DHHL's continuing and increasing reliance upon the principle that their right of first call will be effectuated with a sense of immediacy. In addition to constitutional and statutory language DHHL's reliance may also rest in large part upon statements of Deputy Attorney General Tam that reflect both recognition of the primacy of DHHL's water rights and the attendant potential State liability to other private parties who may be required to cut back should exercise of DHHL's first call adversely affect them.

ITEM 10  Manawainui Ground Water Management Area 001-07, 025-01, 013-03

Oral testimony may be presented.

ITEM 11  Uualapue Ground Water Management Area 036-12, 044-01, 044-01

Analysis & Issues

1 & 2. The ongoing establishment of existing uses in an aquifer system should not of itself be a deterrent to restoring currently unused water sources to their previous uses. What "more definite plan for use" does the Commission propose beyond the statement that agricultural irrigation will take place? Without the permit, the applicant is prevented from showing his ability to implement the proposed plan. Perhaps a better solution is to issue an interim permit pending resolution of other allocations issues and applicant's demonstration of his ability to actually use the requested allocation.

3. The submittal fails to mention the specific objections to this permit application filed by the NHAC. We understand that Maui DWS is currently preparing a response to our objections, and ask that the Commission defer action on this item until both the objections and response are available to the Commissioners.

ITEM 13  Department of Agriculture Waikolu Wells 035-01, 014

Analysis & Issues

The submittal should also note that specific objections to the application were sent on time by NHAC (copy attached), further
supporting the staff's recommendation that public hearings be initiated prior to decisionmaking.

Mahalo,

David L. Martin

David L. Martin, Water Claims Manager

Att.
Chairperson and Members
Commission on Water Resource Management
State of Hawaii
Honolulu, Hawaii

Gentlemen:

Water Use Permit Applications
Kawela Ground Water Management Area, Molokai

Applicant: Landowner:

1. (Well No. 0352-10)
   David W. Curtis
   P.O. Box 1829
   Kaunakakai, HI 96748

2. (Well No. 0456-17)
   R.M. Granger
   P.O. Box 371
   Kaunakakai, HI 96748

3. (Well No. 0456-04)
   (Well Nos. 0456-04, 06, 08)
   Kawela Plantation Homeowners Assoc.
   P.O. Box 698
   Kaunakakai, HI 96748

4. (Well No. 0456-16)
   John Wm. Iaea, Sr.
   P.O. Box 405
   Kaunakakai, HI 96748

5. (Well 0457-01)
   Maui Dept. of Water Supply
   P.O. Box 1109
   Wailuku, Maui, HI 96793

   Same

   Same

   Tartt, Inc.
   Kaunakakai, HI 96748

   D.E. Johnson
   P.O. Box 371
   Kaunakakai, HI 96748

   Kawela Plantation Homeowners Assoc.
   P.O. Box 698
   Kaunakakai, HI 96748

   Same

   Same

Background

Specific information regarding the completed applications, submittal date, source, use, notification, objections, and field investigation(s) are described in Attachment A and the attached exhibits.

A total of 23 applications for water use permit have been submitted to the Commission for the Kawela Aquifer System requesting a total of 1.786 mgd (see Exhibit 2). Of these requests one permit has been granted for 2,000 gpd (Well No. 0352-11), nine (9) require action, eight (8) are tentatively scheduled for November 11, 1993 action, and five (5) applications are incomplete pending further information from the applicant. To date, the total actual pending requests for ground water is 1.768 mgd (0.020 mgd are incomplete but are possible requests for ground water).

Analysis & Issues

In general, there are thirty-five (35) potential well sites in the Kawela Aquifer System. The 1992 Draft of the Molokai Water Use and Development Plan estimated that the total existing withdrawal from the Kawela Aquifer System is 0.31 mgd as of 1990,
Chairperson and Members
Commission on Water Resource Management
September 15, 1993

but only includes the County Water Supply’s portion. The Final Report of the Molokai Working Group Estimated the actual use from the Kawela Aquifer System to be 0.52 mgd. The total quantity of water requested, including incomplete applications, to date is about 36% of the Kawela Aquifer System's sustainable yield. Therefore, there does not appear to be a potential over-pumping situation in this aquifer system.

The Final Report of the Molokai Working Group (MWG) did not include specific recommendations for the Kawela Aquifer System, but listed general guidelines for the Southeast Aquifer Sector as follows:

1. Limit ground water withdrawal to 50% of its developable yield subject to verification of existing users and water use permits.

2. Any withdrawals from this Sector should not diminish water supplies and supply availability for traditional uses, including taro patches and fishponds.

3. Development of additional water from the Southeast Aquifer Sector should be reserved first for residences of this Sector who are not yet served.

In light of the MWG recommendations, the applicants and their requests scheduled for action are summarized as follows:

1. **David W. Curtis** - This water use permit is in combination with an after-the-fact pump installation permit. The water use permit application is for existing source requesting an existing use of potable water from the Kawela Aquifer System for irrigation of six (6) acres of papaya & nursery. This request is to continue a use that has been in existence since 1989. The field investigation verified that about four (4) acres of ornamental palms, papaya, and citrus trees.

   Using the Oahu Water Requirement Forecast and papaya, the thirstiest plant on his application, for the entire 4 acres, the required the estimated need of the applicant for irrigation is 20,000 gpd. The applicant has not submitted any water use reports to date. However, during the field investigation the applicant indicated that he uses about 5,400 gpd calculated by his 6 pump capacities, each @ 15 gpm, run for 1 hour each day plus domestic use at one home (additional 600 gpd). Therefore, the applicant’s request for 50,000 gpd seems excessive.

   There are six (6) wells immediately downgradient of the applicant’s source which may be affected (See Exhibit 1A). Since the quantity of water requested is relatively small, the request for an existing use, and there have been no objections to this application, there does not appear to be adverse impacts on other local wells. Granting of this existing use would not appear to jeopardize the recommendations by the MWG.

   An issue regarding this application is that on June 17, 1992, a pump installation permit application was submitted to the Commission. Subsequently, staff requested that a water use permit application be filed in conjunction with the pump installation permit. No action was taken on either application in accordance with the Commission’s designation condition that the Molokai Working Group would first formulate guidelines before any action on water use permits would take place. The field investigation on October 12, 1992 revealed that the applicant had installed a pump in 1989 and had been pumping prior to designation. Therefore, the applicant applied for a genuine existing use but also an after-the-fact pump installation permit.

2. **R.M. Granger** - The application is for an existing water use of potable water from the Kawela Aquifer System for irrigation of four (4) acres of pasture and corn. The field investigation verified that there are four (4) acres of pasture for horse grazing.

   Using the Oahu Water Requirement Forecast for pasture, the thirstiest plant for his application, for the entire 4 acres, the estimated need of the applicant for irrigation is 16,000 gpd. The applicant has only supplied limited information on his pumpage with the latest report in April of 1991 with a use of only 1,000 gpd. However, during the field investigation the applicant indicated that he uses
about 3,700 gpd. Therefore, the applicant's request for 25,000 gpd seems slightly excessive.

There are no wells immediately downgradient of the applicant's source which may be affected (See Exhibit 1B). Additionally, no objections to this application have been submitted to date although the objection deadline is September 14, 1993. Should any objections be submitted by this deadline staff will present such objects to the Commission at the meeting date.

The quantity of water requested is relatively small, the request is for an existing use, and the unacceptable adverse impacts on other local wells, streams are not anticipated. Granting of this existing use would not appear to jeopardize the recommendations by the MWG.

3. **Kawela Plantation** - The applicant has three separate water use permit applications as follows:

a. (Well No. 0456-04) Breadfruit Well. for irrigation of 200 acres covering 81 lots & common areas in Unit I (see Exhibit 1C).

b. (Well Nos. 0456-06,08,09) DW3, DW2, & DW1 Wells, respectively. For domestic supply to Units I & II (see Exhibit 1C).

c. (Well No. 0457-04) Ag Well. For irrigational needs for Units II & III (See Exhibit C).

The three (3) water use permit applications are for the distribution set up shown in Exhibit 1D. The total number of 2 acre lots serviced through this set-up is 210. Of these, the field investigation verified that 50 lots were occupied as of January 11, 1993.

The applicant estimated that irrigation needs are 1,000 gpd/lot and 1,000 gpd/acre. Normal diversified agriculture estimates from the Oahu Water Requirement Forecasts would be about 7,784 gpd/acre for diversified agriculture. This would correspond to an existing total need of 778,400 gpd (50 x 2 acre lots).

However, the field investigation did not differentiate the proportion of the existing occupied lots to the water distribution system. Therefore, there are several wells downgradient of the sources and, in fact, objections have been raised to the use of the applicants wells. The objector has wells and property interests in the area and should therefore have standing.

This objection requires that the applications go to public hearing. Such a public hearing will also help to ensure establishment of reasonable quantum of domestic and irrigation demand.

4. **John Wm. Iaea, Jr.** - The application is for an existing source requesting an existing use of potable water from the Kawela Aquifer System for irrigation of two (2) acres of flowers and 3 homes. The field investigation verified the source and use of 3 homes and 2 acres of pikake.

Using the Oahu Water Requirement Forecast and floriculture for 2 acres, the required the estimated need of the applicant for irrigation is 14,800 gpd. The applicant has not supplied any information on his actual pumpage. Therefore, it would appear that the applicant's request is too low.

There are two (2) wells immediately downgradient of the applicant's source which may be affected (See Exhibit 1E). However, no objections to this application have been submitted to date although the objection deadline is September 14, 1993. Should any objections be submitted by this deadline staff will present such objects to the Commission at the meeting date.

Since the quantity of water requested is relatively small, the request is for an existing use, unacceptable adverse impacts on other local wells, streams, and the Kawela Aquifer System are not anticipated. Granting of this existing use would not appear to jeopardize the recommendations by the MWG.
5. **Maui DWS** - The application is for an existing source requesting an existing use of potable water from the Kawela Aquifer System for municipal needs of the County of Maui's Kaunakakai-Kawela Municipal System. The field investigation verified that the source is a dug well with two (2) pumps inside. At the date of the field investigation, new pump equipment seemed to be ready for installation. Staff contacted the Maui DWS and found that the applicant has put the project on hold. Staff reminded the applicant that a pump installation permit is necessary prior to installation work for the new equipment.

The current 12-month moving average for reported pumpage from this well is 0.346 mgd. From the field investigation, the applicant verbally estimated the use ranges from 0.310 to 0.370 mgd per month. Therefore, the applicant’s request for 0.432 mgd seems slightly higher than the actual existing use.

There are no wells immediately downgradient of the applicant’s source which may be affected (See Exhibit 1F). No objections to this application have been submitted to date although the objection deadline is September 14, 1993. Should any objections be submitted by this deadline staff will present such objections to the Commission at the meeting date. Granting this existing use would not appear to jeopardize the recommendations by the MWG.

**RECOMMENDATION**

Staff makes the following recommendations to the Commission as follows:

1. That the Commission approve the issuance of a after-the-fact pump installation permit and an interim water use permit to David W. Curtis to use 5,400 gallons per day of potable water from the Kamalo-C Well (Well No. 0352-10) for the reasonable and beneficial use of irrigation of 6 acres of nursery, subject to the standard water use permit conditions listed in Attachments B and the following special conditions:

   a. The applicant may continue this existing use of ground water within the limits approved by the Commission and the actual issuance of the interim permit shall not be a reason to interrupt this existing use. The applicant must pay a $50.00 fine for installing a pump without a pump installation permit, as specified in his well construction permit. This fine will cover the filing fee required for the after-the-fact pump installation permit.

   b. That this applicant may submit his monthly measurements on a yearly basis.

   c. That if a single meter at his well is used, the Commission shall allow an additional 600 gpd to his water use permit level for his domestic needs although a permit for this use is not required. Otherwise, the applicant must provide a meter to separately measure the irrigation consumption.

2. That the Commission approve the issuance of an interim water use permit to R.M. Granger to use 16,000 gallons per day of brackish water for use from the Johnson Well (Well No. 0456-12) subject to the standard water use permit conditions listed in Attachment B and the following special conditions:

   a. The applicant may continue this existing use of ground water within the limits approved by the Commission and the actual issuance of the interim permit shall not be a reason to interrupt this existing use.

3. That the Commission defer action on the application to allow staff to initiate public hearing proceedings for this application. The tentative date for this public hearing is November 10, 1993. In the meantime, the applicant shall be allowed to continue pumping the existing sources as needed.

4. That the Commission approve the issuance of an interim water use permit to the John Wm. Iaea, Sr. to use 14,800 gallons per day of potable water for use from the Kawela-iaea #3 Well (Well No. 0456-16), subject to the standard water use permit conditions listed in Attachment B and the following special conditions:
Chairperson and Members
Commission on Water Resource Management
September 15, 1993

a. The applicant may continue this existing use of ground water within the limits approved by the Commission and the actual issuance of the interim permit shall not be a reason to interrupt this existing use.

b. That this applicant may submit his monthly measurements on a yearly basis.

c. That if a single meter at his well is used, the Commission shall allow an additional 600 gpd to his water use permit level for his domestic needs although a permit for this use is not required. Otherwise, the applicant must provide a meter to separately measure the irrigation consumption.

5. That the Commission approve the issuance of an interim water use permit to the Maui Dept. of Water Supply to use 370,000 gallons per day of potable water from the Kawela Shaft Well (Well No. 0457-01) for the reasonable and beneficial use of municipal supply for the Kaunakakai-Kawela Distribution System, subject to the standard water use permit conditions listed in Attachment B and the following special conditions:

a. The applicant may continue this existing use of ground water within the limits approved by the Commission and the actual issuance of the interim permit shall not be a reason to interrupt this existing use.

Respectfully submitted,

RAE M. LOUI
Deputy Director

APPROVED FOR SUBMITTAL:

KEITH W. AHUE, Chairperson

P.M. Garden — Willреверсив to apje

1. Private land - cannot exist alone to be left out.

2. Kakauina food may be threatened

3. Inefficiency

4. NHA does not represent her

5. 

Attach.

Petition to intervene - expired on 9/14 deadline object.

Critics - "modern bölge" violations shop on us with.

Composure - Older data data needed.

Kawela - urban use rather than D. AG

Incomprehensible - more data.

NBA - no proof that will not effect.

All worse should be deferred otherwise.

Keith W. Fahe
**WATER USE PERMIT DETAILED INFORMATION**

**Source Information**

**AQUIFER:**
- **KAWELEA System, SOUTHEAST Sector, MOLOKAI**
  - Sustainable Yield: 5 mgd
  - Existing Water Use Permits: 0.002 mgd
  - Available Allocation: 4.998 mgd
  - *Total of other pending allocations: 1.784 mgd

*Note: Includes incomplete application requests*

1. **WELL:**
   - **Kamalo-C 0352 Well (Well No. 0352-10)**
     - **Location:** 10 Miles East Kam Hwy, Molokai, TMK:5-6-7:37
     - **Year Drilled:** 1989
     - **Casing Diameter:** 4 in.
     - **Elevations (msl = 0 ft.)**
       - **Water Level:** below ground level by 45 ft.
       - **Ground:** approximately 43 ft.
       - **Bottom of Solid Casing:** below ground level by 45 ft.
       - **Bottom of Perforated:** none ft.
       - **Bottom of Open Hole:** below solid casing by 30 ft.
     - **Total Depth:** 75 ft.
     - **Grouted Annulus Depth:** NA ft.

2. **WELL:**
   - **Johnson Well (well No. 0456-17)**
     - **Location:** Near Kakahaia Pond, Molokai, TMK:5-4-1:11
     - **Year Drilled:** 1976
     - **Casing Diameter:** 8 ft dia. dug
     - **Elevations (msl = 0 ft.)**
       - **Water Level:** 3.5 ft.
       - **Ground:** 20 ft.
       - **Bottom of Solid Casing:** NA ft.
       - **Bottom of Perforated:** NA ft.
       - **Bottom of Open Hole:** 1 ft.
     - **Total Depth:** 19 ft.
     - **Grouted Annulus Depth:** NA ft.

3.a. **WELL:**
   - **Breadfruit Well (Well No. 0456-04)**
     - **Location:** Kawela, Molokai, TMK:5-4-1:26
     - **Year Drilled:** 1921
     - **Casing Diameter:** 6’ x 8’ dug
     - **Elevations (msl = 0 ft.)**
       - **Water Level:** 1.8 ft.
       - **Ground:** 30 ft.
       - **Bottom of Solid Casing:** NA ft.
       - **Bottom of Perforated:** NA ft.
       - **Bottom of Open Hole:** -4 ft.
     - **Total Depth:** 34 ft.
     - **Grouted Annulus Depth:** NA ft.

3.b. **WELL:**
   - **DW3 Well (Well No. 0456-06)**
     - **Location:** Kawela, Molokai, TMK:5-4-14:17
     - **Year Drilled:** 1980
     - **Casing Diameter:** 6 in.
     - **Elevations (msl = 0 ft.)**
       - **Water Level:** 3.4 ft.
       - **Ground:** 223 ft.
Chairperson and Members
Commission on Water Resource Management

September 15, 1993

**WELL:**
<table>
<thead>
<tr>
<th>Location:</th>
<th>DW2 Well (Well No. 0456-08)</th>
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<tbody>
<tr>
<td>Year Drilled:</td>
<td>1980</td>
</tr>
<tr>
<td>Casing Diameter:</td>
<td>6 in.</td>
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<tr>
<td>Elevations (msl = 0 ft.)</td>
<td></td>
</tr>
<tr>
<td>Water Level:</td>
<td>NA ft.</td>
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<tr>
<td>Ground:</td>
<td>235 ft.</td>
</tr>
<tr>
<td>Bottom of Solid Casing:</td>
<td>3 ft.</td>
</tr>
<tr>
<td>Bottom of Perforated:</td>
<td>-7 ft.</td>
</tr>
<tr>
<td>Bottom of Open Hole:</td>
<td>-9 ft.</td>
</tr>
<tr>
<td>Total Depth:</td>
<td>233 ft.</td>
</tr>
<tr>
<td>Grouted Annulus Depth:</td>
<td>NA ft.</td>
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</table>

**WELL:**
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<tr>
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<th>DW1 Well (Well No. 0456-09)</th>
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<td>Year Drilled:</td>
<td>1980</td>
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<td>Casing Diameter:</td>
<td>6 in.</td>
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<tr>
<td>Elevations (msl = 0 ft.)</td>
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<tr>
<td>Water Level:</td>
<td>NA ft.</td>
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<tr>
<td>Ground:</td>
<td>225 ft.</td>
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<tr>
<td>Bottom of Solid Casing:</td>
<td>1 ft.</td>
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<tr>
<td>Bottom of Perforated:</td>
<td>-9 ft.</td>
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<tr>
<td>Bottom of Open Hole:</td>
<td>-10 ft.</td>
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<td>Total Depth:</td>
<td>244 ft.</td>
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<tr>
<td>Grouted Annulus Depth:</td>
<td>NA ft.</td>
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3.c. **WELL:**
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<tr>
<th>Location:</th>
<th>AG #1 Well (Well No. 0457-04)</th>
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<td>Year Drilled:</td>
<td>NA</td>
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<tr>
<td>Casing Diameter:</td>
<td>NA in.</td>
</tr>
<tr>
<td>Elevations (msl = 0 ft.)</td>
<td></td>
</tr>
<tr>
<td>Water Level:</td>
<td>NA ft.</td>
</tr>
<tr>
<td>Ground:</td>
<td>NA ft.</td>
</tr>
<tr>
<td>Bottom of Solid Casing:</td>
<td>NA ft.</td>
</tr>
<tr>
<td>Bottom of Perforated:</td>
<td>NA ft.</td>
</tr>
<tr>
<td>Bottom of Open Hole:</td>
<td>NA ft.</td>
</tr>
<tr>
<td>Total Depth:</td>
<td>244 ft.</td>
</tr>
<tr>
<td>Grouted Annulus Depth:</td>
<td>NA ft.</td>
</tr>
</tbody>
</table>

4. **WELL:**
<table>
<thead>
<tr>
<th>Location:</th>
<th>Kawela-Iaea #3 Well (Well No. 0456-16)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year Drilled:</td>
<td>NA</td>
</tr>
<tr>
<td>Casing Diameter:</td>
<td>NA in.</td>
</tr>
<tr>
<td>Elevations (msl = 0 ft.)</td>
<td></td>
</tr>
<tr>
<td>Water Level:</td>
<td>NA ft.</td>
</tr>
<tr>
<td>Ground:</td>
<td>NA ft.</td>
</tr>
<tr>
<td>Bottom of Solid Casing:</td>
<td>NA ft.</td>
</tr>
<tr>
<td>Bottom of Perforated:</td>
<td>NA ft.</td>
</tr>
<tr>
<td>Bottom of Open Hole:</td>
<td>NA ft.</td>
</tr>
<tr>
<td>Total Depth:</td>
<td>NA ft.</td>
</tr>
<tr>
<td>Grouted Annulus Depth:</td>
<td>NA ft.</td>
</tr>
</tbody>
</table>

ATTACHMENT A
Chairperson and Members
Commission on Water Resource Management
September 15, 1993

5. WELL:

Kawela Shaft (Well No. 0457-01)
Kawela, Molokai, TMK:5-4-1:50
1921
NA in.

Location: P.O. BOX 1829 at TMK: 5-6-7:37
Year Drilled: 1921
NA ft.
NA ft.
NA ft.
NA ft.
NA ft.

Casing Diameter: 36 ft.
NA ft.

Elevations (msl= 0 ft.)
Water Level:
Ground:
Bottom of Solid Casing:
Bottom of Perforated:
Bottom of Open Hole:

Total Depth: 38 ft.
Grouted Annulus Depth: NA ft.

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Use Information

1. Quantity Requested: 50,000 gallons per day.
Existing Type of Water Use: Irrigation of 6 acres of papaya & nursery.
Place of Water Use: P.O. BOX 1829 at TMK: 5-6-7:37
Reported Water Usage: NA gpd
Nearby Similar Water Usage: NA gpd

2. Quantity Requested: 25,000 gallons per day.
Existing Type of Water Use: Irrigation of 4 acres of pasture, corn crop and livestock
Place of Water Use: Near Kakahaia Pond at TMK: 5-4-1:11
Reported Water Usage: 1,000 gpd
Nearby Similar Water Usage: NA gpd

3.a. Quantity Requested: 250,000 gallons per day.
Existing Type of Water Use: Irrigation of 200 acres covering 81 lots & common
Place of Water Use: Kawela Plantation Unit 1 at TMK: 5-4-14:various
Reported Water Usage: NA gpd
Nearby Similar Water Usage: NA gpd

3.b. Quantity Requested: 300,000 gallons per day.
Existing Type of Water Use: Domestic use for 210 ag units
Place of Water Use: Kawela Plantation 1,2,& 3 at TMK: 5-4-14:various
Reported Water Usage: 35,000 gpd
Nearby Similar Water Usage: NA gpd

ATTACHMENT A
Chairperson and Members  
Commission on Water Resource Management  
September 15, 1993

3.c. Quantity Requested: 225,000 gallons per day.  
Existing Type of Water Use: Irrigation of 300 acres over 139 lots  
Place of Water Use: Kawela Plantation 2 & 3 at TMK: 5-4-15:various  
Reported Water Usage:  
Nearby Similar Water Usage: NA gpd

4. Quantity Requested: 1,000 gallons per day.  
Existing Type of Water Use: Supply 3 homes, irrigate 2 acres flowers  
Place of Water Use: Kawela. Molokai at TMK: 5-4-1:52  
Reported Water Usage:  
Nearby Similar Water Usage: NA gpd

5. Quantity Requested: 432,000 gallons per day.  
Existing Type of Water Use: Municipal use  
Place of Water Use: In the Kaunakakai-Kawela water system  
Reported Water Usage:  
Nearby Similar Water Usage: 0.346 gpd

Kawela Aquifer System  
Current 12-Month Moving Average Withdrawal: 0.446 gpd  
(9% of SY)

Nearby Surrounding Wells and Other Registered Ground Water Use

In general, there are thirty-five (35) potential well sites in the Kawela Aquifer System. The 1992 Draft of the Molokai Water Use and Development Plan estimated that the total existing withdrawal from the Kawela Aquifer System is 0.31 mgd as of 1990. The Final Report of the Molokai Working Group Estimated the actual use from the Kawela Aquifer System to be 0.76 mgd.

