Mr. Darryl Yagodich, representing the DHHL, presented testimony supporting additional water reservation from the Kualapuu Aquifer System for uses on Hawaiian homelands (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. 0352-10), 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. NAIWA WELL (WELL NO. 0705-05), KUALAPUU GROUND WATER MANAGEMENT AREA, MOLOKAI

Ms. Nakama presented amended recommendations for Commission action. After discussions the following was recommended:
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 918,800 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,
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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, KAWEWA 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, HONOUWAI STREAM, MOLOKAI

Mr. Higa recommended the following amendments to the Recommendations:

"The permit application and the staff submittal approved by the Commission at its meeting of [March 16] April 14, 1994 shall be incorporated herein by reference."

5. "[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).
State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources
Honolulu, Hawaii
April 14, 1994

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

Gentlemen:

Applications for Water Use Permits
Kawela Ground Water Management Area, Molokai

Applicant: Landowner:
1. (Well Nos. 0354-01, 02, & 04)
T. T. Meyer, Inc.
P.O. Box 454
Kaunakakai, HI 96748

Same

2. (Well No. 0354-03)
Kanukuawa Ranch
P.O. Box 707
Kaunakakai, HI 96748

T. T. Meyer, Inc.
P.O. Box 454
Kaunakakai, HI 96748

Same

3. (Well No. 0354-05)
Henry R. Meyer Estate
P.O. Box 454
Kaunakakai, HI 96748

Background

The applicants submitted completed water use permit applications to the Commission on the dates indicated in Exhibit 1. Specific information regarding the source, use, notification, objections, and field investigation(s) are described in Attachment A and the attached exhibits.

Analysis & Issues

1. These three existing sources use brackish water from the Kawela Aquifer System for various uses as follows:

a. Meyer Inc. #1 (Well No. 0354-01) - Because the county water system has never been extended to service this area of Molokai, this dug well is the sole source of domestic water supply for five homes and serves a total of 13 members of the Meyer family. Eleven briefs in support of this application have been submitted. Although the application indicates that the well is also used for the irrigation of 15.5 acres of various fruit trees and vegetables, this use was not verified by the field investigation. The applicant has verbally stated that the irrigation use is sporadic and varies according to the nature of the rainfall. The produce is not marketed commercially at this time, but may be at some point in the future. Currently, the irrigated lands are used for subsistence farming.

b. Meyer Inc. #2 (Well No. 0354-02) - This drilled well is used for dust control and rock and cinder quarry operations on 25 acres of leased land. The lease to Molokai Concrete and Construction expired in August 1993. The applicant has verbally stated that a new lease is currently being negotiated and that he considers the water needs of the quarry to be immediate. Four briefs in support of this application have been filed with the Commission.

c. Meyer Inc. #4 (Well No. 0354-04) - This dug well is used for irrigation purposes. The application states that the water is used for the domestic needs of one home and for irrigation of 2.71 acres of coconut trees, heliconias, and ti leaf plants. However, the field investigation report states that the domestic water is derived from the Meyer Inc. #1 Well and that irrigation use is confined to 1/2 acres of lawn. The applicant has verbally stated
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that the irrigation use varies with rainfall and, at present, no commercial agricultural operations exist.

2. Well #3 (Well No. 0354-03) - This existing source uses brackish water for the domestic needs of three homes and the irrigation of a 5-acre orchard of various fruit trees. A small portion of the water is used by 4 horses and 4 pigs for drinking and washing. At the time that the field investigation was conducted on November 23, 1992, two of the five acres were not being farmed.

3. Henry's Well (Well No. 0354-05) - From the field investigation conducted on November 23, 1992, this existing dug source was verified to have no existing use. It was determined that the well was not equipped with a pump or motor. Further, this well has not been registered under the well registration program. Staff finds that there is no justification for the issuance of a water use permit for this well and that this application should be denied, pursuant to §174C-83 and pending justification of an immediate need.

By the following analysis, staff finds that the following applications for permits to continue an existing water use meet the seven (7) criteria set forth in HRS 174-C(a).

**Conditions for a permit:**

1. Water availability - Although pending applications for existing uses reflect a total draft rate of 1.72 million gallons per day (mgd), the latest 12-month moving average of actual recorded water usage suggests that existing withdrawals may be less than 0.6 mgd. Staff finds that this is a more reasonable estimate of existing uses in the aquifer. The satisfaction of all reasonable and beneficial existing uses is therefore expected to require less than 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 pending permits for continued existing uses and for new uses on lands that are currently undeveloped.

2. Reasonable-beneficial - The following proposed permits are deemed to be beneficial uses of the water resource. However, the quantities requested do not appear to be reasonable estimates for the proposed uses.

   a. Meyer Inc. #1 (Well No. 0354-01) - The applicant has not been reporting his water use on a regular basis, and the capacity of the pump could not be verified in the field. The well registration form lists the capacity at 20 gpm. It is assumed that the pump has not been replaced, since no application for a pump installation permit has been filed since the well was registered. Assuming that the pump is operated continuously at full capacity, the maximum possible yield from the well is 28,800 gallons per day. Based on the Maui County Domestic Consumption Guideline, a single family residential unit may use up to 3,000 gallons per acre of land. Given the large area used for subsistence farming (15.5 acres), it is conceivable that the maximum yield of the well may be required for domestic consumption and irrigation purposes. Staff finds that an allocation of 28,800 gallons per day is justified.

   b. Meyer Inc. #2 (Well No. 0354-02) - The Native Hawaiian Advisory Council (NHAC) has commented that, since the lease has expired, water should not be allocated until the future of the land use has been confirmed. However, the applicant has stated that his needs are immediate, as negotiations are underway. Given 1) the interim nature of the permit, 2) the ability of the Commission to revoke any portion, or all, of the permitted use following four continuous years of nonuse, 3) the availability of the water supply, and 4) the justification given for his need at this time, staff finds no compelling reason to deny the request for an allocation.