1. There are sixteen (16) other wells within a mile of the well (see Exhibit 1A). Eleven (11) of these wells are currently in use. Six (6) of these wells are located downgradient.

2. There are twenty-six (26) other wells within a mile of the well (see Exhibit 1B). Thirteen (13) of these wells are currently in use. No wells are located downgradient.

3.a.to c. There are twenty-one (21) other wells within a mile of the Kawela Plantation Homeowners Assoc. water system (See Exhibit 1C). Many of these wells are in use. Several wells are located downgradient.

4. There are twenty-six (26) other wells within a mile of the well (see Exhibit 1E). Thirteen (13) of these wells are currently in use. No wells are located downgradient.

5. There are sixteen (16) other wells within a mile of the well (see Exhibit 1F). Thirteen (13) of these wells are currently in use. No wells are located downgradient.

Public Notice

See Exhibit 2. In accordance with HAR §13-171-17, a public notices were published in the Star-Bulletin and copies of the notice were sent to the Mayor’s office and the Board of Water Supply. Additional notice copies were sent to the County Council and Department of Water Supply. Copies of the completed application were sent to the Department of Health, Department of Hawaiian Home Lands, Office of Hawaiian Affairs, Aquatic Resources & Historic Preservation Divisions of the Department of Land and

ATTACHMENT A
Chairperson and Members
Commission on Water Resource Management

Natural Resources, and other interested parties for comments. Written comments and objections to the proposed permit were to be submitted to the Commission according to Exhibit 2 with the exception of September 13, 1993 dates; these should be September 14, 1993.

Objections

The public notice specifies that an objector meet the following requirements: (1) state property or other interest in the matter; (2) set forth questions of procedure, fact, law, or policy, to which objections are taken; (3) state all grounds for objections to the proposed permits, (4) provide a copy of the objection letter(s) to the applicant, and (5) submit objections meeting the previous requirements to the Commission according to Exhibit 2.

All objections and/or comments to each application are summarized as follows:

<table>
<thead>
<tr>
<th>Application</th>
<th>Objection</th>
<th>Objection</th>
</tr>
</thead>
<tbody>
<tr>
<td>All</td>
<td>NHAC</td>
<td>General process of water use permit applications. No specific objections to this application.</td>
</tr>
<tr>
<td>3. a. to c.</td>
<td>Wilma K. Grambusch</td>
<td>See Attachment C.</td>
</tr>
</tbody>
</table>

Briefs in Support

Responses to objections, or briefs in support, regarding the application are required to be filed with the Commission ten (10) days after an objection is filed and, presumably, copies are served to the applicant. The following briefs in support for each applicant are summarized as follows:

<table>
<thead>
<tr>
<th>Application</th>
<th>Supporter</th>
<th>Statement</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 a. to c.</td>
<td>Various</td>
<td>See Attachment D.</td>
</tr>
</tbody>
</table>

Field Investigation

The water sources and existing uses were investigated as follows:

1. October 12, 1992. Verified 4 acres of ornamental palms, papaya, and citrus trees. Estimated use is 5,400 gpd for irrigation plus domestic use for one home.


3. a. to c. January 11, 1993. Verified 50 of the total 210 lots are occupied. Estimated use is 1,000 gpd/lot for irrigation and 1,000 gpd/lot domestic.

4. 

5. February 10, 1993. Verified that the source existed. At the time new motor and pump was being prepared at site for installation. Well has meter. Applicant estimated pumpage at 0.310 mgd to 0.367 mgd annual average.

ATTACHMENT A
STANDARD WATER USE PERMIT CONDITIONS

1. The ground water described in the water use permit may only be taken from the location described, used for the reasonable-beneficial use described, and at the location described above and in the attachments. Reasonable-beneficial use means "the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is not wasteful and is both reasonable and consistent with the state and county land use plans and the public interest." (HAR §13-171-2).

2. The right to use ground water is a shared use right.

3. The water use must at all times meet the requirements set forth in HAR §13-171-13 which means that it:
   a. Can be accommodated with the available water source;
   b. Is a reasonable-beneficial use as defined in section §13-171-2;
   c. Will not interfere with any existing legal use of water;
   d. Is consistent with the public interest;
   e. Is consistent with state and county general plans and land use designations;
   f. Is consistent with county land use plans and policies; and
   g. Will not interfere with the rights of the Department of Hawaiian Home Lands as provided in section 221 of the Hawaiian Homes Commission Act and 174C-101(a), HRS.

4. The ground water use approved must not interfere with surface or ground water rights or reservations.

5. The ground water use approved must not interfere with interim or permanent instream flow standards. If it does, then:
   a. A separate water use permit for surface water must be obtained in the case an area is also designated as a surface water management area;
   b. The interim or permanent instream flow standard, as applicable, must be amended.

6. The water use permit is subject to the requirements of the Hawaiian Homes Commission Act, as amended, if applicable.

7. The water use permit application and staff submittal approved by the Commission at its September 15, 1993 meeting are incorporated into the permit by reference.

8. Any modification of the permit terms, conditions, or uses can only be made with the express written consent of the Commission on Water Resource Management.

9. The water use permit may be modified by the Commission and the amount of water initially granted to the permittee may be reduced if the Commission determines it is necessary to:
   a. Protect water sources in quantity, quality, or both;
   b. Meet other legal obligations including other correlative rights;
   c. Insure adequate conservation measures;
   d. Require efficiency of water uses;
   e. Reserve water for future uses, provided that all legal existing uses of water as of June 1987, shall be protected;
   f. Meet legal obligations to the Department of Hawaiian Homes, if applicable; or
   g. Carry out such other necessary and proper exercise of the State’s and the Commission’s police powers under law as may be required.

Prior to any reduction, the Commission shall give notice of its proposed action to the permittee and provide the permittee an opportunity to be heard.

10. If the ground water source does not presently exist, the new well shall be completed, i.e.
able to withdraw water for the proposed use on a regular basis, within twenty-four (24) months from the date the water use permit is approved.

11. An approved flowmeter(s) must be installed to measure withdrawals and a monthly record of withdrawals, water-levels, salinity, and temperature must be kept and reported to the Commission on a monthly basis in accordance with the Commission's September 16, 1992 action on reporting requirements;

12. The water use permit shall be subject to the Commission's periodic review of the applicable aquifer's sustainable yield. The amount of ground water use authorized by the permit may be reduced by the Commission if the sustainable yield of the KA WELA Aquifer System, or relevant modified aquifer, is reduced;

13. The water use permit may not be transferred or the use rights granted by this permit sold or in any other way alienated. Pursuant to HAR §13-171-25 and the requirements of Chapter 174C, the Commission has the authority to allow the transfer of the permit and the use rights granted by the permit in a manner consistent with HAR §13-171-25. Any such transfer shall only occur with the Commission's prior express written approval. Any sale, assignment, lease, alienation, or other transfer of any interest in this permit shall be void.

14. The use(s) authorized by law and by the water use permit do not constitute ownership rights.

15. The permittee shall request modification of the permit when necessary to comply with all applicable laws, rules, and ordinances which will affect the permittee's water use.

16. The permittee shall prepare and submit a water shortage plan within 30 days of issuance of the permit to assist the Commission in fulfilling HAR §13-171-42(c). The permittee's water shortage plan shall identify what the permittee is willing to do should the Commission declare a water shortage in the KA WELA Ground Water Management Area.

17. The water use permit granted shall be an interim water use permit, pursuant to HAR §13-171-21. The final determination of the water use quantity shall be made within five years of the filing of the application to continue the existing use.

18. The water use permit shall be issued only after AG review.
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O.Box 627
Honolulu, HI 96809
ATTN: ROY HARDY

July 6, 1993

Dear Sir,

I am writing this letter in response to the application of Kawela Plantation requesting 250,000 plus 225,000 gallons per day from their wells as noted from their existing wells on Thursday, June 17, 1993 as published in the Honolulu Star Bulletin.

I am objecting to the amount of water requested from their wells whose source is the Kawela Aquifer. I am the land owner of TMK:5-04-01-29 which is in the pocket of the Kawela Plantation. I am also a native tenant on an Ahupuaa living on land for over 200 years, prior to the Mahele. My family lived on wells which continue today to be on my property. These wells have been registered with your department.

I object to the granting of Kawela Plantation's request for the amount of water per day for the following reasons; (1) I am a Native Tenant living on an Ahupuaa, Kawela, as granted for over 200 years; (2) I am a Native Hawaiian claiming Native Hawaiian water rights as I continue to farm the above named property. (3) My family has lived here from time immemorial. (4) The Kawela aquifer is a fragile aquifer and the Commission should consider all aspects of possible future growth in this area and the need for future water use. (5) I believe that the Commission has a responsibility to me as a Native Hawaiian in water use today and into the future in order to continue the life of my family; (6) The Commission needs to protect the life of others who do not live on large tracts of land, zoned for agriculture, such as the Kawela Plantation; (7) The Commission has a direct responsibility to insure all consumers of water and taxpayers that zoning on parcels of land with request for water use does in fact display intent of intended use which is a County of Maui responsibility however, water falls under your purview; (8) I register this

ATTACHMENT C
objection and demand that the State Water Commission protect and reserve my water rights as a Native Hawaiian, owner of private fee simple land, today and into the future;(9) I have a direct vested interest as a land owner at Kawela;(10) I am here today because of the Kawela Aquifer that gave life to my ancestors;(11) I demand the protective rights of the fragile Kawela Aquifer by your Commission.

I close with my pursuit to happiness in protective and reserved water rights for my children, grandchildren, and my life blood to come.

Yours truly,

Wilma K. Hambusch
Ms. Rae M. Loui, Deputy Director
Department of Land and Natural Resources
Commission on Water Resource Management
P.O. Box 621
Honolulu, Hawaii 96809

Subject: Response to objection to water use permits
for wells 0456-04, 06, 08, 09 & 0457-04.

Reference: Letter to Commission on Water Resource Management,
from the Native Hawaiian Advisory Council dated
July 8, 1993.

Dear Ms. Loui,

I have no comment on the procedural objections.

The objection on the Breadfruit Well No. 0456-04 states that "use
of potable water" it should be noted that this well is not
certified for potable use and to our knowledge has always been an
AG well.

Yours truly,

John F. Davis, President
Kawela Plantation
Homeowners Association

cc: Native Hawaiian Advisory Council
1088 Bishop Street
Suite 1024
Honolulu, HI 96813
July 19, 1993
Kaunakakai, HI 96748

Mr. Rae M. Loui, Deputy Director
Department of Land and Natural Resources
Commission on Water Resource Management
P.O. Box 621
Honolulu, Hawaii 96809

Subject: Response to objection to water use permits for wells 0456-04,06,08,09 &0457-04.


Dear Mr. Loui,

Kawela Plantation consists of a 6000 acre parcel with 500 acres subdivided into 210 two acre lots and roads to service them. There are currently 65 lots drawing water from the system. There are 2987 plants that have been planted in the common area along the roads in the plantation these include various trees and shrubs included on the attached list. We are currently pumping about 300,000 gallons of water a day from all of our wells on average.

To respond specifically to Mrs. Grambusch's objection:

1.) The Kawela Ahupuaa has been deeded to the Kawela Plantation Homeowners Association and its members. The association is responsible for the stewardship of this Ahupuaa. The plantation's plantings and its planting program are an indication of the quality of its stewardship. Mrs. Grambusch's property is not an Ahupuaa.

2.) Many of the owners of lots at Kawela Plantation are native Hawaiians. According to ancient Hawaiian law "all" people had water rights, and the water rights went with the land not with the person.

3.) Kawela Plantation has done nothing to interfere with the rights of the Grambusch family. The tree planting program in fact will lead to an improvement to the water shed and hence to the aquifer.

4.) Kawela Plantation owns the 6000 acres that is the Kawela Ahupuaa. The Plantation is limited to 210 lots, therefore the growth in this area will be from the current 65 water users to the 210 that are allowed on the Plantation.

5.) Kawela Plantation's plan for replanting native species throughout the Ahupuaa will improve the quality of the aquifer. This action will have a positive effect on the issue raised.

ATTACHMENT D
6.) I thought that the Commission was chartered to protect the water resource and that should really have nothing to do with the size of the parcel of land that one owns. It is not the size of the parcel that is significant but the density of the population and the intensity of the use. Kawela Plantation is limited to 210 residences on 6000 acres which is one residence for each 28.5 acres and only about 500 acres of the 6000 will be placed in production. This is lower density and less intensive use of the land than Mrs. Grambusch has on her lot. The individual lot owners in Kawela Plantation have two acre parcels, all smaller than Mrs. Grambusch's nine acres.

7.) The intent of the use of the water which has been requested is for agricultural purposes. A number of our lot owners have already had their lots inspected to demonstrate this usage.

8.) I am sure that Mrs. Grambusch's rights along with all the other residents of Molokai will be protected by the Commission.

9.) I agree that Mrs. Grambusch has a vested right as a land owner just as the 210 land owners at Kawela Plantation have vested rights.

10.) I can not deny that the waters of the Kawela aquifer nurtured Mrs. Grambusch's ancestors as it continues to nurture her and the families of the Kawela Plantation. Kawela Plantation recognizes this fact and accepts the responsibility of the stewardship of this valuable resource. Our plantings and native species reintroduction program are a testimony to this stewardship.

11.) We agree that the Kawela aquifer should be protected, which can only be done by a program of replanting and reforesting the watershed. Kawela Plantation as the owners of the Ahupua'a are the only ones with the power and the inclination to pursue this project.

Besides the points raised in the specific responses I believe that it is important to be aware of Kawela Plantation's commitment to the environment.

Kawela Plantation is currently identifying endemic species, propagating native species for reintroduction, improving beach front areas with plantings of native species, and working with local, state, and federal programs to protect and recharge our aquifer as a willing participant.

Each Kawela lot owner installs at their own expense an evapotranspiration system to ensure that no waste water reaches our aquifer. These systems cost from $6,000.00 to $15,000.00.

Kawela Plantation has been active in identifying and protecting the historic sites on our Ahupua'a. A large number of rare relics have been preserved through these efforts.
There have been no cattle run on the Kawela Ahupuaa since it has been deeded to Kawela Plantation nor does Kawela Plantation have any plan to run cattle on the Ahupuaa. The cattle did cause a lot of damage to the water shed it is however slowly recovering.

Kawela Plantation's request for water was based on 5000 gallons of AG water per lot per day half the amount normally allocated by the county for AG use. We are attempting to be conservative in our requests and conservers in our use of water.

In conclusion, Mrs. Grambusch has presented no evidence that Kawela Plantation's water use has or will in any way effect her water availability. The pumping allocation that the Commission has recommended for Kawela Plantation should be granted.

Yours truly,

[Signature]

(NINE OTHER IDENTICAL BRIEFS LIKE THIS W/OTHER SIGNATURES SUBMITTED).
Exhibit 1D

Diagram of the Kamea Plantation Water System

UNIT I

UNIT II

UNIT III

KAMEA PLANTATION
Well No. 0456-16

Exhibit 1E
Well No. 0457-01

Exhibit 1F
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Aquifer System: KAWELA

WATER USE PERMIT APPLICATION NOTICE STATUS REPORT 09/04/95

Page No. 1
Molokai Working Group

BREAKDOWN OF 2010 POTABLE WATER USE PROJECTIONS IN MGD

CENTRAL SECTOR
Manawainui System
1. Hawaiian Research 0.56

Kualapuu System
1. County DWS 0.94
2. DHHL 0.84
3. Kaluakoi Resort 2.14
4. Other State Projects 0.11
5. Palaau Industrial Park 0.20
6. Others (Kualapuu, Kala, Kipu) 0.20
Subtotal 4.43

NORTHEAST SECTOR
Kahanui System
1. National Park Service 0.22

Waikolu System
1. DOA MIS 2.70

SOUTHEAST SECTOR
Kanilolua System
1. Hawaiian Research 0.26

Kawela System
1. County DWS 0.32
2. Kawela Plantation 0.40
3. Kamalo Ranch 0.04
Subtotal 0.76

Ualapue System
1. County DWS 0.18
2. Kamalo Ranch 0.22
3. Place, M. J. 0.22
Subtotal 0.62

Alpha USA 2.01

WEST SECTOR

TOTAL 11.55

1 Water development source unidentified.

EXHIBIT 3
Molokai Working Group

NON-POTABLE WATER USE PROJECTIONS IN MGD*

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<td>2.50</td>
<td></td>
<td>2.5</td>
</tr>
<tr>
<td><strong>Molokai Ranch</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture, Dairy, Pastures:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Ag. Park - Kualapuu</td>
<td>7.70</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Coffee - 800 acres</td>
<td>1.50</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Dairy - 4,000 head</td>
<td>0.70</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Palm Nursery - brackish</td>
<td>0.30</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Feedlot</td>
<td>0.20</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Pastures</td>
<td>0.20</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Hay - assume all irrigated on Homesteads</td>
<td>0.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal Agriculture</strong></td>
<td></td>
<td>10.6</td>
<td></td>
<td>10.6</td>
</tr>
<tr>
<td><strong>Recreation:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Maunaloa Links</td>
<td>0.25</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Ironwoods</td>
<td>0.20</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Network</td>
<td>0.05</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal Recreation</strong></td>
<td></td>
<td>0.50</td>
<td></td>
<td>0.5</td>
</tr>
<tr>
<td><strong>Kaluakoi Resort</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreation: Golf Course Addition</td>
<td></td>
<td>0.00</td>
<td></td>
<td>2.8</td>
</tr>
<tr>
<td>(two 36-hole courses)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Alpha USA</strong></td>
<td></td>
<td>1.50</td>
<td></td>
<td>3.0</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td>20.52</td>
<td></td>
<td>42.9</td>
</tr>
</tbody>
</table>

*Estimates furnished by users and were accepted by working group without challenge.

1From DHHL projections
   From DOA - MIS average delivery = 7.5 mgd
   2/3 x 7.5 mgd = 5.0 mgd preference to DHHL
   1/3 x 7.5 mgd = 2.5 mgd for other MIS users
   Note: deficit from MIS of 0.42 mgd

2Assumes maximum usage of 1/3 of MIS for other users

3Water development source unidentified

4A portion of this projection will be met by the MIS and a portion from private sources

Note: Non-Potable Water Use Projections are for major agricultural and recreational uses in the central and western areas of the island. It does not include instreams uses, fishponds, taro patches, aquacultural projections, etc.

EXHIBIT 4
Molokai Working Group

BREAKDOWN OF EXISTING GROUNDWATER USAGE IN MGD

<table>
<thead>
<tr>
<th>Sector</th>
<th>System</th>
<th>Source</th>
<th>Usage (MGD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CENTRAL SECTOR</td>
<td>Manawainui System</td>
<td>Hawaiian Research</td>
<td>0.56</td>
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<tr>
<td></td>
<td>Kualapuu System</td>
<td>County DWS</td>
<td>0.59</td>
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<tr>
<td></td>
<td></td>
<td>DHHL</td>
<td>0.38</td>
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<tr>
<td></td>
<td></td>
<td>Kaluakoi Resort</td>
<td>0.82</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Subtotal</strong></td>
<td><strong>1.79</strong></td>
</tr>
<tr>
<td>NORTHEAST SECTOR</td>
<td>Kahanui System</td>
<td>National Park Service</td>
<td>0.22</td>
</tr>
<tr>
<td></td>
<td>Waikolu System</td>
<td>DOA MIS</td>
<td><strong>1.13</strong></td>
</tr>
<tr>
<td>SOUTHEAST SECTOR</td>
<td>Kamiloloa System</td>
<td>Hawaiian Research</td>
<td>0.26</td>
</tr>
<tr>
<td></td>
<td>Kawela System</td>
<td>County DWS</td>
<td>0.32</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Kawela Plantation</td>
<td>0.16</td>
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<tr>
<td></td>
<td></td>
<td>Kamalo Ranch</td>
<td>0.04</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Subtotal</strong></td>
<td><strong>0.52</strong></td>
</tr>
<tr>
<td></td>
<td>Ualapue System</td>
<td>County DWS</td>
<td>0.18</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Kamalo Ranch</td>
<td>0.22</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Place, M. J.</td>
<td>0.22</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Subtotal</strong></td>
<td><strong>0.62</strong></td>
</tr>
<tr>
<td>WEST SECTOR</td>
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<td></td>
<td>0.00</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td><strong>5.10</strong></td>
</tr>
</tbody>
</table>

EXHIBIT 6
Williamson B.C. Chang  
Attorney at Law  
969 Ahuwaile Place  
Honolulu, Hawaii 96821  
Tel: 808-377-1205  
Fax: 808-377-5096

Counsel for Kalamaula Homestead Association, an Unincorporated Association, Mrs. Wilma Grambusch, President  

September 13, 1993

Commission on Water Use Management  
Mr. Keith Ahue, Chairperson  
P.O. Box 621  
Honolulu, Hi 96820

Re: Matters raised at Meetings on Molokai, September 15th, 1:30 at Mitchell Pauoli Center and at 6:00 at Molokai High School

I. Request for Deferral of Several Matters scheduled for 1:30 until 6:00

On behalf of the Kalamaula Homestead Association, I wish to request deferral of decision-making on items 7-13 of the agenda for the Meeting of COWUM scheduled for 1:30 on September 15. Unfortunately, many of the members of the association, including myself, acting as counsel for the association, have work commitments which prevent us from attending the 1:30 meeting. We request that you keep open the record on these items, defer decision making and allow us to testify at the 6:00 meeting. The Kalamaula Homestead Association asserts that it has appropriate standing on all of these issues as its lands are sufficiently proximate to the applicants proposed use such that the association has an adequate property interest. The Association relies on the language of the RHCA, particularly section 221, which strongly states that the waters of Molokai, shall be first used to place homesteaders on the land.

II. Specific Objections to Applications:

0352-10, 0452-19, 0452-04, 0452-16, 0452-01

a. Item 8 -- application of Curtis, et al, Kawela Plantation Homeowners Association. The Kalamaula Homeowners Association objects to the application of David Curtis et al on numerous grounds:

1. The applicant's use will interfere with the 3(c)
standard water use permit conditions) and 3(g) "existing legal right" to the use of water by members of the Kalamaula Homestead Association. The rights of Homesteaders are defined by both congressional and state law and the barrier to homesteading has been the inability to obtain water. The rights of the association extend island-wide and thus all uses other than those for homesteading are subordinate to the rights of homesteaders not able to live on their lands due to failure to supply water. The strength of this right is obvious, since it is repeated a number of times in different parts of the standard water use permit conditions, particularly in 9(g) and section 6. Any issuance of a water use permit on Molokai should be deferred until the public hearing on the proposed rule. Chronologically, only after the rule authorizing reservation of waters is finalized, including the scope of aquifers which are affected, can water permits be issued on Molokai.

2. Request for 'Contested Case Proceeding': In the event that the Commission sees fit to proceed with the issuance of a water permit for the applicants in item 8, the Kalamaula Homestead Associations exercises its rights under Chapter 91 in seeking a contested case proceeding. The request for such a hearing requires the Commission to defer decision making.

   a. Request of DHHL for Water Use Permits: Kalamaula Homestead Association requests that this matter be consolidated with the proposed rule to be heard at 9:00 P.M.

   b. In addition, the Kalamaula Homestead Association asserts that the Department of Water Supply and the Hawaiian Homestead Association is not subservient to the rulemaking authority of COWRM and that the amounts set forth are grossly inadequate to meet the needs of the Kalamaula Homestead Association and its future plans. Objection: Kalamaula Homestead Association protests the arrangement made by DHHL for sharing water with the Department of Water Supply and the complete failure of DHHL to act as a fiduciary representative of the native Hawaiian beneficiaries. The limitation stated on page 3 limiting the issuance of interim permits, which is to be temporary until the reservations are set by rule, is a limitation that should be placed on all permits on Molokai. Under the original version of the Hawaiian Homes Commission Act, all waters, for domestic or agricultural use, were to be first used for the benefit of Homesteaders.

   c. The Kalamaula Homestead Association asserts that COWRM has no legal authority to issue interim permit subject to conditions that are based on federal restrictions.

   d. In addition, the Kalamaula Homestead Association asserts that the Supremacy Clause of the United States Constitution nullifies the right of COWRM to set limitations on water use of
Item 10: Kalamaula Homestead Association, acting on behalf of Mr. Harry Aki, and other residents of Mauna Loa town, objects to applicant Molokai Ranch's request, and objects to the staff recommendation as to nos. 2 and 3, on the grounds that Molokai Ranch, under equitable doctrines of law, is acting with "unclean hands" in that it has failed to comply with the federal Safe Drinking Water Act in its delivery of water to Mauna Loa Town. Until this violation of federal standards is rectified, the applicant should not receive further sources of water.

Item 11: Kalamaula Homestead Association objects to the applicant, Maui Department of Water Supply to use 171,000 gallons for municipal use on the grounds that the Department of Water Supply has "unclean hands" in failing to enforce the intent of the consent decree between the State and Molokai Ranch as to the quality of water delivered to Mauna Loa Town. Kalamaula Homestead Association is willing to put on evidence that Molokai Ranch is acting with "unclean hands" and that the applicant should not receive further sources of water.

Item 13 -- Kalamaula Homestead Association objects to applicants proposal and agrees with the staff recommendation for a deferred public hearing on November 10. Objector asserts that the original purposes and terms of the Waikolu source have been violated to the benefit of the County and the detriment of Objector. Objector wishes to have the ability to prove its case at a later date.

Item 7 -- Objector, Kalamaula Homestead Association, opposes the staff recommendation on the grounds that the permit should be issued only after all needs of the native Hawaiian beneficiaries have been met. Moreover, it does not make any sense to grant such a permit prior to the full hearing and final determination of the rule to be heard on the reservation of homestead waters.
In conclusion, Objector seeks a consolidation of the 1:30 agenda with the 6:00 rule making agenda and finds that the attempt to proceed with permitting without a final rule as to reserved waters violates the intent of the state legislature. Objector thus reserves its right to seek judicial review, by way of a contested case proceeding, or otherwise as to all permits issued prior to finalizing the issues as to the rule reserving waters for Homesteaders.

DATED: September 13, 1993. Honolulu, Hawaii

Yours,

Williamson B.C. Chang
Counsel for Objector, Kalamaualoa
Homestead Assn, Professor of Law,
University of Hawaii
Mr. David W. Curtis  
P.O. Box 1829  
Kaunakakai, HI 96748  

Dear Mr. Curtis:

Commission Submittal for your Water Use Permit  
Kawela Ground Water Management Area, Molokai

The Commission on Water Resource Management will be acting on your water use permit application for your Kamalo-C 0352 Well (Well No. 0352-10) at its September 15, 1993 meeting at 1:30 p.m. at the Mitchell Pauoli Center, in Kaunakakai, Molokai.

A copy of the submittal for action on your water use application is enclosed for your information and review. You may wish to attend the meeting in case the Commissioners have questions regarding your application. Otherwise, we will notify you of the Commission’s decision soon thereafter.

If you have any questions, please contact Roy Hardy at 587-0274.

Sincerely,

[Signature]

RAE M. LOUI  
Deputy Director

RH:fc  
Attach.
ITEM 8  
DAVID W. CURTIS, R.M. GRANGER, KAWELA PLANTATION HOMEOWNERS ASSOCIATION, JOHN UA& SR., AND MAUI DEPARTMENT OF WATER SUPPLY APPLICATIONS FOR WATER USE PERMITS, KAWELA GROUND WATER MANAGEMENT AREA, MOLOKAI

Ms. Grambusch objected to the amount of water being requested by the Kawela Plantation from the Kawela Aquifer. She felt the evening meeting on reservation of water should have taken place before the Commission meeting because all the applications being heard are affected by reservation of water.

A Petition to Intervene was filed by Michael Foulkes on behalf of Wilma Kamakana Grambusch, pursuant to the right to a contested case hearing under Section 174C-60 (see Commission files). Mr. Foulkes reviewed the petition asking for deferral of the applications.

Mr. Tam stated that the objector (Mrs. Grambusch) must file an application to be a party in a contested case hearing within ten days detailing the grounds for her objections so a determination on standing can be made. If she has legal standing on all five applications a public hearing will be held.

Unanimously approved for deferral for a public hearing process to possibly be held on November 10, 1993. Existing uses may continue. (Lewin/Cox).

ITEM 9  
DEPARTMENT OF HAWAIIAN HOME LANDS AND MAUI DEPARTMENT OF WATER SUPPLY APPLICATIONS FOR WATER USE PERMITS, KUALAPUU GROUND WATER MANAGEMENT AREA, MOLOKAI

1. DHHL Well Nos. 0801-01 & 02: Mr. Charley Ice, representing the Department of Hawaiian Home Lands, stated that the existing amount is acceptable but they would eventually have to come back to the Commission to request additional irrigation and potable water for future developments.

2. DWS Well No. 1059-01: Ms. Ellen Kraftsow of the Maui Department of Water Supply requested an amendment to 36,000 gpd (the amount used to currently serve the customers in Kalae) instead of 25,000 gpd being recommended.

NHAC presented testimony (see Commission files) asking that the Commission records reflect "DHHL's continuing and increasing reliance upon the principle that their right of first call will be effectuated with a sense of immediacy".

1. Unanimously approved (Nakata/Cox).

2. Unanimously approved with an amended water use of 36,000 gpd (Nakata/Cox).

ITEM 10  
MOLOKAI RANCH, LTD. APPLICATION FOR WATER USE PERMIT, MANAWAINUI GROUND WATER MANAGEMENT AREA, MOLOKAI

Mrs. Wilma Grambusch stated her concerns in regards to the wetland areas that may be affected by the applicant's request.
<table>
<thead>
<tr>
<th>TO:</th>
<th>INIT:</th>
<th>PLEASE:</th>
<th>REMARKS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>G. Matsumoto</td>
<td></td>
<td>See Me</td>
<td></td>
</tr>
<tr>
<td>E. Sakoda</td>
<td></td>
<td>Call</td>
<td></td>
</tr>
<tr>
<td>Y. Shiroma</td>
<td></td>
<td>Review &amp; Comment</td>
<td></td>
</tr>
<tr>
<td>E. Hirano</td>
<td></td>
<td>Take Action</td>
<td></td>
</tr>
<tr>
<td>D. Higa</td>
<td></td>
<td>Investigate &amp; Report</td>
<td></td>
</tr>
<tr>
<td>G. Bauer</td>
<td></td>
<td>Draft Reply</td>
<td></td>
</tr>
<tr>
<td>R. Rozeboom</td>
<td></td>
<td>Acknowledge Receipt</td>
<td></td>
</tr>
<tr>
<td>R. Hardy</td>
<td></td>
<td>Type Draft</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Type Final</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Xerox ___ copies</td>
<td></td>
</tr>
<tr>
<td>R. LOUI</td>
<td></td>
<td>FOR YOUR:</td>
<td></td>
</tr>
<tr>
<td>S. KOKUBUN</td>
<td></td>
<td>Approval</td>
<td></td>
</tr>
<tr>
<td>M. TAGOMORI</td>
<td></td>
<td>Signature</td>
<td></td>
</tr>
<tr>
<td>L. Nanbu</td>
<td></td>
<td>Information</td>
<td></td>
</tr>
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</table>
January 11, 1993

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

Attn: Roy Hardy

Ref: Kamalo-Curtis Well; State Well # 0352-10

Dear Sir:

In response to your recent request, I am enclosing pages 1, 2, 3 & 8 of our lease with T.T. Meyer Inc. which sets forth the requirement that we drill a well.

Please let me know if you need more information.

Sincerely yours,

David W. Curtis

encl.
RECORDATION REQUESTED BY:

T. T. Meyer, Inc.

AFTER RECORDATION, RETURN TO:

Otto S. Meyer
P. O. Box 156
Kaunakakai, HI 96748

RETURN BY:

Mail

The Original of the Document
Recorded as follows:
State of Hawai'i
Office of
Bureau of Conveyances
Received for record this 25th day of January 7th, 1977
at 10:04 A.M. and
Recorded at file 11974
on Page 339

LEASE
LEASE

THIS INDENTURE OF LEASE, made this 7th day of December, 1976, by and between T. T. MEYER, INC., a Hawaii corporation, of Kaunakakai, Island of Molokai, County of Maui, State of Hawaii, hereinafter called "LESSOR", and DAVID CURTIS and DOROTHE CURTIS, husband and wife, whose residence is Kamalo, Island of Molokai aforesaid and whose post office address is Post Office Box 1050, Kaunakakai, Molokai (96748), hereinafter called the "LESSEES";

W I T N E S S E S

That for and in consideration of the rent hereinafter reserved and of the covenants and agreements hereinafter mentioned to be paid, kept and performed by the Lessees, the Lessor hereby demise and lease unto the Lessees, as Tenants by the Entirety with full rights of survivorship, and the Lessees hereby lease and hire from the Lessor the following described premises:

ALL of that certain parcel of real property situate at Kumueli, Island of Molokai, County of Maui, State of Hawaii, bearing State Tax Map Key 5-6-007-037, containing an area of 8.0 acres.

TO HAVE AND TO HOLD the same unto the Lessees or the survivor or heirs of them on the following terms and conditions:

1.) USE OF PREMISES: The Lessees shall occupy and use said demised premises for agricultural and related purposes only.

2.) DURATION: The term of the Lease shall be Thirty-Five (35) years, commencing on 7th December, 1976, and ending on 6th December, 2011.
COVENANTS OF LESSEES:

4.) The Lessees do hereby covenant and agree:

(A) To pay said rent at the time and in the manner aforesaid;

(B) To use and occupy said premises in a careful and proper manner;

(C) To commit no waste therein;

(D) To not use or occupy said premises for any unlawful purpose; and that they will conform to and obey all present and future laws and ordinances, and all rules, regulations, requirements and orders of all governmental authorities or agencies, respecting the use and occupation of the leased premises;

(E) To fence the leased premises and to maintain all fences in good repair and condition;
(F) To plant, cultivate and maintain a proper hedge for windbreak purposes along the windward boundary of the leased premises;

(G) To have an irrigation well drilled on some portion of the leased premises selected by the Lessees and the Lessor to secure water for the irrigation of the leased premises and to have such well properly cased and equipped with motor, pipe, pump, and all other equipment necessary for pumping of water from such well for the irrigation of the lands to be cultivated by the Lessees, and to maintain such well and pump equipment in good condition through the term hereof at Lessees' own expense;

(H) To pay all taxes, charges and assessments that may during the term of this Lease be levied against the leased premises;

(I) To construct on said leased premises, at their sole cost, risk and expense, such buildings, structures and improvements as they may desire in accordance with all pertinent laws, ordinances and regulations.

All additions, changes and improvements placed on the leased premises by the Lessees shall remain thereon and shall not be removed therefrom, and at the expiration of this lease, all such improvements shall become the absolute property of the Lessor;

(J) To leave the premises at the expiration or prior termination of this lease in as good a condition as received or in
between the amount so obtained and the rent herein reserved;

(E) This lease and all the covenants, provisions and conditions herein contained shall inure to the benefit of and be binding upon the successors, executors, administrators, heirs and assigns of the parties hereto; provided, however, that no assignment by, from, through or under the Lessees in violation of any of the provisions hereof shall vest in the assigns any right, title or interest whatever.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first above written.

THE TERMS OF THIS LEASE MAY BE VOIDED AT THE OPTION OF EITHER PARTY IF, AT THE END OF ONE YEAR FROM DATE OF SIGNING, PERMANENT VEHICULAR ACCESS IS NOT PROVIDED.

T. T. MEYER, INC.

By

By

OTTO S. MEYER,
Its President

HENRY R. MEYER,
Its Secretary-Treasurer,

- Lessor.

DAVID CURTIS

DOROTHE CURTIS,
- Lessees. -
KUMUELI FARMS
P.O. Box 1829
Kaunakakai, Molokai, Hawaii 96748

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

Attn. Roy Hardy
FIELD MEMORANDUM

DECLARANT (File Reference): CURTIS DW

SITE VISIT DATE: October 12, 1992

PRESENT: David Curtis
          Sterling Chow

STATUS: Well 0352-10 (Kamalo-Curtis Well) currently in use.

SOURCE(S): (1) TMK: 5-6-7:37. USGS Kamalo quad (Mo-4). Well 0352-10 (Kamalo-Curtis Well).

USE(S): (1) TMK: 5-6-7:37. USGS Kamalo quad (Mo-4). Domestic use for one home (2 people) and irrigation of 4 acres of citrus trees, papaya, and palms.

FIELD NOTES:

1. Source: Four-inch diameter drilled well completed in summer of 1989 (Mr. Curtis estimates month of September). Total depth of well 75 feet, 45 feet solid casing and 30 feet open hole. Approximately 45 feet to water level. Water withdrawn using 1-1/2 hp electric motor with submersible 30 gpm pump and 1-1/2 inch diameter PVC outlet.

2. Use: Currently used for domestic use (1 home with 2 people) and drip irrigation of 4 acres of ornamental palms, papaya, and citrus trees.

3. Quantity: Per Mr. Curtis, the irrigation system has 6 circuits each using 15 gpm for one hour each day. This irrigation schedule is equivalent to 5400 gpd. Total estimated use is 5400 gpd for irrigation, plus domestic use for one home. Quantity used is not being measured.

4. Location: Source and use, TMK: 5-6-7:37. Using the GPS: latitude = 21 deg 03 min 30.7 sec N longitude = 156 deg 52 min 39.2 sec W

5. Ownership: Land leased by David Curtis from TT Meyer, Inc.

6. Well registered in Ground Water Index as well 0352-10 (Kamalo-Curtis Well).
Ms. Sarah E. Sykes  
P.O. Box 370  
Kaunakakai, Hawaii

Dear Ms. Sykes:

Testimony on Water Use Permit Application for David Curtis

We have received your letter regarding the above application.

The designation of Moloka'i as a ground water management area, effective July 15, 1992, has initiated the water use permit application process. The water use permit application process, defined under Administrative Rules Chapter 13-171, is summarized and attached for your information. There are statutory deadlines associated with notices and objections which must be met. Therefore, we must process these applications as required by law.

The water use permit process should help to resolve unsettled water issues on Moloka'i. Numerous notices are sent to government, public, and private entities and individuals to solicit comments and/or objections to a specific application. Objections may initiate public hearing proceedings where contested case hearings may be requested by those having standing. I can assure you that through this process, the Commission will address water issues on Moloka'i.

Finally, to be fair to all applicants, the Commission must accept and take action on any completed application without favoritism to one group over another. The water use permit process will aid the Commission in deciding to approve or disapprove existing or new water uses on Moloka'i.

Please let us know if you have objections specific to the above application. If you have any questions, please contact Ed Sakoda at 587-0225.

Sincerely,

RAE M. LOUI  
Deputy Director

RH:ko
Attach.
PERMIT APPLICATION PROCESS

NOTICES
(Public, List, Mayor, BWS Monthly Bulletin)

No Objections

CWRM ACTION

@ PERMIT

Objections

PUBLIC HEARING
(TESTIMONY)

CWRM ACTION

@ PERMIT

CONTESTED CASE

CWRM ACTION

@ PERMIT

* NOTE: WUPA < 25,000 gals/month no public hearing
@ Either interim or final, Contested case no time limit.

EFFECTIVE DATE OF DESIGNATION
September 11, 1992

TESTIMONY OF SARAH E. SYKES to the State of Hawai‘i - Department of Land and Natural Resources - Commission on Water Resource Management Regarding the Application of Dave Curtis for Kamalo-Curtis Well No. 0352-10.

Please incorporate by reference all of my testimony and correspondence to this commission regarding the designation of Molokai as a Water Management Area.

Until a Molokai working group on water issues is formed and operating, until there is a clear and public process for all applications relative to Molokai's unique situation, until we know how much water is actually available for use without harm to the environment, and until it has been determined just how much water DHHL will need to settle the Homelands, all applications for further water withdrawals should be held without action.

I have not yet received a copy of the Kamalo-Curtis application. But whatever the proposed use, until these primary matters are resolved, please return the application, since it really cannot be considered at this time...or please deny the request, leaving open the possibility that the applicant may re-apply in the future.

In general, it might be easier to simply not accept applications for Moloka‘i water use, except by taro farmers and DHHL...to effectively put a moratorium on the process, until the process is ready to receive applications.

Thank you for your careful consideration of these concerns.

Sincerely,

[Signature]

Sarah E. Sykes
P. O. Box 370
Kaunakakai, Hawaii
96748
553-3831
Ms. Sarah E. Sykes  
P.O. Box 370  
Kaunakakai, Hawaii 96748  

Dear Ms. Sykes:  

Water Use Permit Application  

As you requested, here is a copy of the application from David Curtis for KAMALO-C 0352, State Well No. 0352-10 and its corresponding public notice.  

At this time there are no recommendations from the Commission staff concerning this application. Recommendations will be available when the application is on the agenda for a regular Commission meeting.  

Should you have any questions, please contact the Commission on Water Resource Management staff at 587-0225.  

Sincerely,  

RAE M. LOUI  
Deputy Director  

RH:ky  
Enc.
August 31, 1992

Mr. William Paty
Chairperson
Department of Land and Natural Resources
Commission on Water Resource Management
State of Hawaii
Post Office Box 621
Honolulu, Hawaii 96809

SUBJECT: WATER USE PERMIT APPLICATION/UALAPUE GROUND WATER MANAGEMENT AREA, MOLOKAI TMK 5-6-7:37

Dear Mr. Paty: Bill,

We have reviewed the application for a water use permit for the well referenced above. The land is zoned agricultural and we find the use consistent with the zoning and land use planning. We have no objection to the granting of this permit for agricultural use only.

If you have any questions relating to this subject, please contact me directly at 243-7855, or have a member of your staff contact my Executive Assistant, Mr. Nolan G. Perreira, at the same number.

Sincerely,

LINDA CROCKETT LINGLE
Mayor, County of Maui

LCL:mlg
Honorable Linda Crockett Lingle
Mayor
County of Maui
200 South High Street
Wailuku, Hawaii 96793

Dear Mayor Lingle:

Public Notice for a Water Use Permit Application
Ulalapue Ground Water Management Area, Molokai

In accordance with the Department of Land and Natural Resources Administrative Rule, Section 13-171-17(a), we are sending you a copy of the public notice which was published in the Honolulu Star Bulletin.

In addition, Section 13-171-13(b), states:

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

We have attached a copy of the application for your review and would appreciate receiving your comments on whether the water use is consistent with county plans and policies within the next sixty days.

Very truly yours,

WILLIAM W. PATY

Attach.
Honorable Howard S. Kihune
Chair
County Council
County of Maui
200 South High Street
Wailuku, Hawaii 96793

Dear Chairman Kihune:

Public Notice for a Water Use Permit Application
Ualapue Ground Water Management Area, Molokai

In accordance with the Department of Land and Natural Resources Administrative Rule, Section 13-171-17(a), we are sending you a copy of the public notice which was published in the Honolulu Star Bulletin.

In addition, Section 13-171-13(b), states:

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

We have attached a copy of the application for your review and would appreciate receiving your comments on whether the water use is consistent with county plans and policies within the next sixty days.

Very truly yours,

WILLIAM W. PATY

Attach.
To Interested Parties:

Public Notice for a Water Use Permit Application
Ualapue Ground Water Management Area, Molokai

In accordance with the Department of Land and Natural Resources Administrative Rule, Section 13-171-17(a), we are sending you a copy of the public notice which was published in the Honolulu Star Bulletin.

In addition, and in accordance with Section 13-171-13(b), we have asked that the Maui Mayor and County Council to submit comments to the Commission on Water Resource Management regarding any inconsistencies with county plans and policies within sixty (60) days after receipt of this notice.

Very truly yours,

[Signature]

WILLIAM W. PATY
CHAIRPERSON

Encl.
Mr. David Canare
Hawaii Department of Water Supply
200 South Street, HP 1023
Honolulu, HI 96813

Mr. Clayton H. W. Hee
Chairman
& Trustee At Large
Office of Hawaiian Affairs
1600 Kapiolani Blvd., Suite 1500
Honolulu, HI 96814

Ms. Marjorie Ziegler
Sierra Club Legal Defense Fund, Inc.
212 Merchant Street, Suite 202
Honolulu, HI 96813

Mr. Don Hibbard
Director
Historic Preservation Division
33 South King Street
Honolulu, HI 96813

Ms. Momi Kauanana
Gonka
P.O. Box 614
Wailuku, HI 96793

Mr. David Martin
Native Hawaiian Advisory Council
1088 Bishop Street, Suite 1204
Honolulu, HI 96813

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212 Merchant Street, Suite 202
Honolulu, HI 96813

Mr. Don Hibbard
Director
Historic Preservation Division
33 South King Street
Honolulu, HI 96813
APPLICATION FOR WATER USE PERMIT

[ ] Ground Water or [ ] Surface Water

1. WATER MANAGEMENT AREA: MOLOKA'I

2. (a) WELL/DIVERSION OWNER:
   Firm Name: DAVID W. CURTIS
   Contact Person: 
   Address: P.O. Box 1879
   Ph: 

   (b) LANDOWNER:
   Firm Name: SAME
   Contact Person: 
   Address: 
   Ph: 

3. SOURCE TYPE: [ ] Spring [ ] Stream [ ] Basal [ ] Dike-confined [ ] Perched [ ] Caprock

4. SOURCE NAME AND NUMBER: KAMALO - CURTIS #0352 WELL
   (well or stream diversion name/number)

5. SOURCE LOCATION: Island: MOLOKA'I
   Tax Map Key: 5-6-07:37
   Address: 10 MILES EAST KAM HI HWY
   (Attach a USGS map, scale 1"=2000’, and a property tax map showing source location referenced to established property boundaries.)

6. LOCATION OF PROPOSED WATER USE (if different from #5):
   (Indicate location of water use on same map showing source location.)

7. QUANTITY OF WATER REQUESTED: 50,000 gallons per day

8. QUALITY OF WATER REQUESTED: [ ] Fresh [ ] Brackish [ ] Salt [ ] Potable [ ] Non-Potable

9. PROPOSED USE: [ ] Municipal (including hotels, stores, etc.) [ ] Military
   [ ] Domestic (individual, noncommercial water sys.) [ ] Industrial
   [ ] Irrigation (specify) 6 ACRES [ ] Other (specify)

10. DESCRIBE ANY POTENTIAL RESTRICTIONS ON USE (i.e., instream standards, seasonal variations):

11. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION: 24 HRS - OFF & ON
    (Indicate hours of operation)

12. PROPOSED METHOD OF TAKING THE WATER:
    [ ] Artesian Flow [ ] Submersible Pump [ ] Diverted Flow [ ] Vertical Turbine Pump [ ] Centrifugal Pump

13. NUMBER OF RESIDENTIAL OR COMMERCIAL UNITS TO BE SERVED (specify):

14. TOTAL ACRES PROPOSED FOR IRRIGATION AND TYPE OF CROP: 6 - PAJANAS
    (ACRES) (crop)

15. REMARKS, EXPLANATIONS:
    (If more space is needed, continue on back side)

Owner (print) DAVID W. CURTIS
Signature ______________________
Date 6/11/92

Landowner (print) SAME
Signature ______________________
Date ______________________

For Official Use Only:
Date Received 6/7/92
Hydrologic Unit ______________________
Diversion Works No. ______________________
State Well No. ______________________
PUBLIC NOTICE

Application for a Water Use Permit
UALAPUE Ground Water Management Area, MOLOKAI

An application for the following water use permit has been received and is hereby made public, in accordance with Department of Land and Natural Resources Administrative Rules 13-171, "Designation and Regulation of Water Management Areas."