Water use data are not available to estimate existing needs, and the capacity of the pump could not be verified in the field, but the registration form lists the capacity at 56 gpm. The application states that the pump is run daily from 7 a.m. to 6 p.m. By this method, the estimated water use may be as much as 39,960 gpd. Staff feels that this is a liberal estimate. However, the issuance of an interim permit at this time will allow the Commission to further refine this estimate as water use data become available.
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1c. Meyer Inc. #4 (Well No. 0354-04) - Water use data are not available, and the pump capacity is unknown. The type of plants being irrigated have relatively low water demands. Assuming a daily irrigation requirement of 1,700 gallons per acre (County guideline for park-like areas), about 4,600 gpd is required to irrigate 2.71 acres.

2. Well #3 (Well No. 0354-03) - The applicant's request appears to be low. Based on the county guidelines, three single family residences consume an average of 1,800 gpd, and 5 acres of fruit trees may require anywhere from 15,000 to 25,000 gpd. Staff finds that an allocation of 16,800 gpd is a reasonable estimate for these uses.

(3) Interference with other existing legal uses - There should be no affect on the interim instream flow standards, as these uses were in existence prior to the effective date of the standards for Molokai streams. Although Kapuaokoolau Gulch appears to have flow in its lower region, DAR has commented that, from the aquatic biological resources standpoint, there are no objections. Further, it is unlikely that the existing withdrawal will result in any measurable impacts. Excluding the wells owned by the Meyer family, there are two other wells within a mile of these wells, but the use of these wells could not be confirmed. However, it does not appear that any interference with other legal rights will result from continuation of the use, and no objections to these permit applications have been filed.

NHAC has raised concerns regarding the effect of runoff from the quarry operation (Well No. 0354-02) on nearshore waters and nearby fishponds. The Division of Aquatic Resources has noted the proximity of the quarry to the Pahimou Fish Pond and has concluded that there is no potential for any impact on surface water habitat.

(4) Public interest - These proposed beneficial uses of water for domestic, agricultural irrigation, and industrial purposes do not appear to be in conflict with the various objectives declared to be in the public interest. Review of these applications by the various divisions of the Dept. of Land and Natural Resources, which serve to protect and promote the interests of the public, has not prompted any statements of objections or concerns.

(5) State & county general plans and land use designations - The Office of Conservation and Environmental Affairs and the Maui County Planning Department has 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 homesteads 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 Molokai Working Group has made the following recommendations for the Southeast Sector, which encompasses the Kawela Aquifer System:

1. Limit groundwater 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 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:

1. That, for any interim permits granted by the Commission for an existing use, the existing use may continue within the approved level of use, and any delay in the actual issuance of the permit document shall not be a reason to interrupt the approved level of use.

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 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.

3. That the Commission approve the issuance of an interim water use permit to T.T. Meyer, Inc. for the reasonable and beneficial use of 39,960 gallons per day of brackish water for industrial uses at a 25-acre quarry from the Meyer, Inc. #2 Well (Well No. 0354-02), subject to the standard water use permit conditions listed in Attachment B.

4. That the Commission approve the issuance of an interim water use permit to T.T. Meyer, Inc. for the reasonable and beneficial use of 4,600 gallons per day of brackish water for irrigation use on 2.71 acres from the Meyer, Inc. #4 Well (Well No. 0354-04), subject to the standard water use permit conditions listed in Attachment B.

5. That the Commission approve the issuance of an interim water use permit to the Kanukuawa Ranch for the reasonable and beneficial use of 16,800 gallons per day of brackish water for domestic use by three residences and agricultural irrigation use on 5 acres from the Well #3 (Well No. 0354-03), subject to the standard water use permit conditions listed in Attachment B.

6. That the Commission deny the issuance of a permit to Henry R. Meyer for use of Henry’s Well (Well No. 0354-05) pending the establishment of existing uses and further justification for the immediacy of his need.

Respectfully submitted,

Edwin S. Sabado
RAE M. LOUI
Deputy Director

APPROVED FOR SUBMITTAL:

KEITH W. AHUE, Chairperson
WATER USE PERMIT DETAILED INFORMATION

Source Information

AQUIFER: Kawela 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: 1.278 mgd

1a. WELL:
Location: Meyer, Inc. #1 Well (Well No. 0354-01)
Year Drilled: Kapuaokoolau, Molokai, TMK:5-5-1:11
Casing Diameter:
Elevations (msl = 0 ft.)
Water Level: NA ft.
Ground: NA ft.
Bottom of Solid Casing: NA ft.
Bottom of Perforated: NA ft.
Bottom of Open Hole: -4 ft.

Total Depth: 15 ft.
Grouted Annulus Depth: NA ft.

Pump Capacity

20 gpm

1b. WELL:
Location: Meyer, Inc. #2 Well (Well No. 0354-02)
Year Drilled: Kapuaokoolau, Molokai, TMK:5-5-1:11
Casing Diameter:
Elevations (msl = 0 ft.)
Water Level: 2.7 ft.
Ground: 11 ft.
Bottom of Solid Casing: NA ft.
Bottom of Perforated: -11 ft.
Bottom of Open Hole: -16 ft.

Total Depth: 15 ft.
Grouted Annulus Depth: NA ft.

Pump Capacity

NA gpm

1c. WELL:
Location: Meyer, Inc. #4 Well (Well No. 0354-04)
Year Drilled: Kapuaokoolau, Molokai, TMK:5-5-1:12
Casing Diameter:
Elevations (msl = 0 ft.)
Water Level: NA ft.
Ground: NA ft.
Bottom of Solid Casing: NA ft.
Bottom of Perforated: 6.5 ft.
Bottom of Open Hole: NA ft.

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

Pump Capacity

NA gpm

2. WELL:
Location: Well #3 (Well No. 0354-03)
Year Drilled: Kapuaokoolau, Molokai, TMK:5-5-1:12
Casing Diameter:
Elevations (msl = 0 ft.)