KAMALO-C 0352 (Well No. 0352-10)

Applicant: DAVID W. CURTIS
P.O. BOX 1829
KAUNAKAKAI, HI 96748

Date Completed Application Received: July 15, 1992
Aquifer: UALAPUE System, SOUTHEAST Sector, MOLOKAI
Well Source: KAMALO-C 0352 (Well No. 0352-10) at Tax Map Key: 5-6-7:37
Quantity Requested: 50,000 gallons per day.
Proposed Water Use: IRRIGATION FOR 6-ACRE NURSERY & PAPAYA
Place of Water Use: P.O. BOX 1829 at Tax Map Key: 5-6-7:37

Written objections or comments on the application for water use may be filed by any person who has property interest in any land within the hydrologic unit of the source of water supply or who will be directly and immediately affected by the proposed water use. Written objections shall: (1) state property or other interest in the matter; (2) set forth questions of procedure, fact, law, or policy, to which objections are taken; and (3) state all grounds for objections to the proposed permits. Send written objections by September 15, 1992 to 1) the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809, and 2) a copy of the letter to the applicant at the above address.

COMMISSION ON WATER RESOURCE MANAGEMENT

WILLIAM W. PATY, Chairperson

Dated: AUG 19 1992

PUBLIC NOTICE

Application for a Water Use Permit
UALAPUE Ground Water Management Area, MOLOKAI

An application for the following water use permit has been received and is hereby made public, in accordance with Department of Land and Natural Resources Administrative Rules 13-171, "Designation and Regulation of Water Management Areas."

KAMALO-C 0352 (Well No.0352-10)

Applicant: DAVID W. CURTIS
P.O. BOX 1829
KAUNAKAKAI, HI 96748

Date Completed Application Received: July 15, 1992
Aquifer: UALAPUE System, SOUTHEAST Sector, MOLOKAI
Well Source: KAMALO-C 0352 (Well No. 0352-10) at Tax Map Key: 5-6-7:37
Quantity Requested: 50,000 gallons per day.
Proposed Water Use: IRRIGATION FOR 6-ACRE NURSERY & PAPAYA
Place of Water Use: P.O. BOX 1829 at Tax Map Key: 5-6-7:37

Written objections or comments on the application for water use may be filed by any person who has property interest in any land within the hydrologic unit of the source of water supply or who will be directly and immediately affected by the proposed water use. Written objections shall: (1) state property or other interest in the matter; (2) set forth questions of procedure, fact, law, or policy, to which objections are taken; and (3) state all grounds for objections to the proposed permits. Send written objections by September 15, 1992 to 1) the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809, and 2) a copy of the letter to the applicant at the above address.

COMMISSION ON WATER RESOURCE MANAGEMENT

WILLIAM W. PATY, Chairperson

Dated: AUG 19 1992

CONDITIONS - READ CAREFULLY

1. Prices include delivery charges unless otherwise stated.

2. Show purchase order number, date, appropriation symbol, and discounts allowed on all invoices.

3. The State reserves the right to reject any items supplied that are not in accordance with specifications even though payment has been made in order to obtain discounts.

4. This is not a purchase order unless assigned a P.O. number and authenticated by authorized signature.

5. Send original and three (3) copies of invoice. (The Original invoice is required under sections 40-56 and 40-57, Hawaii Revised Statutes, before payments can be made.)

6. Vendor and purchaser recognize that in actual economic practice, overcharges resulting from antitrust violations are in fact usually borne by the purchaser. Therefore, vendor hereby assigns to purchaser any and all claims for such overcharges as to goods and materials purchased in connection with this order or contract, except as to overcharges which result from antitrust violations commencing after the price is established under this order or contract and which are not passed on to the purchaser under an escalation clause.
Mr. David W. Curtis  
P.O. Box 1829  
Kaunakakai, HI 96748  

Dear Mr. Curtis:

We acknowledge receipt of your water use and pump installation permit applications for Kamalo-Curtis Well (Well No. 0352-10). We are reviewing them for completeness.

On May 13, 1992, the Commission on Water Resource Management designated the aquifer systems of the entire island of Molokai as ground water management areas. All existing users of ground water will be required to apply for water use permits, effective July 15, 1992. Any new uses of ground water will also require water use permits from the Commission.

Although we received your water use permit application on June 17, 1992, we will process it as though we received it on July 15, 1992, the effective date of designation. We will contact you if we need more information.

Sincerely,

Rae M. Loui  
Deputy Director
Mr. David W. Curtis
P.O. Box 1829
Kaunakakai, HI 96748

Dear Mr. Curtis:

We acknowledge receipt of your water use and for Kamalo-Curtis Well (Well No. 0352-10). We are

On May 13, 1992, the Commission on Water R aquifer systems of the entire island of Molokai as grou existi
July
Comi
process will o
w to install pump.

JUL 10 1992

M. Loui
uty Director
June 11, 1992

Commission on Water Resource Management
Department of Land & Natural Resources
Division of Water Resource Management
P.O. Box 373
Honolulu, HI 96809

Gentlemen:

Please find enclosed the following forms to substantiate my request for a
Well Pump Installation Permit and a Water Use Permit:

- Application for Water Use Permit
- Application for Pump Installation Permit
- Well Completion Report
- USGS map
- Property tax map
- Evaluation Certification

Also enclosed is my check for the $25 filing fee.

Sincerely yours,

[Signature]

David W. Curtis

encl.
June 11, 1992

Commission on Water Resource Management
Department of Land & Natural Resources
Division of Water Resource Management
P.O. Box 373
Honolulu, HI 96809

Gentlemen:

Please find enclosed the following forms to substantiate my request for a Wall Pump Installation Permit and a Water Use Permit:

- Application for Water Use Permit
- Application for Pump Installation Permit
- Well Completion Report
- USGS map
- Property tax map
- Evaluation Certification

Also enclosed is my check for the $25 filing fee.

Sincerely yours,

[Signature]

David W. Curtis

encl.
APPLICATION FOR WATER USE PERMIT

[Ground Water or Surface Water]

Instructions: Please print or type and send completed application with attachments to the Div. of Water Resource Management, P.O. Box 373, Honolulu, Hawaii 96809. Application must be accompanied by a non-refundable filing fee of $25.00 payable to the Dept. of Land and Natural Resources. (Filing fee waived for government agencies.) If necessary, phone 348-7643, Hydrology/Geology Section for assistance.

1. WATER MANAGEMENT AREA: MOLEKA

2. (a) WELL/DIVERSION OWNER: (b) LANDOWNER:
   Firm Name DAVID W. CURTIS Firm Name SAME
   Contact Person __________________________ Delicious __________________________
   Address P.O. Box 1819 Address __________________________
   Ph: __________________________ Ph: __________________________

3. SOURCE TYPE: □ Spring □ Stream □ Basal □ Dike-conflined □ Perched □ Caprock

4. SOURCE NAME AND NUMBER: KAMALO - CURTIS #0352 WELL
   (well or stream diversion name/number)

5. SOURCE LOCATION: Island MOLEKA Tax Map Key 5 - 6 - 07: 37
   Address 10 MILES EAST KAM HUT
   (Attach a USGS map, scale 1"=2000', and a property tax map showing source location referenced to established property boundaries.)

6. LOCATION OF PROPOSED WATER USE (If different from #5):
   (Indicate location of water use on same map showing source location.)

7. QUANTITY OF WATER REQUESTED: 50,000 gallons per day

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

9. PROPOSED USE: □ Municipal (including hotels, stores, etc.) □ Military
   □ Domestic (individual, noncommercial water sys.) □ Industrial
   □ Irrigation (specify) □ Acres
   □ Other (specify) __________________________________________

10. DESCRIBE ANY POTENTIAL RESTRICTIONS ON USE (i.e., instream standards, seasonal variations):

11. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION: 24 HRS - OFF & ON
    (Indicate hours of operation)

12. PROPOSED METHOD OF TAKING THE WATER:
   □ Artesian Flow □ Submersible Pump □ Diverted Flow □ Vertical Turbine Pump □ Centrifugal Pump

13. NUMBER OF RESIDENTIAL OR COMMERCIAL UNITS TO BE SERVED (specify):

14. TOTAL ACRES PROPOSED FOR IRRIGATION AND TYPE OF CROP:
    6 - PAPAYAS
    (acres) (crop)

15. REMARKS, EXPLANATIONS:
    (If more space is needed, continue on back side)

Owner (print) DAVID W. CURTIS Landowner (print) SAME
Signature __________________________________________
Date 6 - 11 - 92

For Official Use Only:
Date Received 6/7/92 Hydrologic Unit
Date Accepted
Diversion Works No.
State Well No.
15. REMARKS, EXPLANATIONS:

_________________________________________________________________

_________________________________________________________________

_________________________________________________________________

_________________________________________________________________

_________________________________________________________________
Pump Installation & Water Use Permit.

Sent 30 May 3/10/92 (Ed said O.K. to proceed despite short 25 ' ( waiver)).
### CENTRAL SECTOR
Manawainui System
1. Hawaiian Research 0.56

Kualapuu System
1. County DWS 0.59
2. DHHL 0.38
3. Kaluakoi Resort 0.82
Subtotal 1.79

### NORTHEAST SECTOR
Kahanui System
1. National Park Service 0.22

Waikolu System
1. DOA MIS 1.13

### SOUTHEAST SECTOR
Kamiloloa System
1. Hawaiian Research 0.26

Kawela System
1. County DWS 0.32
2. Kawela Plantation 0.16
3. Kamalo Ranch 0.04
Subtotal 0.52

Ualapue System
1. County DWS 0.18
2. Kamalo Ranch 0.22
3. Place, M. J. 0.22
Subtotal 0.62

### WEST SECTOR
0.00

### TOTAL
5.10

EXHIBIT 2
Molokai Working Group

**BREAKDOWN OF 2010 POTABLE WATER USE PROJECTIONS IN MGD**

### CENTRAL SECTOR
- **Manawainui System**
  1. Hawaiian Research 0.56

- **Kualapuu System**
  1. County DWS 0.94
  2. DHHL 0.84
  3. Kaluakoi Resort 2.14
  4. Other State Projects 0.11
  5. Palaau Industrial Park 0.20
  6. Others (Kualapuu, Kalae, Kipu) 0.20

  **Subtotal** 4.43

### NORTHEAST SECTOR
- **Kahanui System**
  1. National Park Service 0.22

### SOUTHEAST SECTOR
- **Kamiloloa System**
  1. Hawaiian Research 0.26

- **Kawela System**
  1. County DWS 0.32
  2. Kawela Plantation 0.40
  3. Kamalo Ranch 0.04

  **Subtotal** 0.76

- **Ualapue System**
  1. County DWS 0.18
  2. Kamalo Ranch 0.22
  3. Place, M. J. 0.22

  **Subtotal** 0.62

- **Alpha USA** 2.0

### WEST SECTOR

**TOTAL** 11.55

1 Water development source unidentified.

**EXHIBIT 3**
**Molokai Working Group**

**NON-POTABLE WATER USE PROJECTIONS IN MGD**

<table>
<thead>
<tr>
<th></th>
<th>5 to 10 years</th>
<th>Total</th>
<th>2010 to Build out</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DHHL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hoolehua</td>
<td>4.00</td>
<td>16.0</td>
<td></td>
<td>23.5</td>
</tr>
<tr>
<td>Kalamaula</td>
<td>1.42</td>
<td>7.5</td>
<td></td>
<td>23.5</td>
</tr>
<tr>
<td><strong>Subtotal DHHL</strong></td>
<td>5.42&lt;sup&gt;1&lt;/sup&gt;</td>
<td>23.5</td>
<td></td>
<td>23.5</td>
</tr>
<tr>
<td><strong>Other MIS users</strong></td>
<td>2.50&lt;sup&gt;2&lt;/sup&gt;</td>
<td>2.5</td>
<td></td>
<td>2.5</td>
</tr>
<tr>
<td><strong>Molokai Ranch</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Agriculture, Dairy, Pastures:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Ag. Park - Kualapuu</td>
<td>7.70</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>2. Coffee - 800 acres</td>
<td>1.50</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Dairy - 4,000 head</td>
<td>0.70</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Palm Nursery - brackish</td>
<td>0.30</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Feedlot</td>
<td>0.20</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Pastures</td>
<td>0.20</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Hay - assume all irrigated on Homesteads</td>
<td>0.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal Agriculture</strong></td>
<td>10.6&lt;sup&gt;3&lt;/sup&gt;</td>
<td>10.6 &lt;sup&gt;3&lt;/sup&gt;</td>
<td></td>
<td></td>
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<tr>
<td><strong>Recreation:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Maunaloa Links</td>
<td>0.25</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Ironwoods</td>
<td>0.20</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Network</td>
<td>0.05</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal Recreation</strong></td>
<td>0.50&lt;sup&gt;3,4&lt;/sup&gt;</td>
<td>0.5 &lt;sup&gt;3,4&lt;/sup&gt;</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Kaluakoi Resort</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Recreation:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Golf Course Addition</td>
<td>0.00</td>
<td></td>
<td>2.8&lt;sup&gt;3&lt;/sup&gt;</td>
<td></td>
</tr>
<tr>
<td>(two 36-hole courses)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Alpha USA</strong></td>
<td>1.50&lt;sup&gt;3&lt;/sup&gt;</td>
<td>3.0&lt;sup&gt;3&lt;/sup&gt;</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>20.52</td>
<td>42.9</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Estimates furnished by users and were accepted by working group without challenge.

<sup>1</sup>From DHHL projections
- From DOA - MIS average delivery = 7.5 mgd
- 2/3 x 7.5 mgd = 5.0 mgd preference to DHHL
- 1/3 x 7.5 mgd = 2.5 mgd for other MIS users
- Note: deficit from MIS of 0.42 mgd

<sup>2</sup>Assumes maximum usage of 1/3 of MIS for other users

<sup>3</sup>Water development source unidentified

<sup>4</sup>A portion of this projection will be met by the MIS and a portion from private sources

**Note:** Non-Potable Water Use Projections are for major agricultural and recreational uses in the central and western areas of the island. It does not include instreams uses, fishponds, taro patches, aquacultural projections, etc.
WATER USE PERMIT NO. 177

This report has been prepared in accordance with 13-171-22(b) of the Hawaii Revised Statutes requiring a 20-year review of issued water use permits to determine permit compliance. Following is a summary of permit information, site characteristics, methodology, findings, and recommendations for this State permit file.

**Permit Information**

| Water User:            | David Curtis  
P.O. Box 1829  
Kaunakakai, HI 96748 |
|------------------------|------------------|
| Landowner of Source:   | David Curtis  
P.O. Box 1829  
Kaunakakai, HI 96748 |
| Permitted Withdrawal Rate: | 0.012 mgd (Based upon a 12-month moving average) |
| Water Management Area: | Kawela          |
| Island:                | Molokai         |
| Aquifer Sector/System: | Southeast/Kawela|
| System Sustainable Yield: | 5 mgd          |
| Water Type:            | Fresh           |
| Original CWRM Date:    | March 14th, 1995|
| Standard Conditions:   | 1-11, 13-14, 16-17, 20-23 |
| Special Conditions:    | 5, 50           |

**Water Source**

| State Well Number(s): | 0352-10          |
| Well Name:            | Kamalo-Curtis    |
| Water Source TMK Number(s): | 2nd Division, 5-6-007:037 |
| State Land Use Classification(s): | N/A  |
| County Zoning Classification(s): | N/A  |
| Geographical Coordinates: | Latitude 21° 03' 19.2" North  
Longitude 156° 52' 29.5" West |

**End Use**

| End Use TMK Number(s): | 2nd Division, 5-6-007:037          |
| State Land Use Classification(s): | N/A  |
| County Zoning Classification(s): | N/A  |
| Beneficial Use Explanation: | Use for domestic purposes (1 house) |
Background Information

Water Use Permit 177 was approved during the March 14th, 1995 Commission on Water Resource Management meeting. There are no monthly water use records on file for State Well No. 0352-10 and the permittee has indicated on their survey form that there is no system flowmeter installed. Standard conditions 1-11, 13-14, 16-17, & 20-23 and special conditions 5 & 50 are the governing conditions for this water use permit. A complete list of all standard and special conditions is given in the final summary report to the Legislature for this 20-year Water Use Permit Review.

Field Investigation Information

Contact: David Curtis
Site Address: HC-01 Box 122 Kamehameha Hwy.
Kaunakakai, HI 96748

Brown and Caldwell conducted a field investigation on April 9th, 2008 from 12:00 p.m. until 12:45 p.m. with Mr. David Curtis. During this time, type of water usage was verified, GPS coordinates of well head(s) were recorded, flow meter installation and functionality were documented, and property TMK information was verified. The wellhead, its related appurtenances, and water usage area were visually inspected to assess compliance with permit conditions. Visual inspection of water loss/waste was limited to outdoor areas within the usage boundary. The physical location of this site is just beyond the 10-mile marker on the Mauka side of Kamehameha V Highway at Kumueli Farms. Reference the TMK and GIS maps in the permit file for a visual representation of the site.

Summary of Findings for Water Use Permit No. 177

State Well No. 0352-10 is located on TMK parcel (2) 5-6-007:037 at 21° 03' 19.2'' N, 156° 52’ 29.5” W, with a real time accuracy of ±13 feet. Water is currently being drawn from the well via a submersible pump. Adjacent to the wellhead is a pressure tank and control system that regulates the submersible pump. From the pressure tank, the water is pumped uphill approximately 200 feet to a house on TMK parcel (2) 5-6-007:037 where the water is used for domestic purposes. During the investigation, the permittee advised that the water was formerly used for irrigation purposes. However, that venture has been ceased and the necessary distribution lines to the agricultural portion of the property have been filled and abandoned. Reference the Appendix for photographs of the previously described system components.
The following are a list of standard condition(s) that the permittee is found to be in non-compliance with:

(10) An approved flowmeter must be installed to measure monthly withdrawals and a month record of withdrawals, salinity, temperature, and pumping times must be kept and reported to the Commission on Water Resource Management on forms provided by the Commission on a monthly basis.

After inspection, it was found that State Well No. 0352-10 does not have a system flowmeter installed. Furthermore, there are not monthly water use records on file. Both are violations of Standard Condition (10).

Based upon visual inspection of the system, all components appear to be in full working order. The permittee provided access to the site grounds where no wasting of water or water loss was observed. Visual inspection also confirmed that water use was within the permitted TMK boundaries.

Recommendations

- Address the following discrepancies between the Commission’s electronic database and actual field investigation findings:
  - Beneficial use description
- Address violation of Standard Condition (10) regarding non-reporting of water use and lack installation of a system flowmeter
20-Year Water Use Permit Review
Water Use Permit No. 177

APPENDIX

Field Investigation Photographs
Figure 1 – State Well No. 0352-10 w/pressure tank, control system, & related appurtenances
**Water Use Permit Survey**

(Please complete one survey form for each WUP)

WUP Number: 177

Well Number(s): 0852-10

**Contact Information** (of the person who will be present at site visit):

Name: **David W. Curtis**  
Phone (for phone interview): 808-   
Fax:  
Email:  
Best time to reach for phone interview: 8:30 AM

**Property Information** (of the water use/well location):

Address: PO Box 1829, Hilo-Box 122, Kamuela, HI, (at Kamehameha Hwy)  
City: Kona, HI  
Zip: 96743  
Well Location TMK (list all if multiple wells present):  
Water Use TMK (list all if used on multiple lots):  

**Water Use/Well Information:**

Is the water source currently in use?  
Yes [x]  No [ ]  
If no, please explain:

What are you currently using the water for? (example: "Use for 45 acres of diversified agriculture and 3 residences"): **Use is for residence, previously used for diversified agriculture**

Is a flow meter installed and working properly?  
Yes [x]  No [ ]  
If no, please explain:

Do you submit monthly water use reports to the State?  
Yes [ ]  No [x]  
If no, please explain: **New meter recently installed**

**Field Investigations:**

A representative from Brown and Caldwell will be visiting wells in your area over the next several months between the times of 9:00 am and 5:00 pm. Each site investigation will take approximately 1-2 hours. Please indicate up to three potential days of the week and availability times for an on-site inspection of the well location and verification of water use compliance. The permit holder must provide Brown and Caldwell with at least five (5) working days notice of the need to reschedule.

| Option #1 | Date (M-F): 1/9/08 | Time: 9:00 am [ ] 12:00 pm [ ] 3:00 pm [x] |
| Option #2 | Date (M-F): 2/6/08 | Time: 9:00 am [ ] 12:00 pm [x] 3:00 pm [ ] |
| Option #3 | Date (M-F): 3/5/08 | Time: 9:00 am [ ] 12:00 pm [x] 3:00 pm [x] |

Once this survey is returned, a Brown and Caldwell representative will be contacting you to conduct a phone interview and finalize the exact date and time of your field investigation. Please fax/mail completed surveys by December 12th, 2007 and direct any questions related to this survey to Mr. Milo Smith of Brown and Caldwell at:

1099 Alaeka Street, Suite #2400  
Honolulu, HI 96813  
Tel: (808) 203-2661  
Fax: (808) 533-0226  
mcsmith@brwncald.com

Received: 12/7/07  
Information Updated: 12/7/07  
Phone Interview Complete: 4/3/08

For Official Use Only

Notes/Comments:
Phone Interview

WUP Number: 177
Well Number(s): 0352-10

Contact Name: David or Dorothea Curtis

Phone Number: (605) 8...8

Attempt #1: Date/Time: 4/3/03 (2:33) Result: Reached
Attempt #2: Date/Time: n/a Result: n/a

Well Location TMK(s): (2) 6-6-037 037
Water Use TMK(s): n/a

Water Source Address: HC:01 Box 122 Kamehameha Hwy. (Kamea)
City: Kamehamea Zip Code: 96719

Currently using water source? Yes ☒ No ☐
Notes/Comments: _____________________________________

How often is the water source being used? Daily ☒ Weekly ☐ Monthly ☐
Notes/Comments: ________________________________
Used for residence at this time

How long have you been using this water source?: Approx. 25 years

Has there been any rezoning of the water source/water use properties? Yes ☐ No ☒
Have you reported the rezoning to the State? Yes ☐ No ☐ N/A ☒
If no, explain: _______________________________________

Scheduled field investigation day/time: 4/3/03 @ 12:33 P.M.

Notes (Special directions, site conditions, potential hazards, general notes, etc.):
Go past post bend in road after 10-Mile marker → Mauna
side of the road

Dane is located next to a telephone pole w/ Kumuiwi Farms
sign → Go back 1/4-Mile to home

Comments To Make:
• Although we prefer that you do not change your scheduled field investigation time, if you require a reschedule, you
  must provide Brown and Caldwell with at least five (5) working days notice of the need to reschedule.
• A representative from Brown & Caldwell will be making a reminder phone call to you sometime during the week
  prior to your scheduled field investigation.
• It is very important that you provide access to the site at the day and time agreed upon. Due to a very tight schedule,
  if you fail to provide access at the agreed upon time and/or do not reschedule with at least a five (5) working day
  notice, a makeup date will not be allowed.
• If for some reason you don’t know where your well head is located, it would be a good idea to locate it prior to your
  field investigation to help make the visit go quickly and smoothly.

Interviewed By: MS Date: 4/3/03 Time: 2:33 P.M.
# Field Investigation Checklist

**Water Source**
- **Well Location TMK(s):** (2) 5-6-037:037
- **Well Head GPS Coordinates:**
  - Latitude: 21° 03' 19.2" N
  - Longitude: 156° 52' 29.5" W
- **Well Type:** Drilled Submersible Pump
- **Currently using water source?**
  - Yes [x]
  - No [ ]
  - **Notes/Comments:**

- **Is there a flow meter installed?**
  - Yes [x]
  - No [ ]
- **Is the flow meter operational?**
  - Yes [x]
  - No [ ]
  - **Notes/Comments:** Working on getting a flow meter soon.

**Water Use**
- **Water Use TMK(s):** (2) 5-6-037:037
- **What is the water being used for?**
  - Use for domestic purposes (1 house), formerly used for diversified agriculture.
- **Is the water being used within the permitted boundaries?**
  - Yes [x]
  - No [ ]
  - **Notes/Comments:**
- **Is there any observed wasting of water or water loss?**
  - Yes [x]
  - No [ ]
  - **Notes/Comments:**
- **Are the permit conditions being complied with?**
  - Yes [x]
  - No [ ]
  - **Notes/Comments:**

**Other**
- **Photographs of:**
  - Water Source [x]
  - Water Meter [ ]
  - Usage Area [ ]
  - Pump/Motor [x]
- **General Notes/Comments:**
  - No more agriculture on this property (only used for domestic)

**Investigated By:** M.C. J.B.  
**Date:** 4/6/09  
**Time:** 12:00 p.m.
1. The water described in this water use permit may only be taken from the location described and used for the reasonable beneficial use described at the location described above. Reasonable beneficial uses means "the use of water in such a quantity as is necessary for economic and efficient utilization, which is both reasonable and consistent with State and County land use plans and the public interest." (HRS § 174C-3)

2. The right to use ground water is a shared use right.

3. The water use must at all times meet the requirements set forth in HRS § 174C-49(a), which means that it:
   a. Can be accommodated with the available water source;
   b. Is a reasonable-beneficial use as defined in HRS § 174C-3;
   c. Will not interfere with any existing legal use of water;
   d. Is consistent with the public interest;
   e. Is consistent with State and County general plans and land use designations;
   f. Is consistent with County land use plans and policies; and
   g. Will not interfere with the rights of the Department of Hawaiian Home Lands as provided in Section 221 of the Hawaiian Homes Commission Act and HRS § 174C-101(a).

4. The ground-water use here must not interfere with surface or other ground-water rights or reservations.

5. The ground-water use here must not interfere with interim or permanent instream flow standards. If it does, then:
   a. A separate water use permit for surface water must be obtained in the case an area is also designated as a surface water management area;
   b. The interim or permanent instream flow standard, as applicable, must be amended.

6. The water use authorized here is subject to the requirements of the Hawaiian Homes Commission Act, as amended, if applicable.

7. The water use permit application and submittal, as amended, approved by the Commission at its <Insert Date> meeting are incorporated into this permit by reference.

8. Any modification of the permit terms, conditions, or uses may only be made with the express written consent of the Commission.

Variations of Standard Condition (8) are as follows:
   i. Modification of any permit condition shall be approved by the Commission. Modification of any permit condition without notification may result in the revocation of the water use permit.
9. This permit may be modified by the Commission and the amount of water initially granted to the permittee may be reduced if the Commission determines it is necessary to:
   a. Protect the water sources (quantity or quality);
   b. Meet other legal obligations including other correlative rights;
   c. Insure adequate conservation measures;
   d. Require efficiency of water uses;
   e. Reserve water for future uses, provided that all legal existing uses of water as of June, 1987 shall be protected;
   f. Meet legal obligations to the Department of Hawaiian Home Lands, if applicable; or
   g. Carry out such other necessary and proper exercise of the State's and the Commission's police powers under law as may be required.

Prior to any reduction, the Commission shall give notice of its proposed action to the permittee and provide the permittee an opportunity to be heard.

10. An approved flowmeter(s) must be installed to measure monthly withdrawals and a monthly record of withdrawals, salinity, temperature, and pumping times must be kept and reported to the Commission on Water Resource Management on forms provided by the Commission on a monthly basis (attached).

Variations of Standard Condition (10) are as follows:
   i. The applicant shall keep monthly pumpage estimates to be submitted annually to the Commission.
   ii. An approved flowmeter(s) need not be installed to measure monthly withdrawals and a monthly record of withdrawals, salinity, temperature, and pumping times must be kept and reported to the Commission on Water Resource Management on forms provided by the Commission on a yearly basis (attached).
   iii. An approved flowmeter(s) must be installed to measure withdrawals and a monthly record of withdrawals, water-levels, salinity, and temperature must be kept and reported to the Commission on a monthly basis in accordance with the Commission's September 16, 1992 action on reporting requirements.
   iv. Approved flowmeters must be installed to measure monthly withdrawals and a monthly record of withdrawals must be kept and reported to the Commission on Water Resource Management on a monthly basis.
   v. An approved flowmeter(s) must be installed to measure monthly withdrawals and a monthly record of withdrawals, salinity, temperature, and pumping times must be kept and reported to the Commission on Water Resource Management on forms provided by the Commission on a quarterly/yearly basis (attached).
   vi. An approved flowmeter shall be installed to measure water withdrawals
   vii. An approved flowmeter(s) must be installed to measure withdrawals; and a record of the withdrawals must be kept and reported to the Department of
Land and Natural Resources, Division of Water and Land Development, P.O. Box 373, Honolulu, HI 96809, on a monthly basis.

viii. Although not stated as a condition of the permit §13-168-7 HAR requires you to keep a record of your monthly total pumpage, water level, salinity, and water temperature. This information must be submitted to the Commission on a regular monthly basis using the enclosed water use report form.

ix. An approved flowmeter shall be installed and the withdrawal from Well 1851-73 shall be recorded and reported to DLNR on a monthly basis by the owner and/or operator of the well.

x. The withdrawals from these wells shall be recorded and reported to the DLNR on a monthly basis by the BWS.

xi. The applicant shall provide and maintain an approved meter or other appropriate device or means for measuring and reporting water usage on a monthly basis.

xii. The applicant shall provide and maintain an approved meter or other appropriate device or means for measuring and reporting total water usage. Water usage shall be measured on a monthly basis and reported to the Commission.

xiii. The applicant shall provide and maintain an approved meter or other appropriate device or means for measuring and reporting total water usage. Water usage shall be measured on a monthly basis and reported to the Commission along with water level and salinity measurements.

11. This permit shall be subject to the Commission's periodic review of the <Aquifer> Aquifer System's sustainable yield. The amount of water authorized by this permit may be reduced by the Commission if the sustainable yield of the <Aquifer> Aquifer System, or relevant modified aquifer(s), is reduced.

12. A permit may be transferred, in whole or in part, from the permittee to another, if:
   a. The conditions of use of the permit, including, but not limited to, place, quantity, and purpose of use, remain the same; and
   b. The Commission is informed of the transfer within ninety days.

Failure to inform the department of the transfer invalidates the transfer and constitutes a ground for revocation of the permit. A transfer, which involves a change in any condition of the permit, including a change in use covered in HRS § 174C-57, is also invalid and constitutes a ground for revocation.

13. The uses(s) authorized by law and by this permit do not constitute ownership rights.

14. The permittee shall request modification of the permit as necessary to comply with all applicable laws, rules, and ordinances that will affect the permittee's water use.

15. The permittee understands that under HRS § 174C-58(4), that partial or total nonuse, for reasons other than conservations, of the water allowed by this permit for a period of four (4) continuous years or more may result in a permanent revocation as to the amount of water not in use. The Commission and the permittee may enter
into a written agreement that, for reasons satisfactory to the Commission, any period of nonuse may not apply towards the four-year period. Any period of nonuse which is caused by a declaration of water shortage pursuant to section HRS § 174C-62 shall not apply towards the four-year period or forfeiture.

16. The permittee shall prepare and submit a water shortage plan within 30 days of the issuance of this permit as required by HAR § 13-171-42(c). The permittee’s water shortage plan shall identify what the permittee is willing to do should the Commission declare a water shortage in the <Aquifer>Ground-Water Management Area.

17. The water use permit shall be subject to the Commission’s establishment of instream standards and policies relating to the Stream Protection and Management (SPAM) program, as well as legislative mandates to protect stream resources.

18. The permittee understands that any willful violation of any of the above conditions or any provisions of HRS § 174C or HAR § 13-171 may result in the suspension or revocation of this permit.

19. Special conditions in the attached cover transmittal letter or attached exhibits are incorporated herein by reference.

20. If the ground-water source does not presently exist, the new well shall be completed, i.e. able to withdraw water for the proposed use on a regular basis, within twenty-four (24) months from the date the water use permit is approved.

Variations of Standard Condition (20) are as follows:

i. The permit may be revoked if work is not started within six months of the date of issuance or if work is suspended or abandoned for six months. The work proposed in the permit application shall be completed within two years from the date of permit issuance.

21. This permit may not be transferred or the use rights granted by this permit sold or in any other way alienated. Pursuant to HRS § 174C-59 and the requirements of Chapter 174C, the Commission on Water Resource Management has the authority to allow the transfer of the permit and the use rights granted by this permit in a manner consistent with HRS § 174C-59. Any such transfer shall only occur with the Commission’s prior express written approval. Any sale, assignment, lease, alienation, or other transfer of any interest in this permit shall be void.

22. The water use permit granted shall be an interim water use permit, pursuant to HRS § 174C-50. The final determination of the water use quantity shall be made within five (5) years of the filing of the application to continue the existing use.

23. The water use permit shall be issued only after agricultural review.

24. That scheduled adjustments to Oahu Sugar Co. permitted use shall be initiated upon discontinuance of agricultural uses.
25. The issuance of this permit was approved by the Commission on Water Resource Management at its meeting on <Insert Date>.

26. The permit shall be subject to the review by the Attorney General.

27. The permit holder may be required to relinquish this permit at any time or specified time after issuance to the Board of Land and Natural Resources in accordance with Chapter 166 of Title 13.

28. The applicant shall obtain the necessary land acquisition documents from the Hawaii Housing Authority.
**Special Conditions List**

1. Should an alternate permanent source of water be found for this use, then the Commission reserves the right to revoke this permit, after a hearing.

2. In the event that the tax map key at the location of the water use is changed, the permittee shall notify the Commission in writing of the tax map key change within thirty (30) days after the permittee receives notice of the tax map key change.

3. The applicant shall contact the Environmental Management Division, State Department of Health, at 586-4304, concerning “GUIDELINES APPLICABLE TO GOLF COURSES IN HAWAII” date <Insert Date & Version #>.

4. Standard Condition 10 is emphasized, to report consumption on a regular basis.

5. The applicant may continue this existing use of ground water within the limits approved by the Commission, and the actual issuance of the interim permit shall not be a reason to interrupt this existing use.

6. This interim water use permit shall cease to become interim and shall be subject to HRS § 174C-55 upon administrative review of the quantity within five (5) years, provided that all conditions of the use (including the review of the quantity which shall not be greater than the amount initially granted) remain the same. Enforcement of the allocation limit shall be stayed pending staff's review and issuance of a permanent water use permit.

7. As-built drawings of the well and pump, and a complete pumping test record shall be submitted within sixty (60) days.

8. In the event the pump tests show that aquifer boundary conditions do not support the requested withdrawals, the Commission reserves the right to amend this permit, after a hearing, to a level that is supported by the pump tests.

9. The existing use may be continued within the levels approved by the Commission, and the actual issuance of the permit document shall not be a reason to interrupt the approved level of use.

10. The filing of an application by Kukui, Inc. for a new or modified water use permit for the Kualapuu Aquifer in excess of 2.0 mgd (total system withdrawal) shall be just cause for re-consideration of this interim permit by the Commission.

11. Upon completion of a new transmission line for the transport of water use by Well #17, the permit shall be modified to reduce the allocation amount by the additional 79,220 gallons per day allocated for use of the Molokai Irrigation System.

12. Within six (6) months from the date of approval of a water use permit for the well, the applicant shall conduct a feasibility study and submit a report describing
alternative sources of nonpotable water for irrigation uses at the resort area. It is suggested that the developer consider use of dual lines in the subdivisions so that effluent may be used in the existing reuse system. Another consideration is the development of brackish water wells in the Kaluakoi Aquifer system for mixing with the effluent generated at the resort.

13. Within six (6) months from the date of approval of a water use permit for the well, the application shall evaluate the filter back discharges into Kakaako Gulch to determine if excessive preventable waste is occurring and identify possible measures to eliminate or reduce such waste. The evaluation shall be conducted in cooperation with the Commission staff and staff of the Department of Health's Safe Drinking Water Branch, which regulates the drinking water system.

14. Within six (6) months from the date of approval of a water use permit for the well, the applicant shall 1) implement a leakage control and detection system and compete repairs to prevent such leakage and 2) implement use of xeriscaping and low-flow fixtures.

15. Action on the future use portion of the water use permit application for Well #17 (Well No. 0901-01) is deferred pending the establishment of existing uses in the aquifer. Kukui Inc.'s application for uses in excess of those uses existing on July 15, 1992 will be considered "new" uses and will be taken up by the Commission as soon as other existing use applications have been decided. In the interim,
   a. The Commission shall recognize that there is disagreement between the applicant's staff calculations of reasonable-beneficial existing use
   b. The Applicant will have the burden of proof to show within six (6) months reasonable-beneficial existing use calculations that support the applicant's request as opposed to staff's calculations.
   c. The Commission's enforcement of the approved existing use allocation will be suspended for six (6) months.

16. The permittee shall submit a notice of intent and written request to continue the use at least ninety (90) days prior to the expiration of the interim five-year permit.

17. The Commission shall delegate to Maui Department of Water Supply the authority to allocate the use of water for municipal purposes, as provided in §174C-48(b).

18. Maui Department of Water Supply shall be exempt from the requirements for permit modifications, as provided in§174C-57(c).

19. The permittee must meter water use and monitor chloride concentrations on a monthly basis and submit monthly reports of water use and chloride concentrations to the Commission.

20. Standard Condition 16 is waived for saltwater wells.

21. The permit will be revoked if (1) stream monitoring shows that pumping the well reduces stream flow, or (2) the electromagnetic resistivity survey indicates that the
well was drilled into a dike compartment, unless the applicant submits a petition for an amendment to the interim instream flow standard with the well completion report. However, no use of the water may be made without a Pump Installation Permit, which cannot be issued during consideration of the amendment of the interim instream flow standard.

22. The applicant shall present the results of the electromagnetic resistivity survey, pump tests, and stream monitoring to a community meeting as well as to the Commission.

23. A final determination of water use quantity shall be made within five (5) years of the filing date of the application (<Insert Date>) to continue existing use.

24. The applicant shall implement, by December 31, 1995, a biological and hydraulic monitoring program for a minimum 2-year period that: 1) documents the existing operating procedure, 2) seeks to identify the impacts of all operating alternatives on Waikolu Stream, and 3) seeks to identify the effectiveness of weir modifications (Dam No. 1). This program shall incorporate the three new wells, Wells #4-6 (Well Nos. 0855-06, -05, & -04, respectively), which may be pumped within the approved limits, for monitoring and testing purposes only. Further, semi-annual reports summarizing data and preliminary findings shall be submitted to the Commission. It is suggested that the Department of Agriculture work with the State Division of Aquatic Resources and other affected agencies to prepare the monitoring program in light of the difficult technical questions raised by this application. A particular concern is the coordination of this monitoring program with the ongoing National Park Service study by Anne Brasher. A draft of this plan shall be submitted to the Commission staff within ninety (90) days for technical review and comment. Results of the monitoring program shall be used to make recommendations to the Commission on any additional use of the wells, and shall be made readily available to all interested parties.

25. That the Commission approves the well construction permit for the Kamiloloa-Waiola Well (Well No. 0759-01), subject to the standard well construction conditions and the special conditions for the pumping well for the aquifer tests.

26. That the Commission authorizes the Chairperson to approve and issue a pump installation permit upon acceptance of adequate pump test result, subject to the standard pump installation conditions.

27. Should the well be used for back-up domestic supply, applicant is advised to contact DOH or otherwise ensure safe drinking water quality is maintained.

28. The applicant shall follow the agreed monitoring plan.

29. If pesticides used by the applicant are found in ground or surface water and can be traced to the applicant's use, the CWRM may revoke the permit immediately upon such finding.
30. Issuance of the interim permit shall be withheld until the reservation of water for DHHL is set by rule. Applicant may continue this existing use within the approved limits.

31. The applicant shall submit well modification and pump installation permit applications for administrative approval by chairperson prior to beginning any work required to complete well.

32. Should any stream flow impacts result from use, petition to amend interim instream flow standards shall be submitted.

33. Should any dewatering result from use, pumping shall cease immediately.

34. Shall submit accurate schematic diagram of distribution system for the battery of 5 wells.

35. Shall be subject to a 6-month independent audit & monitoring.

36. Final pump capacity shall be determined from pump test results & approved administratively by signature of chair.

37. The permittee shall seek and submit to the Commission within ninety (90) days written confirmation from the Department of Land Utilization of the non-conforming use.

38. Pumping shall cease immediately if the chloride reports show that the brackish water developed in the well exceeds 1,000 mg/l of chloride, unless a variance from the chloride limit has been granted. The authority to approve future variance requests is delegated to the chairperson.

39. The duration of the interim permit shall be:
   a. To July 1, 2006, or
   b. Until treated wastewater is available and acceptable for use, or
   c. Until such time that a significant change in permitted, actual, or projected uses or water supply occurs.

40. Action on any interim permit may be initiated by the Commission or any permittee upon letter request or pursuant to §174C-57 Haw. Rev. Stat. (Modification of permit terms).

41. This permit is approved under the assumption that wastewater will become available for reuse as an alternative supply source.

42. Require adherence to the chloride sampling protocol and the submittal of weekly chloride data. The authority to approve variances from the weekly reporting requirement is delegated to the Chairperson.

43. Require adherence to the Conservation Conditions.
44. In the event a water shortage is declared by the Commission, permittees in the <Insert Aquifer System> shall comply with the <Insert Aquifer System> water shortage plan adopted by the Commission.

45. The permittee shall contact the Department of Health, Clean Water Branch and obtain the necessary discharge permit(s).

46. Permit shall be interim and replaces existing WUP for 2051-07 & 11.

47. Applicant shall submit an acceptable archaeological inventory survey report to DHP. If historic sites affected, a plan to mitigate these affects must be accepted by DHP and completed by applicant.

48. Should the well be used for back-up domestic supply, applicant is advised to contact DOH or otherwise ensure safe drinking water quality is maintained.

49. (The permittee) may report monthly pumpage on yearly basis.

50. Prior to issuance of any permits, must submit filing fee for after-the-fact pump installation permit.

51. The term of this permit shall be twenty years from the date of issuance of the permit with a five-year Board review to determine compliance with the provisions of the permit.

52. The amount of water to be withdrawn under this permit shall be 0.19 mgd, averaged annually, for irrigation use. This permitted use of 0.19 mgd when added to a preserved use of 0.27 mgd amounts to a total of 0.46 mgd, averaged annually, which may be withdrawn from well 1646-01.

53. The use authorized by the permit must not interfered substantially and materially with existing individual household uses and existing uses.

54. The use of this well shall be subject to the shortage and emergency powers of the Board of Land and Natural Resources (BLNR).

55. This permit may be suspended or revoked, in accordance with Chapter 166.

56. The permit holder may be required to relinquish this permit to BLNR, in accordance with Chapter 166.

57. The withdrawal from Well 1646-10 shall be recorded and reported to DLNR on a monthly basis by the permittee.

58. In the event that emergency water use occurs, the permittee shall notify the Commission in writing within one (1) day of pumping, to inform the Commission as to the nature of the emergency and the expected duration of the emergency. A water
use report shall also be filed pursuant to Standard Condition 10 and Administrative

59. Note DOH’s requirements related to non-potable water systems (attached to original
permit).

60. Standard Condition 16 requiring the submittal of a water shortage plan is waived.

61. All non-potable spigots and piping shall be clearly labeled as “DO NOT DRINK,
NON-POTABLE” to prevent direct human consumption.

62. Standard Condition 10 is modified. Due to the inability to take water level
measurements, the requirement to measure monthly water levels is waived. In
addition, as long as the U.S. Geological Survey is collecting and analyzing the
chloride content of the well water, the requirement for the permittee to measure and
report chlorides is also waived.

63. Well elevation components must be surveyed by a licensed surveyor and this
information must be submitted to commission prior to issuance of permanent
permit.

64. The permittee shall obtain approvals from the Department of Health and the U.S.
Environmental Protection Agency prior to use of the water.

65. This water use permit, WUP No. <Insert #>, shall supersede WUP No. <Insert #>.

66. WUP No. <Insert #> is revoked

67. Standard Condition 17 is waived.

68. Standard Condition 22 for interim water use permits shall not apply.

69. To supplement our records, we request that you provide a map of the Galbraith Est.
lands west of Wahiawa (2100 ac+) and the associated TMK’s for use area.

70. Deferred action on portion requested for golf course irrigation pending further
refinement of irrigation requirement and a feasibility study for utilization of surface
water sources, including Wahiawa Reservoir.

71. Written justification be provided for any 'cushion' of 0.5 mgd.

72. The water use permit shall be an interim permit. The duration of the interim permit
shall be until treated wastewater is available and acceptable for use. The permittee
shall continue discussions with Honolulu Board of Water Supply regarding the use of
reclaimed water.

73. The permittee is put on notice that this is a qualified approval in that this permit may
be modified or revoked prior to the expiration of the interim permit if the
Commission decides that the use of additional basal ground water for dust control and landscape irrigation is not reasonable-beneficial use.

74. The permittee encouraged to use drought-tolerant landscaping to conserve water.

75. Should the applicant provide written evidence that the county DHCD approves a 201E exemption for the elderly affordable housing project then the applicant may modify a corresponding portion of their existing aquacultural use to be used by the exemption approved project within the Commission approved water use permit limits under recommendation 5.

76. The applicant shall obtain a water lease/permit from Land Division prior to actual use of the well water.

77. Require the permittee to sign a contract by May 14, 1998 with the City Department of Wastewater Management to buy and use 0.400 mgd of R-1 water for a corresponding reduction in allocation for Well Nos. 1900-02, 17 to 20, and 1901-03.

78. Standard Condition 9 is waived.

79. Standard Condition 10 is modified to exempt the permittee from monthly measurements of salinity and temperature.

80. Standard Condition 10 is waived.

81. Applicant must seek a determination from BLNR and Land Mgt Div as to whether water license required. If required, license must be obtained prior to issuance of permit. If not, permit will be issued w/out further action.

82. Commission defers action on use in excess of 452,000 gpd pending additional info from BWS and further staff analysis.

83. The permit shall be subject to the Commission’s sustainable yield review by December 1990.

84. The Commission shall delegate to the Honolulu Board of Water Supply the authority to allocate the use of water for municipal purposes, in accordance with §174C-48(b) HRS.

85. Honolulu Board of Water Supply shall be exempt from the requirements of permit modifications as provided in §174C-57.

86. BWS must participate in discussions, to be coordinated by Commission Staff, regarding a monitoring program to address impacts to Kaneohe Bay water quality, prior to any action on applications for future municipal uses.

87. A pump installation permit application must be made and approved prior to the installation of a permanent pump.
88. The water withdrawn shall be 0.7 mgd for municipal use.

89. The installed pump capacity of the well shall not be more than 700 gpm or 1.01 mgd.

90. The term of permit shall automatically expire twelve months from the date of issuance.

91. The Honolulu Board of Water Supply may continue to submit monthly water data on their own form, provided that the data are submitted in a format that is acceptable to the Commission staff.

92. Standard Condition 7 shall not apply.

93. Standard Condition 22 shall not apply.

94. Standard Condition 10 is modified to exempt the permittee from monthly measurements of salinity and temperature.

95. This permit shall be subject to conditions providing for stream restoration if the Commission determines that additional water should be returned to the streams.

96. HECO 1 mgd for industrial use

97. Campbell Estate 1 mgd for municipal use through BWS, by separate agreement with HECO

98. BWS 1 mgd for municipal use.

99. The permit shall be subject to the Commission’s sustainable yield review by <Insert Date>.

100. The applicant shall obtain the current version of the Department of Health’s Guidelines Applicable to Golf Courses in Hawaii. Where relevant and viable, items of the guidelines should be implemented and sustained appropriately. To obtain the current version, contact the Safe Drinking Water Branch, Environmental Management Division at 808-586-4258 (Honolulu).

101. The future use portion of the application shall be deferred until existing uses in the Koolauloa area are established.

102. The water to be withdrawn under this permit shall be a total of 0.03 mgd (0.02 mgd preserved plus an additional 0.01 mgd permitted use), averaged annually, for domestic and irrigation use

103. Existing well 1851-09 shall be properly sealed by a licensed drilling contractor. A well modification permit application, enclosed, shall be submitted to the Department for approval of the well sealing. A filing fee for sealing the well will not be required.
104. The permittee is required to test the source using a certified private laboratory and submit the test results to the Commission within three (3) months. The Commission will then forward the results to the Department of Health for their review. The Department of Health recommends that the well be routinely tested for microbiological and chemical parameters thereafter.