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Water Level:
Ground:
Bottom of Solid Casing:
Bottom of Perforated:
Bottom of Open Hole:

Total Depth:
Grouted Annulus Depth:

Pump Capacity

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:

Pump Capacity

Use Information

1a. Quantity Requested: 100,000 gallons per day.
Existing Type of Water Use: Domestic use for 5 residences and irrigation of 15.5 acres of various fruit trees
Place of Water Use: Kapuaokoolau, Molokai at TMK: 5-5-1:11,12,28

Reported Water Usage: NA gpd
Nearby Similar Water Usage: NA gpd

1b. Quantity Requested: 200,000 gallons per day.
Existing Type of Water Use: Industrial use at rock and cinder quarry
Place of Water Use: Kapuaokoolau, Molokai at TMK: 5-5-1:11

Reported Water Usage: NA gpd
Nearby Similar Water Usage: NA gpd

1c. Quantity Requested: 10,000 gallons per day.
Existing Type of Water Use: Domestic use for 1 residences and irrigation of 2.71 acres of heliconias, coconut and ti

ATTACHMENT A
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Place of Water Use: Kapuaokoolau, Molokai at TMK: 5-5-1:12

Reported Water Usage: NA gpd
Nearby Similar Water Usage: NA gpd

2. Quantity Requested: 5,000 gallons per day.
Existing Type of Water Use: Domestic use for 3 residences and irrigation of 5-acre tree orchard
Place of Water Use: Kapuaokoolau, Molokai at TMK: 5-5-1:12

Reported Water Usage: NA gpd
Nearby Similar Water Usage: NA gpd

3. Quantity Requested: 30,000 gallons per day.
Existing Type of Water Use: Domestic use for 1 residence and irrigation of 5.32 acre of various fruit trees
Place of Water Use: Kapuaokoolau, Molokai at TMK: 5-5-1:28

Reported Water Usage: NA gpd
Nearby Similar Water Usage: NA gpd

Kawela Aquifer System
Current 12-Month Moving Average Withdrawal: 0.594 gpd
(12% of SY)

Nearby Surrounding Wells and Other Registered Ground Water Use

There are 3 other wells within a mile of these wells (see Exhibit 2). Possibly all of these wells are currently in use. Information from the registration program indicates there are possibly 35 existing wells in the Kawela Aquifer System. The 1992 Draft of the Maui Water Use and Development Plan, Island of Molokai estimated that the existing withdrawals 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.

Public Notice

In accordance with HAR §13-171-17, a public notice was published in the Star-Bulletin on the dates indicated in Exhibit 1 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 by the dates indicated on Exhibit 1.

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 by the dates indicated on Exhibit 1.

To the best of staff’s knowledge there are no objectors who have property interest within the Kawela Aquifer System or who will be directly and immediately affected by the proposed water use. All objections and/or comments to the application are summarized in the Analysis and Issues section:

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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. Eleven briefs in support were filed with the Commission.

Field Investigation

The water sources and existing uses were investigated on the dates indicated on Exhibit 1. The investigation(s) verified the applicants existing sources and proposed use sites.

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 or policies as determined by the Commission. 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 April 14, 1994 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)
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 yearly 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 comply with all applicable laws, rules, ordinances, and other agencies’ permits and conditions pertaining to water use or the water resource.

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.
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<td>T.T. MEYER, INC.</td>
<td>M.E.Y. INC. #1</td>
<td>Y</td>
<td>07/16/93</td>
<td>08/30/93</td>
<td>08/18/93</td>
<td>08/27/93</td>
<td>09/03/93</td>
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<td>02/14/94</td>
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<td>0354-02</td>
<td>T.T. MEYER, INC.</td>
<td>M.E.Y. INC. #2</td>
<td>Y</td>
<td>07/16/93</td>
<td>08/30/93</td>
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<td>0354-03</td>
<td>KANUKUAWA RANCH</td>
<td>WELL #3</td>
<td>Y</td>
<td>07/14/93</td>
<td>08/30/93</td>
<td>12/03/93</td>
<td>12/23/93</td>
<td>12/30/93</td>
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<td>T.T. MEYER, INC.</td>
<td>M.E.Y. INC. #4</td>
<td>Y</td>
<td>07/16/93</td>
<td>08/30/93</td>
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<td>0354-05</td>
<td>HENRY R. MEYER</td>
<td>HENRY'S</td>
<td>Y</td>
<td>07/16/93</td>
<td>08/30/93</td>
<td>07/16/93</td>
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<td>09/17/93</td>
<td>01/12/94</td>
<td>-78 04/14/94</td>
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5 Applications Totaling 0.345

MOLOKAI HAS 5 Applications Totaling 0.345

STATEWIDE THERE ARE 5 APPLICATIONS TOTALING 0.345
Chairperson and Members
Commission on Water Resource Management
April 14, 1994

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:

1. That, for any interim permits granted by the Commission for an existing use, the existing use may continue within the approved level of use, and any delay in the actual issuance of the permit document shall not be a reason to interrupt the approved level of use.

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 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.

3. That the Commission approve the issuance of an interim water use permit to T.T. Meyer, Inc. for the reasonable and beneficial use of 39,960 gallons per day of brackish water for industrial uses at a 25-acre quarry from the Meyer, Inc. #2 Well (Well No. 0354-02), subject to the standard water use permit conditions listed in Attachment B.

4. That the Commission approve the issuance of an interim water use permit to T.T. Meyer, Inc. for the reasonable and beneficial use of 4,600 gallons per day of brackish water for irrigation use on 2.71 acres from the Meyer, Inc. #4 Well (Well No. 0354-04), subject to the standard water use permit conditions listed in Attachment B.

5. That the Commission approve the issuance of an interim water use permit to the Kanukuawa Ranch for the reasonable and beneficial use of 16,800 gallons per day of brackish water for domestic use by three residences and agricultural irrigation use on 5 acres from the Well #3 (Well No. 0354-03), subject to the standard water use permit conditions listed in Attachment B.

6. That the Commission deny the issuance of a permit to Henry R. Meyer for use of Henry’s Well (Well No. 0354-05) pending the establishment of existing uses and further justification for the immediacy of his need.

Respectfully submitted,

\[Signature\]

RAE M. LOUI
Deputy Director

Attach.

APPROVED FOR SUBMITTAL:

\[Signature\]

KEITH W. AHUE, Chairperson
Mr. Wayne Meyer  
T.T. Meyer, Inc.  
P.O. Box 454  
Kaunakakai, HI 96748

Dear Mr. Meyer:

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

The Commission on Water Resource Management will be acting on your water use permit applications for your Meyer, Inc. #1, #2, and #4 Wells (Well No. 0354-01, 02, & 04) at its April 14, 1994 meeting at 10:30 a.m. at the Mitchell Pauole Center on Molokai.

A copy of the submittal for action on your water use applications 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.
NOTICE OF PUBLIC HEARING

for

WATER USE PERMITS APPLICATIONS
KAWEWA AND WAIKWLU GROUND WATER MANAGEMENT AREAS, MOLOKAI

COMMISSION ON WATER RESOURCE MANAGEMENT

The Commission on Water Resource Management will be holding a public hearing to gather testimony regarding the following applications for water use permit in the Kawela and Waikolu Ground Water Management Areas of Molokai. In accordance with Department of Land and Natural Resources Administrative Rules 13-171, objections filed by persons having standing to file an objection require that a public hearing be held before the Commission may proceed to approve or reject the permit applications. Call 587-0225 or 1-800-468-4644 for more information on the water use permit applications. The public is encouraged to attend and provide testimony.

DATE: November 17, 1993
TIME: 6:00-10:00 p.m.
PLACE: MITCHELL PAUOLE CENTER, MOLOKAI

Well #4 (Well No. 0855-06)
Well #5 (Well No. 0855-05)
Well #6 (Well No. 0855-04)
Well #22 (Well No. 0855-01)
Well #23 (Well No. 0855-02)
Well #24 (Well No. 0855-03)
Applicant: State Department of Agriculture
Agricultural Resource Management Division
P.O. Box 205
Hoolehua, HI 96813

Date Completed Application Received: June 8, 1993
Aquifer: Waikolu System, Northeast Sector, Molokai
Well Sources: WELLS #4, #5, #6, #22, #23, and #24, Well Nos. 0855-06, -05, -04, -01, -02, and -03, at Waikolu Valley, at Tax Map Key: 6-1-1:2
Quantity Requested: 3,360,000 gallons per day.
Existing Water Use: Agricultural irrigation needs of Molokai
Irrigation System
Place of Water Use: Hoolehua at various Tax Map Keys

Breadfruit Well (Well No. 0456-04)
Applicant: Kawela Plantation Homeowners Association
P.O. Box 698
Kaunakakai, HI 96748

Date Completed Application Received: January 21, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: Breadfruit Well, Well No. 0456-04, at Kawela, Molokai, Tax Map Key: 5-4-1:26
Quantity Requested: 250,000 gallons per day
Existing Water Use: Irrigation of 200 acres covering 81 lots & common areas
Place of Water Use: Kawela Plantation 1, Tax map Key: 5-4-14; various

DW3 (Well No. 0456-06)
DW2 (Well No. 0456-08)
DW1 (Well No. 0456-09)
Applicant: Kawela Plantation Homeowners Association
P.O. Box 698
Kaunakakai, HI 96748
Date Completed Application Received: January 21, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: DW3, DW2, DW1 Wells, Well Nos. 0456-06, 0456-08, 0456-09, at Kawela, Molokai, Tax Map Key: 5-4-14:17
Quantity Requested: 300,000 gallons per day
Existing Water Use: Domestic use for 210 agricultural units
Place of Water Use: Kawela Plantation 1, 2, & 3, Tax map Key: 5-4-14; various

AG #1 (Well No. 0457-04)
Applicant: Kawela Plantation Homeowners Association
P.O. Box 698
Kaunakakai, HI 96748
Date Completed Application Received: January 21, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: AG #1 Well, Well No. 0457-04, at Kawela, Molokai, Tax Map Key: 5-4-15:33
Quantity Requested: 225,000 gallons per day
Existing Water Use: Irrigation of 300 acres over 139 lots
Place of Water Use: Kawela Plantation 2 & 3, Tax map Key: 5-4-15; various

Johnson Well (Well No. 0456-01)
Applicant: R.M. Granger
P.O. Box 371
Kaunakakai, HI 96748
Date Completed Application Received: July 6, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: Johnson Well, Well No. 0456-01, near Kakahaia Pond, Molokai at Tax Map Key: 5-4-1:11
Quantity Requested: 25,000 gallons per day
Existing Water Use: Irrigation of 4 acres of pasture & corn
Place of Water Use: Near Kakahaia Pond at Tax Map Key: 5-4-1:11

Kawela-Iaea #3 (Well No. 0456-16)
Applicant: John Wm. Iaea, Sr.
P.O. Box 405
Kaunakakai, HI 96748
Date Completed Application Received: July 1, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: Kawela-Iaea #3 Well, Well No. 0456-16, at Kawela, Molokai, Tax Map Key: 5-4-1:52
Quantity Requested: 1,000 gallons per day.
Existing Water Use: Domestic supply for 3 homes and irrigation of 2 acres of flowers
Place of Water Use: Kawela. Molokai at Tax Map Key: 5-4-1:52

T.T. Meyer Inc #2 (Well No. 0354-02)
Applicant: T.T. Meyer, Inc.
P.O. Box 454
Kaunakakai, HI 96748
Date Completed Application Received: July 16, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: T.T. Meyer Inc #2 Well, Well No. 0354-02, at Kapuaokoolau, Molokai, at Tax Map Key: 5-5-1:11
Quantity Requested: 200,000 gallons per day.
Existing Water Use: Fire and dust control for 25-acre rock quarry
Place of Water Use: Kapuaokoolau, Molokai at Tax Map Key: 5-5-1:11

Henry’s Well (Well No. 0354-03)
Applicant: Henry R. Meyer Estate
P.O. Box 454
Kaunakakai, HI 96748
Date Completed Application Received: July 16, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: Henry’s Well, Well No. 0354-03, at Kapuaokoolau, Molokai, at Tax Map Key: 5-5-1:28
Quantity Requested: 30,000 gallons per day.
Existing Water Use: Irrigation of 5.32 acres of coconut and mango trees
Place of Water Use: Kapuaokoolau, Molokai at Tax Map Key: 5-5-1:28