105. The permittee is required to submit a completed Registration of Well and Declaration of Water use by <Insert Date>.

106. The permittee shall contact the Department of Health for a written determination on the status of their water system and comply with any Department of Health requirements for monitoring and testing.

107. In the event that the original spring source decontaminates, the new well authorized will be shut down.

108. That within each aquifer the total permitted use shall not exceed the sustainable yield.

109. That any water available for allocation shall be for in-district use.

110. That scheduled reductions to Oahu Sugar Co. permitted use shall be initiated upon final termination of an Osco lease or sub-lease, whichever occurs later.

111. That permits for water use issued in accordance with the proposed schedule shall be interim permits subject to review and adjustment by 1995.

112. That the permit shall be an interim permit for a new use which is afforded to existing users as specified in §13-171-20.

113. That the original allocation of 0.200 mgd shall be taken to hearing for possible revocation at a later date to complete the transfer of the water use permit entirely to Well No. 3407-02. This revocation would reduce the current allocation afforded to the Kunihiro Well (Well No. 3406-06) to zero.

114. This allocation incorporates the unspecified domestic needs of the applicant and therefore necessitates a single meter be installed at the well.

115. Should any impacts to nearby wells or streams be established by the use of this well, the applicant shall address these issues to the satisfaction of the Commission.

116. If an economically feasible nonpotable source is identified, the applicant shall convert to the alternative nonpotable source.

117. The permit shall be subject to the Chairperson's approval of a water use plan recommending possible measures to prevent or minimize saltwater contamination and establish courses of action to follow should the aquifer become to saline to use.
118. Permittee shall provide the necessary end-use information on the 10th residence to allow regulation of the use under Chapter 174C.

119. Standard Conditions 10 & 18 shall not apply.

120. Standard Condition 10 is modified to exempt the permittee from the requirement to install a flowmeter. Salt water withdrawals may instead be estimated based on pumping capacity and run time.

121. The applicant shall review the existing year long period of pumpage and streamflow data and provide analysis on ground and surface water interaction. Deadline is January 25, 1994.

122. The water use permit for Well Nos. 2301-27 to -32 for 0.75 mgd (WUP No. 419) shall be revoked upon issuance of a pump installation permit for the well.

123. The permittee shall use mulching to decrease evaporative losses and manage irrigation scheduling to minimize water demand.

124. The permittee shall submit a detailed agricultural plan to support any future water use permit application for increased agricultural use at this parcel.

125. If not already obtained, the permittee shall seek and obtain any necessary permits from the Department of Health for the proposed discharge to Malaekahana Stream.

126. Standard Condition 10 is modified to waive the requirement for installing a water meter on Well Nos. 2358-21, 22, and 29. The permittee shall install a water meter on Well No. 2358-26 to measure total monthly flow through the discharge line. This quantity should then be assumed to be the rate of natural flow from the other three wells for monthly reporting purposes.

127. The permit shall be effective upon submittal of documentation by Navy that it has met the DOH requirements for a public system.

128. This WUP shall be subject to Army's application for a WUP to reduce the permitted use of the Army's Schofield Shaft (2901-02 to 04, 10) by 0.208 mgd to a new total of 5.648 mgd. The Army's application shall be submitted within 60 days after the approval of this WUP or this WUP shall be void. Approval of the modification request shall be obtained from the CWRM prior to use of Well No. 3100-02 and issuance of this WUP.

129. Navy shall submit an after-the-fact PIPA, and approval of the permit shall be obtained prior to use of the well.

130. The well shall not be used for drinking water purposes unless it is properly tested and treated.
131. This permit is approved subject to reclaimed water becoming a practical alternative and provided that the Department of Health approves the reuse application.

132. Should any opae ula be recovered in the well water, the permittee shall notify the Division of Aquatic Resources and provide specimens to the Division of Aquatic Resources for analysis.

133. If a single meter at the well is used, the Commission shall allow an additional 1,000 gallons per day to the water use permit amount for the domestic needs of two residences, although a permit for individual domestic consumption is not required. Otherwise, the applicant must provide a meter to separately measure the irrigation consumption.

134. This permit is approved under the requirement that conversion to either: 1) treated wastewater becoming available for reuse as an alternative supply source, provided that Department of Health concerns over the use of treated effluent over the potable water aquifer have been addressed; and/or 2) other nonpotable source becoming available will occur in a timely manner.

135. These permits shall be subject to a review of actual use within four years for possible modification of the permitted amount.

136. The permit shall be reviewed in two (2) years for possible additional revocation due to nonuse.

137. The allocation is based on the projects listed in Exhibit 5 (of Item 10 of the May 20, 1998 Staff Submittal), except for the Queen’s Beach GC (TMK 139-11-2,3), Lot 9 (TMK 139-17-51), and Varsity Place (TMK 128-24-35).

138. Kamehameha Schools Bishop Estate/Honolulu Board of Water Supply shall transfer the water use permit within ninety (90) days of the effective date of the transfer of the pump station to the Honolulu Board of Water Supply, pursuant to §174C-59 Hawaii Revised Statutes.

139. The permittee shall ensure that the water is recycled by either directing it into the Waiahole Ditch for use by downstream farmers (subject to the approval of the Agribusiness Development Corporation’s Board) or into Waikele Farm’s existing irrigation system.

140. The permittee shall file a completed application to modify WUP No. 758 to reduce the allocation by 0.100 mgd within 60 days. If a completed water use permit modification application is not received within 60 days from this submittal’s date, then the subject water use permit application (WUPA No. 767) shall be deemed denied without prejudice without the need for another hearing.

141. The water withdrawn shall be for municipal use. No improvements to the existing sources are required as the existing source capacities are greater than the increase.
142. Water license must be determined through LM.

143. Proposed other uses will be considered at a later date.
Chairperson and Members
Commission on Water Resource Management
State of Hawaii

Gentlemen:

RESUBMITTAL-Applications for Water Use Permits and After-the-Fact Pump Installation Permit
Kawela Ground Water Management Area, Molokai

Applicant:

1. (Well No. 0352-10)
   David W. Curtis
   P.O. Box 1829
   Kaunakakai, HI 96748

2. (Well Nos. 0456-04,06,08,09 &0457-04)
   Kawela Plantation
   Homeowners Association
   P.O. Box 698
   Kaunakakai, HI 96748

3. (Well No. 0456-16)
   John Wm. Iaea Sr.
   P.O. Box 405
   Kaunakakai, HI 96748

4. (Well No. 0456-17)
   R.M. Granger
   P.O Box 371
   Kaunakakai, HI 96748

5. (Well No. 0457-01)
   Maui Dept. of Water Supply
   P.O. Box 1109
   Wailuku, HI 96793

Landowner:

Same

Same

Lukela Estate

Same

D.E. Johnson

At the September 15, 1993 meeting of the Commission on Water Resource Management (Commission) on Molokai, a contested case hearing was requested on seven (7) water use permit applications for existing uses in the Kawela Aquifer System. The Commission voted to defer action on the applications and directed staff to initiate public hearing proceedings. Public hearings were held on November 17, 1993 and June 2, 1994.

Staff's recommendation to the Commission is to deny the petitioner's standing in this matter because the claim of harm to legal water interests could not be established. Should the Commission approve the staff's recommendation to proceed with decision-making on pending Kawela applications, this submittal presents a description and analysis of the proposed water use permits. Specific information regarding the sources, uses, notifications, objections, and field investigations is provided in Attachment A and the attached exhibits.
Analysis & Issues

An analysis of the proposed permits in relation to the seven (7) criteria set forth in HRS 174C-49(a) Conditions for a permit is provided as follows:

(1) **Water availability** - The sustainable yield of the Kawela Aquifer System is 5 million gallons per day (mgd). To date, water use permits totalling 0.095 mgd have been awarded for existing uses. This leaves 4.905 mgd (about 98 percent) of the system’s sustainable yield available to satisfy other existing uses and for meeting future demands.

Pending applications for verified existing uses show a total request for 1.283 mgd of Kawela groundwater (Table 1). It should be noted that this figure reflects both existing uses and projected future needs. Staff is recommending that the Commission consider allocating water for immediate, justified future uses at this time since there are no other applications for verified existing uses in the Kawela Aquifer System. Other pending applications in Kawela are incomplete and will be addressed in a separate submittal. Reasonable water quantities are discussed in the following section.
Chairperson and Members  
Commission on Water Resource Management  
March 14, 1995

Table 1. Kawela Aquifer System

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<tr>
<th>ITEM</th>
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(2) **Reasonable-beneficial** - The applications scheduled for Commission action are summarized and evaluated with respect to reasonable and beneficial use:

David W. Curtis, Well No. 0352-10 - The water use permit application is in combination with an after-the-fact pump installation permit application. On June 17, 1992, water use permit and pump installation permit applications were submitted to the Commission. No action was taken on either application in accordance with the Commission’s designation condition that the Molokai Working Group (MWG) would first formulate guidelines before any action on water use permits would take place. The field investigation on October 12, 1992 revealed that the applicant had installed a pump in 1989 and had been pumping prior to designation. Therefore, the applicant applied for a well that was an existing use at the time of designation only by virtue of the unpermitted installation of the
pump which is a Water Code violation. Thus the application is for an after-the-fact pump installation permit.

The water use permit application is for continued existing use of potable water for irrigation supply for six (6) acres of papaya & nursery. The use has been in existence since 1989. The field investigation verified that only about four (4) acres of ornamental palms, papaya, and citrus trees are being irrigated. Using the Oahu Water Requirement Forecast, 4 acres of papaya would require about 12,000 gpd. The applicant has not submitted any water use reports to date.

**Kawela Plantation** - Three separate water use permit applications were initially made to continue existing domestic and irrigation uses at Kawela Plantation. On December 23, 1994, a request to amend the original applications for the following three wells was received (Attachment E):

a. Well No. 0456-04 - for irrigation of 200 acres covering 81 lots & common areas in Unit I (see Exhibit 1C).

b. Well Nos. 0456-06,08,09 - for domestic supply to Units I & II (see Exhibit 1C).

c. Well No. 0457-04 - for irrigation needs for Units II & III (See Exhibit 1C).

The applicant requests that the three individual sources (listed above) be permitted as a battery of wells since the sources are able to back each other up. This would allow greater flexibility for managing the system and maintaining adequate distribution. In terms of management and protection of the water resource, there does not seem to be a problem with permitting the wells as a single battery for the requested allocation of 300,000 gpd. The well locations are shown in Exhibit 1C. From the schematic diagram of the distribution setup, shown in Exhibit 1D, the AG #1 well (Well No. 0457-04) appears to supply an independent distribution system. An accurate diagram of the system should be provided for the record, if the Commission approves the applicant’s request for a single water use permit for the battery of wells.

The total number of 2-acre lots serviced by the wells is 210. Of these, the field investigation verified that fifty (50) lots were occupied as of January 11, 1993. However, according to the applicant, there were about twenty-six (26) occupied lots as of July 1992, and currently, about forty (40) lots are using water. Based on State and County guidelines for reasonable water use, July 1992 usage would be roughly 172,000 gpd (26 units @ 600 gpd/unit plus 26 2-acre agricultural lots @ 3000 gpd/acre). Current usage would be about 264,000 gpd (40 units @ 600 gpd/unit plus 40 2-acre lots @ 3000 gpd/acre) according to the guidelines.

The water use data that are reported by the applicant support this estimate; as of August 1994, the latest 12-month moving average withdrawal from all pumped sources is 257,000 gpd. However, the applicant has documented problems with the meter readings (Attachment E). After adjustments have been made, 1992 usages average about 181,000 gpd, and current usage averages about 285,000 gpd.

**John Wm. Iaea, Sr., Well No. 0456-16** - The application is for an existing use of potable water from the Kawela Aquifer System for irrigation of two acres of flowers and three homes. The field investigation verified the source and uses described in the application.

Using the Oahu Water Requirement Forecast and floriculture for 2 acres, the required estimated need for irrigation is 14,800 gpd. The applicant has not supplied any information on his actual pumpage. Therefore, it would appear that the applicant’s request is too low.
R.M. Granger, Well No. 0456-17 - The application is for an existing source and an existing use of potable water from the Kawela Aquifer System for irrigation of four (4) acres of pasture and corn. The field investigation verified that there are four (4) acres of pasture for horse grazing.

Using the Oahu Water Requirement Forecast for the entire 4 acres in pasture, the estimated need of the applicant is 16,000 gpd. The applicant has only supplied limited information on his pumpage with the latest report in April of 1991 with a use of only 1,000 gpd. However, during the field investigation the applicant indicated that he uses about 3,700 gpd. Therefore, the applicant’s request for 25,000 gpd seems excessive.

Maui Department of Water Supply, Well No. 0457-01 - The application is for continued existing use of potable water from the Kawela Aquifer System for municipal needs of the County of Maui’s Kaunakakai-Kawela Municipal System. The field investigation verified that the source is a dug well equipped with two (2) pumps. At the date of the field investigation, new pump equipment seemed to be ready for installation. Staff contacted the Maui DWS and found that the applicant has put the project on hold. Staff reminded the applicant that a pump installation permit is necessary prior to installation work for the new equipment. An after-the-fact pump installation permit was approved in May 1994.

The current 12-month moving average for reported pumpage from this well is 0.287 mgd. Usage as of July 1992 is about 0.315 mgd. During the field investigation, the applicant verbally estimated the use ranges from 0.310 to 0.370 mgd per month. Therefore, the applicant’s request for 0.432 mgd has not been justified.

(3) Interference with other existing legal uses -

David W. Curtis, Well No. 0352-10 - There are six (6) wells immediately downgradient of the applicant’s source which may be affected (See Exhibit 1A). Since the quantity of water requested is relatively small, the request is for an existing use, and there have been no objections to this application, there does not appear to be adverse impacts on other local wells. Granting of this existing use would not appear to jeopardize the recommendations by the MWG.

John Wm. Iaea, Sr., Well No. 0456-16 - Since the quantity of water required is relatively small, unacceptable adverse impacts on other local wells or streams are not anticipated. Granting of this existing use would not appear to jeopardize the recommendations by the MWG.

R.M. Granger, Well No. 0456-17 - Since the quantity of water required is relatively small, unacceptable adverse impacts on other local wells or streams are not anticipated. Granting of this existing use would not appear to jeopardize the recommendations by the MWG.

Maui Department of Water Supply, Well No. 0457-01 - There are no wells in the immediate vicinity of the applicant’s source that should be affected (See Exhibit 1F). No objections to this application have been submitted. Granting this existing use would not appear to jeopardize the recommendations by the MWG.

(4) Public interest - These proposed beneficial uses of water for domestic and agriculture uses do not appear to be in conflict with the various objectives declared to be in the public interest. Review of these applications by various State and County agencies, which serve to protect and promote the interests of the public, has not prompted any statements of objections or concerns.
Chairperson and Members
Commission on Water Resource Management

March 14, 1995

(5) **State & County general plans and land use designations** - The Office of Conservation and Environmental Affairs and the Maui County Planning Department have reviewed these applications. No objections or concerns have been raised. These proposed uses have been shown to be consistent with the State and County general plans and land use designations.

(6) **County land use plans and policies** - These proposed uses have been shown to be consistent with the County land use plans policies.

(7) **Interference with Hawaiian home lands rights** - To meet the current and future needs of Hawaiian homesteaders, the Dept. of Hawaiian Home Lands (DHHL) has requested that water be reserved from the Kualapuu Aquifer System. This request has been granted, and currently, another request to reserve water from the Kualapuu Aquifer System is under consideration. Further, there are no lands in the Kawela Aquifer System that are under the administration of the Hawaiian Homes Commission. DHHL has reviewed these applications, and no objections have been raised.

The Final Report of the Molokai Working Group did not include specific recommendations for the Kawela Aquifer System, but listed general guidelines for the Southeast Aquifer Sector as follows:

1. Limit ground water withdrawal to 50% of its developable yield subject to verification of existing users and water use permits.
2. Any withdrawals from this Sector should not diminish water supplies and supply availability for traditional uses, including taro patches and fishponds.
3. Development of additional water from the Southeast Aquifer Sector should be reserved first for residences of this Sector who are not yet served.

Staff finds that the proposed permits for existing uses should not violate any of these recommendations made by the Molokai Working Group. No objections have been filed with the Commission.

**RECOMMENDATION**

Staff recommends that the Commission:

1. Deny without prejudice the standing of Ms. Wilma Kamakanag Grambusch in this matter.
2. Approve the issuance of an after-the-fact pump installation permit and an interim water use permit to David W. Curtis for the reasonable and beneficial use of 12,600 gallons per day of potable water from the Kamalo-C Well (Well No. 0352-10) for irrigation of 4 acres of nursery and domestic use for one (1) residence, subject to the standard water use permit conditions listed in Attachment B, the standard pump installation permit conditions listed in Attachment B1, and the following special conditions:
   a. The applicant may continue this existing use of ground water within the limits approved by the Commission and the actual issuance of the interim permit shall not be a reason to interrupt this existing use.
   b. Prior to the issuance of any permits for this well, the applicant shall submit the filing fee of $25.00 for the after-the-fact pump installation permit application.
3. Approve the issuance of a water use permit for 285,000 gallons per day for the Breadfruit Well (Well No. 04556-04), DW1 to DW3 Wells (0456-09,08,06), and Ag 1 Well (Well No. 0457-04) for agriculture and domestic use at forty (40) house lots for Kawela Plantation, subject to the standard water use permit conditions listed in Attachment B and the following special condition:

   a. The applicant may continue this existing use of ground water within the limits approved by the Commission and the actual issuance of the interim permit shall not be a reason to interrupt this existing use.

   b. The applicant shall submit an accurate schematic diagram of the distribution system for the battery of five wells.

4. Approve the issuance of an interim water use permit to John Wm. Iaea, Sr. for the reasonable and beneficial use of 16,600 gallons per day of potable water from the Kawela-Iaea #3 Well (Well No. 0456-16) for irrigation of 2 acres and domestic use at three (3) residences, subject to the standard water use permit conditions listed in Attachment B and the following special conditions:

   b. The applicant may continue this existing use of ground water within the limits approved by the Commission and the actual issuance of the interim permit shall not be a reason to interrupt this existing use.

   c. The applicant may submit his monthly measurements on a yearly basis.

5. Approve the issuance of an interim water use permit to R.M. Granger for the reasonable and beneficial use of 16,000 gallons per day of brackish water from the Johnson Well (Well No. 0456-17), subject to the standard water use permit conditions listed in Attachment B and the following special conditions:

   a. The applicant may continue this existing use of ground water within the limits approved by the Commission and the actual issuance of the interim permit shall not be a reason to interrupt this existing use.

6. Approve the issuance of an interim water use permit to the Maui Dept. of Water Supply for the reasonable and beneficial use of 288,000 gallons per day of potable water from the Kawela Shaft Well (Well No. 0457-01) for municipal supply for the Kaunakakai-Kawela Distribution System, subject to the standard water use permit conditions listed in Attachment B and the following special conditions:

   a. The applicant may continue this existing use of ground water within the limits approved by the Commission and the actual issuance of the interim permit shall not be a reason to interrupt this existing use.

Respectfully submitted,

RAE M. LOUI
Deputy Director

Attachments

APPROVED FOR SUBMITTAL:

MICHAEL D. WILSON, Chairperson
Chairperson and Members  
Commission on Water Resource Management  
March 14, 1995

**WATER USE PERMIT DETAILED INFORMATION**

Source Information

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<th>AQUIFER:</th>
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1. **WELL:** Kamalo-C 0352 Well (Well No. 0352-10)  
   Location: 10 Miles East Kam Hwy, Molokai, TMK:5-6-7:37  
   Year Drilled: 1989  
   Casing Diameter: 4 in.  
   **Elevations** (msl = 0 ft.)  
   - Water Level: below ground level by 45 ft.  
   - Ground: approximately 43 ft.  
   - Bottom of Solid Casing: below ground level by 45 ft.  
   - Bottom of Perforated: none ft.  
   - Bottom of Open Hole: below solid casing by 30 ft.  
   Total Depth: 75 ft.  
   Grouted Annulus Depth: NA ft.

2.a. **WELL:** Breadfruit Well (Well No. 0456-04)  
   Location: Kawela, Molokai, TMK:5-4-1:26  
   Year Drilled: 1921  
   Casing Diameter: 6' x 8' dug  
   **Elevations** (msl = 0 ft.)  
   - Water Level: 1.8 ft.  
   - Ground: 30 ft.  
   - Bottom of Solid Casing: NA ft.  
   - Bottom of Perforated: NA ft.  
   - Bottom of Open Hole: -4 ft.  
   Total Depth: 34 ft.  
   Grouted Annulus Depth: NA ft.

2.b. **WELL:** DW3 Well (Well No. 0456-06)  
   Location: Kawela, Molokai, TMK:5-4-14:17  
   Year Drilled: 1980  
   Casing Diameter: 6 in.  
   **Elevations** (msl = 0 ft.)  
   - Water Level: 3.4 ft.  
   - Ground: 223 ft.  
   - Bottom of Solid Casing: 0 ft.  
   - Bottom of Perforated: -10 ft.  
   - Bottom of Open Hole: -10 ft.  
   Total Depth: 233 ft.  
   Grouted Annulus Depth: NA ft.

**ATTACHMENT A**
Chairperson and Members  
Commission on Water Resource Management  
March 14, 1995

<table>
<thead>
<tr>
<th>WELL:</th>
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<tbody>
<tr>
<td><strong>Location:</strong></td>
<td><strong>Location:</strong></td>
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<tr>
<td><strong>Year Drilled:</strong></td>
<td><strong>Year Drilled:</strong></td>
</tr>
<tr>
<td><strong>Casing Diameter:</strong></td>
<td><strong>DW2 Well (Well No. 0456-08)</strong></td>
</tr>
<tr>
<td><strong>Elevations (msl= 0 ft.)</strong></td>
<td>Kawela, Molokai, TMK:5-4-1:26</td>
</tr>
<tr>
<td><strong>Water Level:</strong></td>
<td>1980</td>
</tr>
<tr>
<td><strong>Ground:</strong></td>
<td>6 in.</td>
</tr>
<tr>
<td><strong>Bottom of Solid Casing:</strong></td>
<td><strong>DW1 Well (Well No. 0456-09)</strong></td>
</tr>
<tr>
<td></td>
<td>235 ft.</td>
</tr>
<tr>
<td></td>
<td>6 in.</td>
</tr>
<tr>
<td><strong>Bottom of Perforated:</strong></td>
<td><strong>AG #1 Well (Well No. 0457-04)</strong></td>
</tr>
<tr>
<td></td>
<td>3 ft.</td>
</tr>
<tr>
<td></td>
<td>1 ft.</td>
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<tr>
<td><strong>Bottom of Open Hole:</strong></td>
<td><strong>Kawela-Iaea #3 Well (Well No. 0456-16)</strong></td>
</tr>
<tr>
<td></td>
<td>-7 ft.</td>
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<tr>
<td></td>
<td>-9 ft.</td>
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<tr>
<td><strong>Total Depth:</strong></td>
<td><strong>Kawela, Molokai, TMK:5-4-1:52</strong></td>
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<tr>
<td></td>
<td>244 ft.</td>
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<tr>
<td></td>
<td>235 ft.</td>
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<tr>
<td></td>
<td>NA ft.</td>
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<tr>
<td><strong>Grouted Annulus Depth:</strong></td>
<td><strong>NA ft.</strong></td>
</tr>
</tbody>
</table>

**ATTACHMENT A**
### Chairperson and Members
Commission on Water Resource Management

March 14, 1995

<table>
<thead>
<tr>
<th>WELL:</th>
<th>Location:</th>
<th>Year Drilled:</th>
<th>Casing Diameter:</th>
</tr>
</thead>
<tbody>
<tr>
<td>WELL:</td>
<td>Near Kakahaia Pond, Molokai, TMK:5-4-1:11</td>
<td>1976</td>
<td>8 ft dia. dug</td>
</tr>
<tr>
<td>WELL:</td>
<td>Kawela, Molokai, TMK:5-4-1:50</td>
<td>1921</td>
<td>NA in.</td>
</tr>
</tbody>
</table>

#### Elevations (msl = 0 ft.)

<p>| | | | |</p>
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<tr>
<td>WELL:</td>
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<tr>
<td>Casing Diameter:</td>
<td>Water Level:</td>
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</table>

Total Depth: 19 ft.
Grouted Annulus Depth: NA ft.