T.T. Meyer Inc #4 (Well No. 0354-04)
Applicant: Wayne Meyer
P.O. Box 454
Kaunakakai, HI 96748
Date Completed Application Received: July 16, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: T.T. Meyer Inc #4 Well, Well No. 0354-04, at Kapuaokoolau, Molokai, at Tax Map Key: 5-5-1:12
Quantity Requested: 10,000 gallons per day.
Existing Water Use: Irrigation of 2.71 acres of heliconia
Place of Water Use: Kapuaokoolau, Molokai at Tax Map Key: 5-5-1:12

T.T. Meyer Inc #1 (Well No. 0354-05)
Applicant: T.T. Meyer, Inc.
P.O. Box 156
Kaunakakai, HI 96748
Date Completed Application Received: July 16, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: T.T. Meyer Inc #1 Well, Well No. 0354-05, at Kapuaokoolau, Molokai, at Tax Map Key: 5-5-1:11
Quantity Requested: 100,000 gallons per day.
Existing Water Use: Irrigation of 15.5 acres of citrus and mango trees and various other vegetables
Place of Water Use: Kapuaokoolau, Molokai at Tax Map Key: 5-5-1:11

COMMISSION ON WATER RESOURCE MANAGEMENT

KEITH W. AHUE, CHAIRPERSON

Any person may testify or present information on the public hearing subject matter or agenda items. If you have a legal interest that may be adversely affected, you have a right to request an administrative contested case hearing. However, you must make the request either orally or in writing by the close of this public hearing or meeting and file a written petition for a contested case hearing within 10 days after the date of this public hearing or meeting. If you do not make such a request or fail to file a timely written petition with the Commission, the consequence is that you will be precluded from later obtaining a contested case hearing, and seeking judicial review of the adverse decision. See Chapter 13-167, Hawaii Administrative Rules of the Department of Land and Natural Resources.

Also, disabled individuals planning to attend the public hearing are asked to contact the Commission at 587-0214 to indicate if they have special needs which require accommodation.

Dated: OCT - 4 1993

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
REF: WRM-KY

AUG 31 1993

MEMORANDUM

TO:  
Aquatic Resources
Forestry and Wildlife
Historic Preservation
Land Management
Natural Area Reserve System
Office of Conservation and Environmental Affairs
State Parks
Water and Land Development
Other Interested Parties

FROM:  Rae M. Loui, Deputy Director

SUBJECT:  Request for Comments
Water Use Permit Application
Kawela Ground Water Management Area, Molokai

Transmitted for your review and comment are copies of water use permit applications for T.T. MEYER, INC., Wayne Meyer, and the Henry R. Meyer Estate for Well Nos. 0354-02 to 05. Public notice of these applications will be published in the Honolulu Star Bulletin issues of August 27, 1993 and September 3, 1993.

We would appreciate your review of the attached applications and please return this form by September 20, 1993.

If you have any questions regarding these applications, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

LN: ky
Attachments

Response:  Contact person:  PRAN MISHA
Phone:  

( ) We have no comments
( ) We have no objections
( ) Comments attached
( ) Additional information requested
( ) Extended review period requested

Signed:  
Date:  

State of Hawaii  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Commission on Water Resource Management  
Honolulu, Hawaii

REF: WRM-KY
AUG 31 1993
MEMORANDUM

TO: Aquatic Resources  
Forestry and Wildlife  
Historic Preservation  
Land Management - Maui Dist.  
Natural Area Reserve System  
Office of Conservation and Environmental Affairs  
State Parks  
Water and Land Development  
Other Interested Parties

FROM: Rae M. Loui, Deputy Director

SUBJECT: Request for Comments  
Water Use Permit Application  
Kawela Ground Water Management Area, Molokai

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If you have any questions regarding these applications, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

LN: ky
Attachments

Response: Contact person: Philip Ono  
Phone: ___________

( ) We have no comments  
( ) We have no objections  
( ) Comments attached  
( ) Additional information requested  
( ) Extended review period requested

Signed: ___________  
Date: 10/1/93
MEMORANDUM

TO: Rae M. Loui, Deputy Director
Commission on Water Resource Management

FROM: Don Hibbard, Administrator

SUBJECT: Historic Preservation Review of a Water Use Permit
Applications for T.T. Meyer, Inc., Wayne Meyer, and the
Henry R. Meyer Estate for Well Nos. 0354-02 to 05
Kapuaokoolau, Molokai
TMK 5-5-1: 11, 12, 28

We have determined that these applications will have no effect on
historic sites. There are no known historic sites on these
parcels where the wells are located. Any historic sites that may
have been present would have been destroyed by the construction
of the wells and installation of the pumps.

Please contact Annie Griffin at 587-0013 if you have any
questions.

AG:111
SEP - 1 1993

MEMORANDUM

TO: Mrs. Hoaliku L. Drake, Director  
Department of Hawaiian Home Lands  
Dr. John C. Lewin, M.D., Director  
Department of Health  
Mr. Clayton H. W. Hee, Chairperson  
Office of Hawaiian Affairs  
Mr. Goro Hokama, Chair  
County Council  
County of Maui  
Mr. Byron S. Walters, Chair  
Board of Water Supply  
County of Maui

FROM: Keith W. Ahue, Chairperson  
Commission on Water Resource Management

SUBJECT: Water Use Permit Application  
Kawela Ground Water Management Area, Molokai

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We would appreciate your review of the attached applications and please return this form by September 20, 1993.

If you have any questions regarding these applications, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

LN:ky  
Attachments

Response: Contact person: ELLEN HARRISON Phone: 243-1832  
( ) We have no comments  
( ) We have no objections  
( ) Comments attached  
( ) Additional information requested  
( ) Extended review period requested

Signed: Date: SEP 14, 1993
REF: WRM-KY
AUG 31 1993
MEMORANDUM

TO: Aquatic Resources
Forestry and Wildlife
Historic Preservation
Land Management
Natural Area Reserve System
Office of Conservation and Environmental Affairs
State Parks
Water and Land Development
Other Interested Parties

FROM: Rae M. Loui, Deputy Director

SUBJECT: Request for Comments
Water Use Permit Application
Kawela Ground Water Management Area, Molokai

Transmitted for your review and comment are copies of water use permit applications for T.T. MEYER, INC., Wayne Meyer, and the Henry R. Meyer Estate for Well Nos. 0354-02 to 05. Public notice of these applications will be published in the Honolulu Star Bulletin issues of August 27, 1993 and September 3, 1993.

We would appreciate your review of the attached applications and please return this form by September 20, 1993.

If you have any questions regarding these applications, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

Signed: [Signature]
Date: SEPT. 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:

Water Use Permits

Thank you for the opportunity to respond to the T.T. Meyer, Inc., Wayne Meyer, and Henry R. Meyer Estate applications for Kawela, Moloka'i water use permits for Well Numbers 0354-02 to 05.

The wells at Kapuakoolau, near Kamalo, do not affect Hawaiian home lands. We have no objections to the applications. They propose to withdraw a total of about 340,000 gallons per day (brackish water), which may affect adjacent fishponds. Proposed rules for Hawaiian water rights protect fishponds from adverse impacts; permits should be conditioned upon meeting those impact standards.

Warmest aloha,

Hoaliku L. Drake, Chairman
Hawaiian Homes Commission
1993 September 20

State of Hawaii
Commission on Water Resource Management
P.O. Box 621
Honolulu, HI 96809

OBJECTIONS AND COMMENTS ON APPLICATIONS FOR WATER USE PERMITS
Public Notice dated August 24, 1993
Send written objections by September 20, 1993

GENERAL OBJECTIONS

We reiterate our general objections to current COWRM water use permit application processing and decisionmaking practices as previously submitted on numerous occasions (10/12/92, 10/21/92, 12/1/92, 6/22/93, & 7/8/93).

SPECIFIC OBJECTIONS
Wells 0354-02 to -05

NHAC represents water source registrants, water use declarants, water use permit applicants, and others with property interest in land within the hydrologic units of the sources of water supply who would be directly and immediately affected by the proposed water uses.

14.(c) Hawaiian Home Lands uses affected

In its final report dated July 1993, the Molokai Working Group recommends that "... DHHL's demonstrable needs which are currently tied to lands at Hoolehua and Kalamaula through 2010, be reserved first."

Since reservations of water to Hawaiian Home Lands have not yet been accomplished, this application should be deferred until that time. Additionally, mechanisms for bulk allocation of water to the Maui Department of Water Supply, similar to those being developed for O'ahu, should be also be implemented prior to allocation to private users.
14.(d) The Molokai Working Group recommends that "Other rights which may exist pertaining to Hawaiians not residing on DHHL lands must also be honored" (Final Report page 6).

The proximity of the wells to shoreline fishponds at Pamanaha, Kanukuawa, Pahiomu, and Kipapa raises questions of extraction impacts upon groundwater flows which nourish these resources. Permitted use of these wells should be restricted to avoid affecting subsurface flows required to maintain the productivity of nearby fishponds and nearshore ecosystems, and to honor the rights of Native Hawaiians to utilize these resources for traditional and customary practices.

Well 0354-02

16. REMARKS. EXPLANATIONS:

Applicant states that the quarry lease is "now up" and that a new lease is being negotiated. Water use permits for quarry operations should not be granted until the future of the land use is confirmed. NHAC is also concerned about the potential impacts of surface runoff from quarry operations upon nearshore waters and nearby fishponds.

Mahalo,

David L. Martin

David L. Martin, Water Claims Manager

pc:  T.T. Meyer, Inc.
     Wayne Meyer
     Henry R. Meyer Estate
Mr. Keith W. Ahue, Chairperson  
Commission on Water Resource Management  
State of Hawaii  
P.O. Box 621  
Honolulu, Hawaii  96809  

Dear Chairperson Ahue:  

SUBJECT: WATER PERMIT APPLICATION  

This letter responds to your request for comments on the water permit application transmitted to me by your letter dated September 1, 1993. I have no objections to the permit.  

I received your request on September 3, 1993. The Council’s procedures did not allow enough time to refer the matter to the Council’s Human Services, Housing, Water and Agricultural Committee. Therefore, I transmitted a copy of the application to the Committee Chair and to the Council member from Molokai. I have received no negative comments from them.  

If you have any questions, please contact me.  

Yours truly,  

GORO HOKAMA  
Council Chair  

Attachment
MEMORANDUM

TO:        Mrs. Hoaliku L. Drake, Director
            Department of Hawaiian Home Lands

            Dr. John C. Lewin, M.D., Director
            Department of Health

            Mr. Clayton H. W. Hee, Chairperson
            Office of Hawaiian Affairs

            Mr. Goro Hokama, Chair
            County Council
            County of Maui

            Mr. Byron S. Walters, Chair
            Board of Water Supply
            County of Maui

FROM:      Keith W. Ahue, Chairperson

SUBJECT:   Water Use Permit Application
            Kawela Ground Water Management Area, Molokai

Transmitted for your review and comment are copies of water use permit applications for T.T. MEYER, INC., Wayne Meyer, and the Henry R. Meyer Estate for Well Nos. 0354-02 to 05. Public notice of these applications will be published in the Honolulu Star Bulletin issues of August 27, 1993 and September 3, 1993.

We would appreciate your review of the attached applications and please return this form by September 20, 1993.

If you have any questions regarding these applications, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

LN:ky
Attachments

Response:       Contact person: _______________  Phone: __________

( ) We have no comments
( ) We have no objections
( ) Comments attached
( ) Additional information requested
( ) Extended review period requested

Signed: _______________  Date: __________
MEMORANDUM

TO: Aquatic Resources
   Forestry and Wildlife
   Historic Preservation
   Land Management
   Natural Area Reserve System
   Office of Conservation and Environmental Affairs
   State Parks
   Water and Land Development
   Other Interested Parties

FROM: Rac M. Loui, Deputy Director

SUBJECT: Request for Comments
          Water Use Permit Application
          Kawela Ground Water Management Area, Molokai

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We would appreciate your review of the attached applications and please return this form by September 20, 1993.