#### Elevations (msl = 0 ft.)

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<tbody>
<tr>
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</tr>
<tr>
<td>Casing Diameter:</td>
<td>Water Level:</td>
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</tbody>
</table>

Total Depth: 38 ft.
Grouted Annulus Depth: NA ft.

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**Use Information**

1. Quantity Requested: 50,000 gallons per day.
   Existing Type of Water Use: Irrigation of 4 acres of papaya & nursery.

**ATTACHMENT A**
Place of Water Use: P.O. BOX 1829 at TMK: 5-6-7:37

2.a. Original Quantity Requested: 250,000 gallons per day.
Existing Type of Water Use: Irrigation of 200 acres covering 81 lots & common
Place of Water Use: Kawela Plantation Unit 1 at TMK: 5-4-14:various
Reported Current Water Usage: 4,000 gpd
Nearby Similar Water Usage: NA gpd

2.b. Original Quantity Requested: 300,000 gallons per day.
Existing Type of Water Use: Domestic use for 210 ag units
Place of Water Use: Kawela Plantation 1,2, & 3 at TMK: 5-4-14:various
Reported Current Water Usage: 186,000 gpd
Nearby Similar Water Usage: NA gpd

2.c. Original Quantity Requested: 225,000 gallons per day.
Existing Type of Water Use: Irrigation of 300 acres over 139 lots.
Place of Water Use: Kawela Plantation 2 & 3 at TMK: 5-4-15:various
Reported Current Water Usage: 67,000 gpd
Nearby Similar Water Usage: NA gpd

3. Quantity Requested: 1,000 gallons per day.
Existing Type of Water Use: Supply 3 homes, irrigate 2 acres flowers
Place of Water Use: Kawela, Molokai at TMK: 5-4-1:52
Reported Water Usage: NA gpd
Nearby Similar Water Usage: NA gpd

4. Quantity Requested: 25,000 gallons per day.
Existing Type of Water Use: Irrigation of 4 acres of pasture, corn crop and livestock
Place of Water Use: Near Kakahaia Pond at TMK: 5-4-1:11
Reported Water Usage: 1,000 gpd
Nearby Similar Water Usage: NA gpd

5. Quantity Requested: 432,000 gallons per day.
Existing Type of Water Use: Municipal use
Place of Water Use: In the Kaunakakai-Kawela water system
Reported Water Usage: 288,000 gpd
Nearby Similar Water Usage: NA gpd

Kawela Aquifer System
Current 12-Month Moving Average Withdrawal: 0.545 mgd
(11% of SY)

Nearby Surrounding Wells and Other Registered Ground Water Use

In general, there are thirty-five (35) potential well sites in the Kawela Aquifer System.
The 1992 Draft of the Molokai Water Use and Development Plan estimated that the total existing withdrawal from the Kawela Aquifer System is 0.31 mgd as of 1990. The Final Report of the Molokai Working Group Estimated the actual use from the Kawela Aquifer System to be 0.76 mgd.
There are sixteen (16) other wells within a mile of the well (see Exhibit 1A). Eleven (11) of these wells are currently in use.

There are twenty-one (21) other wells within a mile of the Kawela Plantation Homeowners Assoc. water system (See Exhibit 1C). Many of these wells are in use.

There are twenty-six (26) other wells within a mile of the well (see Exhibit 1E). Thirteen (13) of these wells are currently in use. No wells are located downgradient.

There are twenty-six (26) other wells within a mile of the well (see Exhibit 1B). Thirteen (13) of these wells are currently in use.

There are sixteen (16) other wells within a mile of the well (see Exhibit 1F). Thirteen (13) of these wells are currently in use.

Public Notice

In accordance with HAR §13-171-17, public notices were published in the Star-Bulletin and copies of the notice were sent to the Mayor’s office and the Board of Water Supply. Additional notice copies were sent to the County Council and Department of Water Supply. Copies of the completed application were sent to the Department of Health, Department of Hawaiian Home Lands, Office of Hawaiian Affairs, Aquatic Resources & Historic Preservation Divisions of the Department of Land and Natural Resources, and other interested parties for comments. Written comments and objections to the proposed permit were to be submitted to the Commission within 10 days from the date of the last public notice.

Objections

The public notice specifies that an objector meet the following requirements: (1) state property or other interest in the matter; (2) set forth questions of procedure, fact, law, or policy, to which objections are taken; (3) state all grounds for objections to the proposed permits, (4) provide a copy of the objection letter(s) to the applicant, and (5) submit objections meeting the previous requirements to the Commission.

All objections and/or comments to each application are summarized as follows:

<table>
<thead>
<tr>
<th>Application</th>
<th>Objection</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 a. to c.</td>
<td>Wilma K. Grambusch</td>
</tr>
</tbody>
</table>

Briefs in Support

Responses to objections, or briefs in support, regarding the application are required to be filed with the Commission ten (10) days after an objection is filed and, presumably, copies are served to the applicant. The following briefs in support for each applicant are summarized as follows:

<table>
<thead>
<tr>
<th>Application</th>
<th>Supporter</th>
<th>Statement</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 a. to c.</td>
<td>Various</td>
<td>See Attachment D.</td>
</tr>
</tbody>
</table>
Field Investigation

The water sources and existing uses were investigated as follows:

1. October 12, 1992. Verified 4 acres of ornamental palms, papaya, and citrus trees. Estimated use is 5,400 gpd for irrigation plus domestic use for one home.

2. a. to c. January 11, 1993. Verified 50 of the total 210 lots are occupied. Estimated use is 1,000 gpd/lot for irrigation and 1,000 gpd/lot domestic.


5. February 10, 1993. Verified that the source existed. At the time new motor and pump was being prepared at site for installation. Well has meter. Applicant estimated pumpage at 0.310 mgd to 0.367 mgd annual average.

ATTACHMENT A
STANDARD WATER USE PERMIT CONDITIONS

1. The ground water described in the water use permit may only be taken from the location described, used for the reasonable-beneficial use described, and at the location described above and in the attachments. Reasonable-beneficial use means "the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is not wasteful and is both reasonable and consistent with the state and county land use plans and the public interest." (HAR §13-171-2).

2. The right to use ground water is a shared use right.

3. The water use must at all times meet the requirements set forth in HAR §13-171-13 which means that it:
   a. Can be accommodated with the available water source;
   b. Is a reasonable-beneficial use as defined in section §13-171-2;
   c. Will not interfere with any existing legal use of water;
   d. Is consistent with the public interest;
   e. Is consistent with state and county general plans and land use designations;
   f. Is consistent with county land use plans and policies; and
   g. Will not interfere with the rights of the Department of Hawaiian Home Lands as provided in section 221 of the Hawaiian Homes Commission Act and 174C-101(a), HRS.

4. The ground water use approved must not interfere with surface or ground water rights or reservations.

5. The ground water use approved must not interfere with interim or permanent instream flow standards. If it does, then:
   a. A separate water use permit for surface water must be obtained in the case an area is also designated as a surface water management area;
   b. The interim or permanent instream flow standard, as applicable, must be amended.

6. The water use permit is subject to the requirements of the Hawaiian Homes Commission Act, as amended, if applicable.

7. The water use permit application and staff submittal approved by the Commission at its September 15, 1993 meeting are incorporated into the permit by reference.

8. Any modification of the permit terms, conditions, or uses can only be made with the express written consent of the Commission on Water Resource Management.

9. The water use permit may be modified by the Commission and the amount of water initially granted to the permittee may be reduced if the Commission determines it is necessary to:
   a. Protect water sources in quantity, quality, or both;
   b. Meet other legal obligations including other correlative rights;
   c. Insure adequate conservation measures;
   d. Require efficiency of water uses;
   e. Reserve water for future uses, provided that all legal existing uses of water as of June 1987, shall be protected;
   f. Meet legal obligations to the Department of Hawaiian Homes, if applicable; or
   g. Carry out such other necessary and proper exercise of the State's and the Commissions's police powers under law as may be required.

ATTACHMENT B
Prior to any reduction, the Commission shall give notice of its proposed action to the permittee and provide the permittee an opportunity to be heard.

10. If the ground water source does not presently exist, the new well shall be completed, i.e. able to withdraw water for the proposed use on a regular basis, within twenty-four (24) months from the date the water use permit is approved.

11. An approved flowmeter(s) must be installed to measure withdrawals and a monthly record of withdrawals, water-levels, salinity, and temperature must be kept and reported to the Commission on a monthly basis in accordance the Commission’s September 16, 1992 action on reporting requirements;

12. The water use permit shall be subject to the Commission’s periodic review of the applicable aquifer’s sustainable yield. The amount of ground water use authorized by the permit may be reduced by the Commission if the sustainable yield of the KAWELA Aquifer System, or relevant modified aquifer, is reduced;

13. The water use permit may not be transferred or the use rights granted by this permit sold or in any other way alienated. Pursuant to HAR §13-171-25 and the requirements of Chapter 174C, the Commission has the authority to allow the transfer of the permit and the use rights granted by the permit in a manner consistent with HAR §13-171-25. Any such transfer shall only occur with the Commission’s prior express written approval. Any sale, assignment, lease, alienation, or other transfer of any interest in this permit shall be void.

14. The use(s) authorized by law and by the water use permit do not constitute ownership rights.

15. The permittee shall request modification of the permit when necessary to comply with all applicable laws, rules, and ordinances which will affect the permittee’s water use.

16. The permittee shall prepare and submit a water shortage plan within 30 days of issuance of the permit to assist the Commission in fulfilling HAR §13-171-42(c). The permittee’s water shortage plan shall identify what the permittee is willing to do should the Commission declare a water shortage in the KAWELA Ground Water Management Area.

17. The water use permit granted shall be an interim water use permit, pursuant to HAR §13-171-21. The final determination of the water use quantity shall be made within five years of the filing of the application to continue the existing use.

18. The water use permit shall be issued only after AG review.

19. The water use permit shall be subject to the Commission’s establishment of instream standards and policies to Stream Protection and Management (SPAM), as well as legislative mandates to protect stream resources.

ATTACHMENT B
STANDARD PUMP INSTALLATION PERMIT CONDITIONS

1. The pump installation permit shall be for an after-the-fact installation of a 30 gpm capacity pump in the well.

2. The proposed use shall not adversely affect existing or future legal uses of water in the area, including any surface water or established instream flow standards. This permit or the authorization to pump water from a well shall not constitute a determination of correlative water rights. The permittee is notified and by this provision understands that the quantity of water taken from the well could be reduced by the Commission in the future. This permit is not a commitment that the pump capacity permitted here or even some lesser amount is guaranteed in the future.

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

4. The applicant shall provide and maintain an approved meter or other appropriate device or means for measuring and reporting total water usage. Water usage shall be measured on a monthly basis and annual reports shall be submitted to the Commission.

5. The well shall not be used for drinking water unless it is properly tested and approved by the State Department of Health.

6. The pump installation and water use permit application and staff submittal approved by the Commission at its March 14, 1995 meeting are incorporated into the permit by reference.
TO: David W. Curtis  
P.O. Box 1829  
Kaunakakai, HI 96748

In accordance with the Department of Land and Natural Resources Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", your application to install a pump in the Kamalo-C Well (Well No. 0352-10), is approved subject to the following conditions:

STANDARD PUMP INSTALLATION PERMIT CONDITIONS

1. The pump installation permit shall be for an after-the-fact installation of an 18 gpm capacity pump in the well.

2. The proposed use shall not adversely affect existing or future legal uses of water in the area, including any surface water or established instream flow standards. This permit or the authorization to pump water from a well shall not constitute a determination of correlative water rights. The permittee is notified and by this provision understands that the quantity of water taken from the well could be reduced by the Commission in the future. This permit is not a commitment that the pump capacity permitted here or even some lesser amount is guaranteed in the future.

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

4. The applicant shall provide and maintain an approved meter or other appropriate device or means for measuring and reporting total water usage. Water usage shall be measured on a monthly basis and annual reports shall be submitted to the Commission.
5. The well shall not be used for drinking water unless it is properly tested and approved by the State Department of Health.

6. The pump installation and water use permit application and staff submittal approved by the Commission at its March 14, 1995 meeting are incorporated into the permit by reference.

Michael D. Wilson, Chairperson
Commission on Water Resource Management

APR 19 1995

Date of Issuance

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed.

Applicant’s Signature: __________________ Date: 4.24.95

Printed Name: DAVID W. CURTIS

Firm or Title: OWNER

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

cc: USGS
Department of Health
Safe Drinking Water Branch
Ground Water Protection Program
Wastewater Branch
Maui Department of Water Supply
AFTER-THE-FACT
PUMP INSTALLATION PERMIT

for

Kamalo-C Well
(Well No. 0352-10)
Kawela Groundwater Management Area, Molokai

TO: David W. Curtis
P.O. Box 1829
Kaunakakai, HI 96748

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

4. The applicant shall provide and maintain an approved meter or other appropriate device or means for measuring and reporting total water usage. Water usage shall be measured on a monthly basis and annual reports shall be submitted to the Commission.
5. The well shall not be used for drinking water unless it is properly tested and approved by the State Department of Health.

6. The pump installation and water use permit application and staff submittal approved by the Commission at its March 14, 1995 meeting are incorporated into the permit by reference.

[Signature]

MICHAEL D. WILSON, Chairperson
Commission on Water Resource Management

APR 19 1995
Date of Issuance

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed.

Applicant's Signature: __________________________ Date: ____________

Printed Name: ___________________________________________________________

Firm or Title: ___________________________________________________________

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

cc: USGS
    Department of Health
    Safe Drinking Water Branch
    Ground Water Protection Program
    Wastewater Branch
    Maui Department of Water Supply
Mr. David W. Curtis  
P.O. Box 1829  
Kaunakakai, HI 96748  

Dear Mr. Curtis:

We acknowledge receipt of your water use and pump installation permit applications for Kamalo-Curtis Well (Well No. 0352-10). We are reviewing them for completeness.

On May 13, 1992, the Commission on Water Resource Management designated the aquifer systems of the entire island of Molokai as ground water management areas. All existing users of ground water will be required to apply for water use permits, effective July 15, 1992. Any new uses of ground water will also require water use permits from the Commission.

Although we received your water use permit application on June 17, 1992, we will process it as though we received it on July 15, 1992, the effective date of designation. We will contact you if we need more information.

Sincerely,

Rae M. Loui  
Deputy Director

ES:ko
June 11, 1992

Commission on Water Resource Management
Department of Land & Natural Resources
Division of Water Resource Management
P.O. Box 373
Honolulu, HI 96809

Gentlemen:

Please find enclosed the following forms to substantiate my request for a Well Pump Installation Permit and a Water Use Permit:

- Application for Water Use Permit
- Application for Pump Installation Permit
- Well Completion Report
- USGS map
- Property tax map
- Evaluation Certification

Also enclosed is my check for the $25 filing fee.

Sincerely yours,

David W. Curtis

encl.
# WELL COMPLETION REPORT

**STATE WELL NO.** 0352  
**WE姊 NAME** KAMALO CURTIS ISLAND MOLOKAI  
**TAX MAP KEY** 5-6.07:37

**WELL OWNER** DAVID W. CURTIS

**DRILLING OR PUMP INSTALLATION CONTRACTOR** P. R. DRILLING CO., INC.

**DATE OF WELL COMPLETION** 7-15-89  
**DATE OF PUMP INSTALLATION** 2-15-90

**GROUNDS ELEVATION (msl)** 44 ft.  
Top of Drilling Platform (msl) 44 ft.  
Height of drilling platform above ground surface 4 ft.  
Bench mark and method used to determine ground elevation $M + (59.24)$ ft.

**TOTAL DEPTH OF WELL BELOW GROUND** 74 ft.

**HOLE SIZE:**  
- $5/8$ in. i.d. x $3/8$ in. i.d. maximum section to 4 ft. below ground  
- $7/8$ in. i.d. x $3/8$ in. i.d. maximum section to 4 ft. below ground

**CASING INSTALLED:**  
- 4 in. i.d. x 10 ft.  
- 4 in. i.d. x 10 ft.

**TYPE OF casing perforation:**  
- 4 in. i.d. x 42 ft. i.d. below ground  
- 4 in. i.d. x 42 ft. i.d. below ground

**ANNULUS:**  
- Grouted from 0 ft. to 10 ft. below ground  
- Gravel packed from 0 ft. to 10 ft. below ground

**PERMANENT PUMP INSTALLATION:**  
- Pump type, make, serial no. SUBMERGIBLE-MEYERS  
- Motor type, H.P., voltage, r.p.m. 1.5 HP 220 V.  
- Depth of pump intake setting 42 ft. below ground  
- Depth of bottom of siltline 42 ft. below ground  
- which elevation is 42 ft. below ground

**PROPOSED USE:**

**INITIAL WATER LEVEL** 37 ft. below ground  
**Date and time of measurement** 6-4-89 2:00 PM

**INITIAL CHLORIDE** 750 ppm 117  
**Date and time of sampling** 6-12-89 2:45 PM

**PUMPING TESTS:** Reference point (R.P.) used: GRO which elevation is 42 ft.

<table>
<thead>
<tr>
<th>Date</th>
<th>Start water level</th>
<th>End water level</th>
<th>Depth of well</th>
<th>Elapsed Time (hours)</th>
<th>Rate (gpm)</th>
<th>Drawdown (ft.)</th>
<th>Chloride (ppm)</th>
<th>Temp. °F</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-12-89</td>
<td>33</td>
<td>36.5</td>
<td>74</td>
<td>to</td>
<td>to</td>
<td>to</td>
<td>to</td>
<td>to</td>
</tr>
</tbody>
</table>

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<tr>
<th>Date</th>
<th>Start water level</th>
<th>End water level</th>
<th>Depth of well</th>
<th>Elapsed Time (hours)</th>
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<th>Drawdown (ft.)</th>
<th>Chloride (ppm)</th>
<th>Temp. °F</th>
</tr>
</thead>
<tbody>
<tr>
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<td>36.5</td>
<td>74</td>
<td>to</td>
<td>to</td>
<td>to</td>
<td>to</td>
<td>to</td>
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</tbody>
</table>

**DRILLER'S LOG:**

<table>
<thead>
<tr>
<th>Depth (ft.)</th>
<th>Rock Description &amp; Remarks</th>
<th>Water Level (ft.)</th>
<th>Depth (ft.)</th>
<th>Rock Description &amp; Remarks</th>
<th>Water Level (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 17</td>
<td>OPEN HOLE</td>
<td></td>
<td>77 to 97</td>
<td>DARK B. SOIL</td>
<td></td>
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<td>BASALT ROCK</td>
<td></td>
<td>114 to 130</td>
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<tr>
<td>25 to 35</td>
<td>B. SOIL, SM. EOR</td>
<td></td>
<td>130 to 140</td>
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<tr>
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<td>SMALL ROCK</td>
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<td>140 to 160</td>
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<td>35 to 60</td>
<td>B. SOIL</td>
<td></td>
<td>160 to 169</td>
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<td>40 to 75</td>
<td>SM. EOR</td>
<td></td>
<td>169 to 193</td>
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<tr>
<td>47 to 75</td>
<td>B. E. SOIL, EOR</td>
<td></td>
<td>193 to 217</td>
<td></td>
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</tr>
</tbody>
</table>

**REMARKS:**

Submitted by (print) DAVID W. CURTIS  
**Title** OWNER

Signature

FOR DRILLER'S USE

Job Name

Job No.

For Official Use

Latitude 21° 03' 31"  
Longitude 156° 52' 39"

Well No. 0352-10
<table>
<thead>
<tr>
<th>Date</th>
<th>Value 1</th>
<th>Value 2</th>
<th>Value 3</th>
<th>Value 4</th>
<th>Value 5</th>
<th>Value 6</th>
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<td>ROT</td>
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<td>30</td>
<td></td>
<td>117</td>
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<td>-33</td>
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<td></td>
<td></td>
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<td>AGRON</td>
<td>89</td>
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</tbody>
</table>

APPLICATION FOR WATER USE PERMIT

1. WATER MANAGEMENT AREA: MOLOKAI

2. (a) WELL/DIVERSION OWNER: 

   Name: DAVID W. CURTIS
   Address: PO Box 1829
   Phone: 828-8284

   Contact Person: 
   Address: 
   Phone: 

(b) LANDOWNER: 

   Name: SAME
   Address: 
   Phone: 

3. SOURCE TYPE: Spring

4. SOURCE NAME AND NUMBER: KAMALO-CURTIS #0352 WELL

5. SOURCE LOCATION: Island MOLOKAI

   Address: 10 MILES EAST KAM HU

   Tax Map Key: 5-6-07:37

   (Attach a USGS map, scale 1"=2000', and a property tax map showing source location referenced to established property boundaries.)

6. LOCATION OF PROPOSED WATER USE (if different from #5): 

7. QUANTITY OF WATER REQUESTED: 50,000 gallons per day

8. QUALITY OF WATER REQUESTED: Fresh

9. PROPOSED USE: 

   Municipal (including hotels, stores, etc.)
   Domestic (individual, noncommercial water sys.)
   Irrigation (specify) 6 ACRES
   Other (specify) 

10. DESCRIBE ANY POTENTIAL RESTRICTIONS ON USE (i.e., instream standards, seasonal variations):

11. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION: 24 HRS - OFF & ON

   (Indicate hours of operation)

12. PROPOSED METHOD OF TAKING THE WATER:

   Artesian Flow
   Submersible Pump
   Diverted Flow
   Vertical Turbine Pump
   Centrifugal Pump

13. NUMBER OF RESIDENTIAL OR COMMERCIAL UNITS TO BE SERVED (specify):

   PLANT NURSERY

14. TOTAL ACRES PROPOSED FOR IRRIGATION AND TYPE OF CROP:

   6 - PAPAYAS

   (acres) (crop)

15. REMARKS, EXPLANATIONS:

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

   Owner (print) DAVID W. CURTIS
   Signature ________________________
   Date 6-11-92

   Landowner (print) SAME
   Signature ________________________
   Date ________________________

   For Official Use Only:
   Date Received 4/17/92
   Hydrologic Unit 
   Diversion Works No.
   Date Accepted ________________________
   State Well No. ________________________
APPLICATION FOR: □ Well Construction or ☑ Pump Installation PERMIT

Instructions: Please print or type and send completed application with attachments to the Div. of Water Resource Management, P.O. Box 373, Honolulu, Hawaii 96809. Application must be accompanied by a non-refundable filing fee of $25.00 payable to the Dept. of Land and Natural Resources. (Filing fee waived for government agencies.) If necessary, phone 548-7643, Hydrology/Geology Section for assistance.

1. WELL LOCATION/NAME: KAMALO-CURTIS #0352 Island MOLOKAI
   Address 10 MI. EAST KAM HWY
   (Attach a USGS map, scale 1" = 2000', and a property tax map showing well location referenced to established property boundaries.)

2. (a) WELL OWNER: Firm Name DAVID W. CURTIS
   Contact Person
   Address P.O. Box 1829
   Ph.

   (b) LANDOWNER:
   Firm Name SAME
   Contact Person
   Address
   Ph.

3. PROPOSED CONTRACTOR:
   Name OWNER
   Contractor's License No.
   Address
   Ph.

4. PROPOSED WORK: ☑ Install New Pump ☑ Replace Pump ☑ Modify Pump
   (Briefly describe the proposed work and fill in the diagram on the back of this form.)