If you have any questions regarding these applications, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

Signed: [Signature]
Date: 9/10/93

Response: Contact person: [Signature] Phone: 587-0385

( ) We have no comments
( ) We have no objections
( ) Comments attached
( ) Additional information requested
( ) Extended review period requested

Well No. 0354-03 appears to be located within the Limited "L" subzone of the Conservation District. According to our records, there are no CDUA's for this well. A CDUA may be required for this well. We suggest that additional information be provided to determine possible CDUA requirements.
REF: WRM-KY
AUG 31 1993
MEMORANDUM

TO: Aquatic Resources
    Forestry and Wildlife
    Historic Preservation
    Land Management
    Natural Area Reserve System
    Office of Conservation and Environmental Affairs
    State Parks
    Water and Land Development
    Other Interested Parties

FROM: Rae M. Loui, Deputy Director

SUBJECT: Request for Comments
         Water Use Permit Application
         Kawela Ground Water Management Area, Molokai

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If you have any questions regarding these applications, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

LN:ky
Attachments

Response: Contact person: Gordon Akita  Phone: 70227

(✓) We have no comments
(   ) We have no objections
(   ) Comments attached
(   ) Additional information requested
(   ) Extended review period requested

Signed: MANABU TAGOMORI  Date: 9-9-93
September 7, 1993

The Honorable Keith W. Ahue  
State of Hawaii  
Department of Land and Natural Resources  
Commission of Water Resource Management  
P.O. Box 621  
Honolulu, Hawaii 96809  
Attn: Mr. Manabu Tagomori, Deputy

Dear Mr. Ahue:

We have received the following water permit applications. Thank you for the opportunity to review these applications:

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<tr>
<th>Applicant Name</th>
<th>Area</th>
<th>Water Mgt. Amount Requested (gpd)</th>
<th>Tax Map</th>
<th>Well Number</th>
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<tr>
<td>T.T Meyer</td>
<td>Kawela</td>
<td>200,000</td>
<td>5-5-1:11</td>
<td>0354-02</td>
</tr>
<tr>
<td>Henry Meyer</td>
<td>Kawela</td>
<td>30,000</td>
<td>5-5-1:28</td>
<td>0354-03</td>
</tr>
<tr>
<td>T.T. Meyer</td>
<td>Kawela</td>
<td>10,000</td>
<td>5-5-1:12</td>
<td>0354-04</td>
</tr>
<tr>
<td>T.T. Meyer</td>
<td>Kawela</td>
<td>100,000</td>
<td>5-5-1:11</td>
<td>0354-05</td>
</tr>
</tbody>
</table>

Our overall concern is that the Kawela system, the aquifer from which the water will be withdrawn, is small (an estimated sustainable yield of 5 mgd). In granting water permits, the Commission must make provisions to secure water allocations for DHHL and Kuleana lands. As long as these reservations are addressed, we have no objections in granting water permits to the above applicants.

Sincerely yours,

Clayton H.W. Hee  
Chairperson

LM:sk
MEMORANDUM

TO: 
Aquatic Resources
Forestry and Wildlife
Historic Preservation
Land Management
Natural Area Reserve System
Office of Conservation and Environmental Affairs
State Parks
Water and Land Development
Other Interested Parties

FROM: Rae M. Loui, Deputy Director

SUBJECT: Request for Comments
Water Use Permit Application
Kawela Ground Water Management Area, Molokai

Transmitted for your review and comment are copies of water use permit applications for T.T. MEYER, INC., Wayne Meyer, and the Henry R. Meyer Estate for Well Nos. 0354-02 to 05. Public notice of these applications will be published in the Honolulu Star Bulletin issues of August 27, 1993 and September 3, 1993.

We would appreciate your review of the attached applications and please return this form by September 20, 1993.

If you have any questions regarding these applications, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

LN:ky

Attachments

Response: Contact person: ___________ Phone: ___________

( ) We have no comments
( ) We have no objections
☑ Comments attached
( ) Additional information requested
( ) Extended review period requested

Signed: ___________________ Date: 9/7/93
MEMORANDUM

TO: Rae M. Loui, Deputy Director
Commission on Water Resource Management

FROM: Henry Sakuda, Administrator
Division of Aquatic Resources


The applications are for an existing low elevation wells distributed above the Pahiomu Fish Pond to supply a total of approximately 340,000 gallons per day of brackish water for irrigation and industrial (cinder/rock quarry) use. There is no potential for any impact on surface water habitat. We have no objections from the aquatic biological resources standpoint.
MEMORANDUM

TO: Aquatic Resources
     Forestry and Wildlife
     Historic Preservation
     Land Management
     Natural Area Reserve System
     Office of Conservation and Environmental Affairs
     State Parks
     Water and Land Development
     Other Interested Parties

FROM: Rae M. Loui, Deputy Director

SUBJECT: Request for Comments
          Water Use Permit Application
          Kawela Ground Water Management Area, Molokai

Transmitted for your review and comment are copies of water use permit applications for T.T. MEYER, INC., Wayne Meyer, and the Henry R. Meyer Estate for Well Nos. 0354-02 to 05. Public notice of these applications will be published in the Honolulu Star Bulletin issues of August 27, 1993 and September 3, 1993.

We would appreciate your review of the attached applications and please return this form by September 20, 1993.

If you have any questions regarding these applications, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

LN:ky
Attachments

Response: Contact person: ____________________

(  ) We have no comments
(  ) We have no objections
(  ) Comments attached
(  ) Additional information requested
(  ) Extended review period requested

Signed: ____________________

Phone: ____________________

DOFAW HAS NO COMMENTS OR OBJECTIONS TO THE PROPOSED REQUEST

Date: 1/13/93
MEMORANDUM

TO: Aquatic Resources
    Forestry and Wildlife
    Historic Preservation
    Land Management
    Natural Area Reserve System
    Office of Conservation and Environmental Affairs
    State Parks
    Water and Land Development
    Other Interested Parties

FROM: Rae M. Loui, Deputy Director

SUBJECT: Request for Comments
          Water Use Permit Application
          Kawela Ground Water Management Area, Molokai

Transmitted for your review and comment are copies of water use permit applications for T.T. MEYER, INC., Wayne Meyer, and the Henry R. Meyer Estate for Well Nos. 0354-02 to 05. Public notice of these applications will be published in the Honolulu Star Bulletin issues of August 27, 1993 and September 3, 1993.