5. PROPOSED USE: ☑ Municipal (including hotels, stores, etc.) ☑ Domestic (individual, noncommercial water sys.)
   ☑ Military ☑ Industrial ☑ Irrigation (specify) 6 ACRES ☑ Other (specify)

6. PROPOSED AMOUNT OF WITHDRAWAL: 50,000 gallons per day

7. PROPOSED PUMP INFORMATION:
   Pump Type: ☑ Vertical Turbine ☑ Submersible ☑ Centrifugal
   Motor: ☑ Diesel ☑ Gas ☑ Electric, at a rated horsepower of
   Rated Pump Capacity: 18
   Gallons per minute

Well Owner (print) DAVID W. CURTIS Landowner (print) SAME
Signature ______________________ Signature ______________________
Date 6-11-92 Date ______________________

For Official Use Only:
Field Checked By ______________________ Latitude ______________________
Date ______________________ Hydrologic Unit ______________________
State Well No. ______________________
**Briefly describe the proposed work:**

**INSTALL PUMP - TEST FOR CAPACITY OF WELL**

---

**PROPOSED SECTION OF WELL**

**Elevation at top of casing:**

43 ft., msl.

**Ground Elevation:**

---

**Cement Grout:** 10 ft.

**Solid Casing:**

Material: SCHED. 40 BL. PIPE

Length: 43 ft.

Diameter: 4 in.

Wall thickness: ________ in.

**Hole Diameter:** 5 7/8 in.

**Total Depth:** 74 ft.

**Rock Packing:** 0 ft.

**Casing:**

- ☐ Perforated
- ☐ Screen

Material: ________

Length: ________ ft.

Diameter: ________ in.

Wall thickness: ________ in.

Openings: ________ sq. in./LF.

**Open Hole:**

Length: 32 FT.

Diameter: 3 7/8 in.

---

*Approximate elevation at time of filing application. Final elevation (msl) by a surveyor licensed by the State must be submitted at start of construction.*
Pump Installation is with the Permit.
Sent to Key 8/10/92 (Ed said OK to proceed despite short 25" (Wainer).
MAUNA LOA PROJECT

SCALE IN MILES

ISLAND OF MOLOKAI
ISLAND OF MOLOKAI
MOLOKAI AQUIFER SECTORS
WATER SOURCE AND SERVICE AREAS

SOURCE: DEPARTMENT OF LAND AND NATURAL DEVELOPMENT, 1968
WATER RESOURCES DEVELOPMENT MOLOKAI, DOWDAL BULLETIN B-10
BELT COLLINS & ASSOCIATES MOLOKAI WATER SYSTEM PLAN
RED PENCIL DATA FROM WUC INDEX & SUMMARY
PENCIL IS FROM REGISTRATION W/ FIELD INVESTIGATION.

WATER USE STATUS KANELA AREA, NOLOA

<table>
<thead>
<tr>
<th>WELL NO</th>
<th>USE TYPE</th>
<th>EST. GPD</th>
<th>USED SINCE</th>
<th>USER</th>
</tr>
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<tbody>
<tr>
<td>0352-01</td>
<td>UNI (1272)</td>
<td>0</td>
<td>MAUI COUNTY</td>
<td></td>
</tr>
<tr>
<td>02</td>
<td>DOM (1347)</td>
<td>0</td>
<td>AUSTIN C.</td>
<td></td>
</tr>
<tr>
<td>03</td>
<td>DOM (1347)</td>
<td>0</td>
<td>INOHE</td>
<td></td>
</tr>
<tr>
<td>04</td>
<td>IRR (1247)</td>
<td>0</td>
<td>ULAHAKA</td>
<td></td>
</tr>
<tr>
<td>05</td>
<td>UNI (1333)</td>
<td>0</td>
<td>DONALD</td>
<td></td>
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<td>DOM</td>
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<td>11</td>
<td>IRR (1 ACRE)</td>
<td>3000 - 9000 GPD</td>
<td>L.L. FARM</td>
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<td>KUBACHI JOHN</td>
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<tr>
<td>13</td>
<td>IRR (SEASONAL)</td>
<td>(2 HP PUMP)</td>
<td>MUSTIE H</td>
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<td>14</td>
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<td>AKUTAGAWA M.</td>
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Exhibit 1A
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<tr>
<th>Date Time</th>
<th>Sample No.</th>
<th>Sample (ml)</th>
<th>Chlorides (ppm)</th>
<th>Temp. (°C)</th>
<th>Conductivity (umhos)</th>
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<tr>
<td>JUNE 12, 1989</td>
<td>0</td>
<td>50</td>
<td>117</td>
<td>23.3</td>
<td>715</td>
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</table>

* SAMPLE PROVIDED BY R.R. DRILLING. DURING PUMPING TEST @ 18 GPM
June 21, 1989

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

Attn: Ed Sakota

Re: Boring log on our job # 89-50 TMK5-6-07:37 0252-10

Dear Mr. Sakota;

As per your request, enclosed is our boring log of the pump test for the Dave Curtis well on Molokai. Also enclosed are water well samples.

If I can be of further help, please do not hesitate to call.

Sincerely,

Paul J. Kuchler
Consultant

PJK/vsm

"Every Bit Better"
### Contractor's Boring Log

**Project:** Dave Curtis  
**Feature:** Water well 0352-10  
**Location:** Molokai  
**Boring No.:** 1  
**Ground Elevation:** 42'  
**Job No.:** 89 50  
**Type of Equipment:**  
**Client:** Dave Curtis  
**Depth of Water Table:** 39'  
**Date:** Start Finish  
**Remarks:**

<table>
<thead>
<tr>
<th>Depth (ft.)</th>
<th>Sample</th>
<th>Penetration</th>
<th>Type of Boring</th>
<th>Type of Sample</th>
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<tr>
<td>46' 3/4&quot;</td>
<td>Started Pumping</td>
<td>1:07 PM</td>
<td>189 RPM</td>
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<tr>
<td></td>
<td>Approx. 2'6&quot; draw down</td>
<td>2:10 PM</td>
<td>189 RPM</td>
<td></td>
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<tr>
<td></td>
<td>Took 1/ Water sample</td>
<td>2:46 PM</td>
<td>189 RPM</td>
<td></td>
</tr>
<tr>
<td></td>
<td>At 1:45 PM</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lowered Pump to</td>
<td></td>
<td>(Water Level Constant)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>47' 3/4&quot;</td>
<td></td>
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<td></td>
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<tr>
<td></td>
<td>2nd Water sample at</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3:45 PM</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>750 PPM salt field test</td>
<td></td>
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<tr>
<td></td>
<td>Lowered Pump to</td>
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<td>18 GPM</td>
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<tr>
<td></td>
<td>119' 7/4&quot;</td>
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<tr>
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<td>3rd Water sample at</td>
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<td>(Water Level Constant)</td>
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<td></td>
<td>3:45 PM</td>
<td></td>
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<tr>
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<td>750 PPM salt field test</td>
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<tr>
<td>Pressure (lbs.)</td>
<td>Gage Pressure</td>
<td>Time</td>
<td>Gal/Min</td>
<td></td>
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<tr>
<td>----------------</td>
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<td>--------</td>
<td>---------</td>
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<tr>
<td>7</td>
<td>8</td>
<td>1:57</td>
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<tr>
<td>5</td>
<td>2</td>
<td>2:10</td>
<td>189</td>
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<td>5</td>
<td>7</td>
<td>2:46</td>
<td>189</td>
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<td>4</td>
<td>4</td>
<td></td>
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</tr>
<tr>
<td>3</td>
<td>10</td>
<td></td>
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</tbody>
</table>

Lowered pump to 463'4 AT 2:46
Gage Pressure 3.5
9 PM 189 Gal/Per Min.
Gage Pressure 3.5
Generator Problems cutting off every so often

1st water sample 1:45 PM
2nd water sample 2:45 PM
3rd " " 3:45 PM

Salenity Test 15 drops = 750 parts per million 8:10 PM
More likely contaminant 2:40 PM
Lowered Pump to 47'3 1/4" at 3:04 PM

Gage Pressure 416 lbs at 3:06 PM
" " 416 lbs at 3:18 PM

Salinity Test 750 Parts Per Million at 4:08 PM

9 PM 18 Sec. = 17.94 Per Min at 4:08 PM
Lowered Pump 3:21 48'3/4" 
GPM 18 GAL
Gage Pressure 4.5 lbs. 3:24 PM
750 Parts Per Million 3:30 PM

Lowered Pump to 49' 7 3/4" at 3:46 PM
Gage Pressure 5 lbs 3:55
Finish Test 4:17 PM - 4:02 Gage Pressure, 6.15
17 GPM
750 Parts Per Million 4:17 PM
The Honorable William W. Paty, Chairperson
Commission on Water Resource Management
Department of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Paty:

SUBJECT: WELL CONSTRUCTION PERMIT APPLICATION
KAMALO-CURTIS WELL
STATE WELL NO. 0352-10
KAMALO, MOLOKAI

Thank you for the opportunity to review the subject document. We have reviewed the application and have the following comments to offer:

1. The permit indicates that the well will be for domestic use. If the well is to serve 25 or more individuals at least 60 days per year or will have a minimum of 15 service connections, the applicant will be required to comply with the Department's Administrative Rules, Title 11, Chapter 20, "Potable Water Systems."

2. Section 11-20-29 of Chapter 20 requires that a new source of potable water serving public water systems be approved by the Director of Health prior to its use. Such an approval is based primarily upon the submission of a satisfactory engineering report which addresses the requirements set in Section 11-20-29.

3. The proposed well is situated above the Underground Injection Control (UIC) line. Land areas above the UIC line are considered to contain underground sources of drinking water. Thus, it is essential that the well be designed and constructed to prevent the possibility of groundwater contamination. For example, the well should have a concrete well pad and full grouting to prevent seepage or floodwaters from migrating down the well shaft.

4. The operation of this well should not be allowed to adversely affect the water quality of nearby drinking water wells both up and downgradient from the well site.
If you should have any questions, please contact the Drinking Water Program at 548-2235.

Very truly yours,

[Signature]

JOHN C. LEWIN, M.D.
Director of Health
TO: Mr. David W. Curtis  
P.O. Box 1050  
Kaunakakai, Hawaii 96748

In accordance with the Department of Land and Natural Resources Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", your application to construct and test Well No. 0352-10 for domestic use within Tax Map Key: 5-6-07:37 is approved subject to the following conditions:

1. The Division of Water and Land Development (DOWALD), Geology-Hydrology Section, shall be notified at 548-7619, before any work covered by this permit commences.

2. The permit shall be for construction and testing only. No permanent pump may be installed and no water used from the well without the necessary pump installation permit from the Commission.

3. The following shall be submitted to DOWALD, P.O. Box 373, Honolulu, Hawaii 96809 within 30 days after completion of the well:
   a. Well Completion Report.
   b. Ground elevation (referenced to mean sea level) determined by survey by a Hawaii-licensed surveyor.
   c. As-built sectional drawing of the well.
   d. Plot plan and map showing the exact location of the well.
WELL CONSTRUCTION PERMIT
Well No. 0352-10

e. Complete pumping test record; including time, pumping rate, drawdown, chloride content, and water quality data.

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

5. This permit may be revoked if work is not started within six months of date of issuance or if work is suspended or abandoned for six months. The work shall be completed within two years of the date of issuance.

MAY 25 1989
Date of Issuance

cc: USGS
   Department of Health
   Drinking Water Program
   Ground Water Protection Program
   Maui Department of Water Supply
   P.R. Drilling Co., Inc.
CHARLES M. BUSBY P.E.
P.O. BOX 246 KUALAPUU
MOLOKAI, HAWAII 96757
Ph 567-6333

DAVE CURTIS
STAR Rte., KUMUELI
MOLOKAI, HAWAII

May 19 1989

ELEVATION CERTIFICATION

I certify that the ground elevation at the well site on
TMK: 2nd/5-6-07:37 at Kumueli, Molokai, Hawaii is 42 feet above mean
sea level referenced from "RM-5" [ U.S.G.S. BM No. 39,( Elev. 39.24
MSL)].
May 15, 1989

Mr. David W. Curtis  
P.O. Box 1050  
Kaunakakai, Hawaii 96748

Dear Mr. Curtis:

The Commission on Water/Resource Management will be acting upon your application for a well construction permit for Kamalo-Curtis Well (0352-10) at its meeting on May 17, 1989, at 2:00 p.m., in the Board Room 132, 1151 Punchbowl Street, Honolulu. Your application will be included on the agenda as Item 9 (attached).

You, or your representative, are invited to attend the meeting.

Sincerely,

MANABU TAGOMORI  
Deputy Director

ES:ko  
Encl.
May 8, 1989

Honorable Vince Bagoyo, Director
Department of Water Supply
County of Maui
200 S. High Street
Wailuku, Maui, Hawaii 96793

Dear Mr. Bagoyo:

Well Construction Permit Applications

We are sending you a copy of the following permit applications for your review and comments:

Kamalo - Curtis Well (0352-10).

Wailua-GCR/VMS Wells (4125-01,02).

Please submit your comments to us, orally or in writing, within three weeks from the date of this letter.

If you have any questions, please contact Dan Lum at 548-7642.

Sincerely,

MANABU TAGOMORI
Deputy Director

FS:bm
State of Hawaii  
COMMISSION ON WATER RESOURCE MANAGEMENT  
Department of Land and Natural Resources  
Division of Water Resource Management

APPLICATION FOR

WELL CONSTRUCTION PERMIT
PUMP INSTALLATION PERMIT

INSTRUCTIONS: Please print or type and send completed application with attachments to the Division of Water and Land Development, P.O. Box 373, Honolulu, Hawaii 96802. Application must be accompanied by a non-refundable filing fee of $25.00 payable to the Department of Land and Natural Resources. (Filing fee waived for government agencies.) If necessary, phone 848-1542, Hydrology/Geology Section for assistance.

1. WELL LOCATION
   Island: MOLOKAI  
   Tax Map Key: S-6-07:37  
   Address: 10 Ml. EAST OR K'KAI
   (Attach a USGS map (scale 1"=2000') and property tax map showing well location referenced to established property boundaries.)

2. WELL OWNER
   Firm Name: DAVID W. CURTIS
   Contact Person: 
   Address: P.O. BOX 1050
   Phone: 

   LANDOWNER
   Firm Name: SAME
   Contact Person: 
   Address: 
   Phone: 

3. PROPOSED CONTRACTOR FOR:
   □ Well Drilling  □ Pump Installation
   Name: P.R. DRILLING CO., INC.
   Address: 92-710A KUAKIN PL.
   Phone: 487-9949
   Contractor's License No. 

4. PROPOSED WORK
   □ Drill New Well  □ Deepen  □ Redrill
   □ Alter  □ Seal  □ Abandon
   □ Install New Pump  □ Replace Pump  □ Modify Pump
   (Briefly describe the proposed work and fill in the diagram on the back of this form.)

5. PROPOSED USE
   □ Municipal (including hotels, stores, etc.)  □ Military
   □ Domestic (individual, noncommercial water systems)  □ Industrial
   □ Irrigation (specify)  □ Other (specify) 

6. PROPOSED AMOUNT OF WITHDRAWAL 2000 gallons per day

7. PROPOSED PUMP INFORMATION
   Pump Type:  □ Vertical Turbine  □ Submersible  □ Centrifugal
   Motor:  □ Diesel  □ Gas  □ Electric: 
   Rated Pump Capacity _________ gallons per minute (gpm)

Well Owner (print) DAVID W. CURTIS  
Signature ____________________  Date 4-11-84
Landowner (print) SAME  
Signature ____________________  Date 

For Official Use Only:
Field Checked By ____________  Latitude _________  Hydrologic Unit
Date ____________  Longitude _________  State Well No. 0352-10
MAY 3 1989

REF: WL-KC

Honorable John C. Lewin, M.D.
Director of Health
Department of Health
1250 Punchbowl Street
Honolulu, Hawaii 96813

Attention: Mr. Thomas Arizumi, Drinking Water Program

Dear Dr. Lewin:

Well Construction Permit Application:

In accordance with the Department of Land and Natural Resources Administrative Rules, Section 13-168-12(c), we are sending you a copy of the following permit applications:

- Kamalo-Curtis Well, State Well No. 0352-10
- Honouliuli Well 6, State Well No. 2303-06

Please submit your comments to us, orally or in writing, within three weeks from the date of this letter.

If you have any questions, please contact Nanabu Taromori at 548-7533.

Very truly yours,

WILLIAM W. PATY

MT: ES: ko
Enc.
April 14, 1989

State of Hawaii
Department of Land and Natural Resources
Commission on Water Resource Management
P. O. Box 621
Honolulu, Hawaii 96809
Attn: Manabu Tagomori, P.E., Deputy

Re: Water Well on Molokai - David W. Curtis
TMK # 5-6-07:37

Dear Mr. Tagomori:

We respectfully request that you schedule Mr. Curtis's Water Well Permit on the April 19, 1989 agenda for approval or disapproval.

The reason that we request this is due to the fact that we have our drilling equipment presently on the island of Molokai. It is presently standing by, awaiting your approval.

If you approve the well, we can commence work immediately. If you don't approve, then we will have to remove the Drill Rig and equipment, thereby costing Mr. Curtis a considerable sum of money to remobilize the Drill Rig and equipment.

Thank you for your attention to this matter.

Sincerely,

Paul J. Kuchler
Consultant

PJK/dd
encl.

"Every Bit Better"
APPLICATION FOR

A WELL CONSTRUCTION PERMIT
B PUMP INSTALLATION PERMIT

INSTRUCTIONS: Please print or type and send completed application with attachments to the Division of Water and Land Development, P.O. Box 373, Honolulu, Hawaii 96809. Application must be accompanied by a non-refundable filing fee of $25.00 payable to the Department of Land and Natural Resources. (Filing fee waived for government agencies.) If necessary, phone 948-1545, Hydrology/Geology Section for assistance.

1. WELL LOCATION

Island: MOLOKAI  Tax Map Key 5-6-07-37
Address: 10 MI. EAST OR K'KAI

(Attach a USGS map (scale 1"=2000') and property tax map showing well location referenced to established property boundaries.)

2. WELL OWNER

Firm Name: DAVID W. CURTIS  LANDOWNER: SAME
Contact Person:  
Address: P.O. BOX 1050, KAUNA'OAI, HI 96748
Phone:  

3. PROPOSED CONTRACTOR FOR:  

Name: P.R. DRILLING CO., INC.  Phone: 487-9969
Address: 98-710 A KUAHAI PL, Pearl City, Hawaii 96702

4. PROPOSED WORK

☐ Drill New Well  ☐ Redrill
☐ Alter  ☐ Seal 
☐ Install New Pump  ☐ Replace Pump
☐ Modify Pump

(Briefly describe the proposed work and fill in the diagram on the back of this form.)

5. PROPOSED USE

☐ Municipal (including hotels, stores, etc.)  ☐ Military
☐ Domestic (individual, noncommercial water systems)  ☐ Industrial
☐ Irrigation (specify)  ☐ Other (specify)

6. PROPOSED AMOUNT OF WITHDRAWAL  2000 gallons per day

7. PROPOSED PUMP INFORMATION

Pump Type:  ☐ Vertical Turbine  ☐ Submersible  ☐ Centrifugal
☐ Gas  ☐ Electric: Rated Horsepower
☐ Diesel

Rated Pump Capacity gallons per minute (gpm)

Well Owner (print): DAVID W. CURTIS  Landowner (print): SAME
Signature:  
Date: 4-1-89

For Official Use Only:
Field Checked By: Latitude:  
Hydrologic Unit: State Well No. 0352-10

Date:  
Longitude:
Briefly describe the proposed work:

PROPOSED SECTION OF WELL

Elevation at top of casing ______ ft., msl.

Cement Grout ______ ft.

Hole Dia. ______ in.

Total Depth ______ ft.

Rock Packing ______ ft.

Ground Elev. ______ ft., msl*

Solid Casing:
Material ____________________________
Length ____________________________ ft.
Diameter ____________________________ in.
Wall thickness ____________________________ in.

Casing: / /Perforated / /Screen
Material ____________________________
Length ____________________________ ft.
Diameter ____________________________ in.
Wall thickness ____________________________ in.
Openings ________ sq. in./L.F.

Open Hole:
Length ____________________________
Diameter ____________________________ in.

*Approximate elevation at time of filing application. Final elevation (msl) by a surveyor licensed by the State must be submitted at start of construction.
APPLICATION FOR

WELL CONSTRUCTION PERMIT
PUMP INSTALLATION PERMIT

INSTRUCTIONS: Please print or type and send completed application with attachments to the Division of Water and Land Development, P.O. Box 373, Honolulu, Hawaii 96809. Application must be accompanied by a non-refundable filing fee of $25.00, payable to the Department of Land and Natural Resources. (Filing fee waived for government agencies.) If necessary, phone 948-7543, Hydrology/Geology Section, for assistance.

1. WELL LOCATION

Island: MOLOKAI  Tax Map Key 5-G-07:37
Address: 10 Mi. East of K'KAI

(Attach a USGS map (scale 1"=2000') and property tax map showing well location referenced to established property boundaries.)

2. WELL OWNER

Firm Name: DAVID W. CURTIS
Contact Person:
Address: P.O. BOX 1050
KAUNA'A, HI 96748
Phone:

3. PROPOSED CONTRACTOR FOR:  ☑ Well Drilling  ☐ Pump Installation

Name: P.R. DRILLING CO., INC.
Address: 98-710A KUAHAD PL.
Contractor's License No.

4. PROPOSED WORK

☐ Drill New Well  ☐ Deepen  ☐ Redrill
☐ Alter  ☐ Seal  ☐ Abandon
☐ Install New Pump  ☐ Replace Pump  ☐ Modify Pump

(Briefly describe the proposed work and fill in the diagram on the back of this form.)

5. PROPOSED USE

☐ Municipal (including hotels, stores, etc.)  ☑ Military
☐ Domestic (individual, noncommercial water systems)  ☑ Industrial
☐ Irrigation (specify)  ☐ Other (specify)

6. PROPOSED AMOUNT OF WITHDRAWAL 2,000 gallons per day

7. PROPOSED PUMP INFORMATION

Pump Type: ☑ Vertical Turbine  ☑ Submersible  ☐ Centrifugal
Motor: ☐ Diesel  ☑ Gas  ☑ Electric:  ☐ Rated Horsepower
Rated Pump Capacity gallons per minute (gpm)

State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources
Division of Water Resource Management

R E C E I V E D
30 MAY 1986
P 3:16

WELL OWNER
LANDOWNER

Firm Name:  SAME
Contact Person:
Address:
Phone:

Firm Name:  SAME
Contact Person:
Address:
Phone:

For Official Use Only:
Field Checked By
Latitude
Hydrologist

Date

 Longitude
State Well No.

Signature

Date

Signature

Date
Briefly describe the proposed work:

Drill and Case Water Well with schedule 40 P/E Black Pipe.

Drill open hole 10' or + to produce 2000 gallons per day domestic water.

**PROPOSED SECTION OF WELL**

- **Elevation at top of casing**: 46' ft., msl.
- **Cement Grout**: 10' ft.
- **Hole Dim.**: 6" in.
- **Total Depth**: 55+ ft.
- **Rock Packing**: ~6- ft.

**Solid Casing**:
- **Material**: Schedule 40 P/E Black Pipe
- **Length**: 45' ft.
- **Diameter**: 4" in.
- **Wall thickness**: Sch. 40 in.

**Casing**: 1/8/Perforated 1/2 Screen
- **Material**
- **Length**
- **Diameter**
- **Wall thickness**
- **Openings** sq. in./L.F.

**Open Hole**:
- **Length**: 10 L.F. + Open Hole
- **Diameter**: 3 7/8 in.
**DIVISION OF WATER RESOURCE MANAGEMENT**

**FROM:**  
**DATE:**  
**FILE IN:** KAMALO-CURTIS WELL

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**Check:**

4/1/26

S. Kokubun
D. Hamada
L. Nanbu
F. Ching

4/1/25

Don't (P.M. Brk)

5½ (pump) To bring is today
Well No. 0352-10

Only 4 acres irrigated?
(WPPA says 6)

Irrig. system has 6 circuits
each ring 15 gpm for 1 hour
each day = total use of
5,400 gpd (WPPA
recommends 5,000)

(County 5,000 gpd/mile vs. 10,000)