We would appreciate your review of the attached applications and please return this form by September 20, 1993.

If you have any questions regarding these applications, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

Response: Contact person: ________________________ Phone: ________________________

( ) We have no comments
( ) We have no objections
( ) Comments attached
( ) Additional information requested
( ) Extended review period requested

Signed: ________________________ Date: 9/1/93

LN:ky
Attachments

DOFAW HAS NO COMMENTS OR OBJECTIONS TO THE PROPOSED REQUEST.
MEMORANDUM

TO: Mrs. Hoaliku L. Drake, Director
    Department of Hawaiian Home Lands
    Dr. John C. Lewin, M.D., Director
    Department of Health
    Mr. Clayton H. W. Hee, Chairperson
    Office of Hawaiian Affairs
    Mr. Goro Hokama, Chair
    County Council
    County of Maui
    Mr. Byron S. Walters, Chair
    Board of Water Supply
    County of Maui

FROM: Keith W. Ahue, Chairperson
      Commission on Water Resource Management

SUBJECT: Water Use Permit Application
         Kawela Ground Water Management Area, Molokai

Transmitted for your review and comment are copies of water use permit applications for T.T. MEYER, INC., Wayne Meyer, and the Henry R. Meyer Estate for Well Nos. 0354-02 to 05. Public notice of these applications will be published in the Honolulu Star Bulletin issues of August 27, 1993 and September 3, 1993.

We would appreciate your review of the attached applications and please return this form by September 20, 1993.

If you have any questions regarding these applications, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

LN:ky
Attachments

Response: Contact person: ________________ Phone: ____________

() We have no comments
() We have no objections
() Comments attached
() Additional information requested
() Extended review period requested

Signed: ____________________________ Date: ____________
Honorable Linda Crockett Lingle, Mayor  
County of Maui  
200 South High Street  
Wailuku, HI 96793

Dear Mayor Lingle:

Notice of an Application for a Water Use Permit  
Kawela Ground Water Management Area, Molokai

In accordance with the Department of Land and Natural Resources Administrative Rules, Section 13-171-17(a), we are sending you a copy of the public notice for the water use permit applications for T.T. Meyer, Inc., Wayne Meyer, and the Henry R. Meyer Estate for Well Nos. 0354-02 to 05, which will be published in the Honolulu Star Bulletin.

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

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

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

Very truly yours,

KEITH W. AHUE

Enc.
Mr. Wayne Meyer  
T.T. Meyer, Inc.  
P.O. BOX 454  
Kaunakakai, HI 96748

Dear Mr. Meyer:

Enclosed is a copy of the public notice for your water use permit applications for Well Nos. 0354-02 to 05 which will be published in the Honolulu Star Bulletin issues of August 27, 1993 and September 3, 1993.

Please be aware that there may be objections to your applications. If objections are made, the objector is required to file such objections with the Commission and is also required to send you a copy of the objections.

You, or any other party, may respond to objections by filing a brief in support of your applications with the Commission within ten (10) days of the filing of an objection. You, or the other party, must also send a copy of the response to the objector.

If you have any questions, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

Sincerely,

RAE M. LOUI  
Deputy Director

LN:ky  
Encl.
PUBLIC NOTICE

Applications for Water Use Permits
Ground Water Management Areas

Applications for the following water use permits have been received and are hereby made public in accordance with Department of Land and Natural Resources Administrative Rules 13-171, "Designation and Regulation of Water Management Areas."

T.T. Meyer Inc #1 (Well No. 0354-05)
Applicant: T.T. Meyer, Inc.
P.O. Box 156
Kaunakakai, HI 96748
Date Completed Application Received: July 16, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: T.T. Meyer Inc #1 Well, Well No. 0354-05, Kapuaokoolau, Molokai, at Tax Map Key: 5-5-1:11
Quantity Requested: 100,000 gallons per day
Existing Water Use: Irrigation of 15.5 acres of citrus and mango trees and various other vegetables
Place of Water Use: Kapuaokoolau, Molokai at Tax Map Key: 5-5-1:11

T.T. Meyer Inc #2 (Well No. 0354-02)
Applicant: T.T. Meyer, Inc.
P.O. Box 454
Kaunakakai, HI 96748
Date Completed Application Received: July 16, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: T.T. Meyer Inc #2 Well, Well No. 0354-02, Kapuaokoolau, Molokai, at Tax Map Key: 5-5-1:11
Quantity Requested: 200,000 gallons per day
Existing Water Use: Fire and dust control for 25-acre rock quarry
Place of Water Use: Kapuaokoolau, Molokai at Tax Map Key: 5-5-1:11

T.T. Meyer Inc #4 (Well No. 0354-04)
Applicant: Wayne Meyer
P.O. Box 454
Kaunakakai, HI 96748
Date Completed Application Received: July 16, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: T.T. Meyer Inc #4 Well, Well No. 0354-04, Kapuaokoolau, Molokai, at Tax Map Key: 5-5-1:12
Quantity Requested: 10,000 gallons per day
Existing Water Use: Irrigation of 2.71 acres of heliconia
Place of Water Use: Kapuaokoolau, Molokai at Tax Map Key: 5-5-1:12

(more)
Henry's Well (Well No. 0354-03)
Applicant: Henry R. Meyer Estate
P.O. Box 454
Kaunakakai, HI 96748
Date Completed Application Received: July 16, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: Henry's Well, Well No. 0354-03, Kapuaokoolau, Molokai, at Tax Map Key: 5-5-1:28
Quantity Requested: 30,000 gallons per day
Existing Water Use: Irrigation of 5.32 acres of coconut and mango trees
Place of Water Use: Kapuaokoolau, Molokai at Tax Map Key: 5-5-1:28

Written objections or comments on the applications for water use permits may be filed by any person who has property interest in any land within the hydrologic unit of the source of water supply, any person who will be directly and immediately affected by the proposed water use, or any other interested person. Written objections shall: (1) state property or other interest in the matter; (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 20, 1993 to 1) the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809, and 2) a copy of the objection letter(s) to the applicant at the above address.

COMMISSION ON WATER RESOURCE MANAGEMENT

[Signature]
KEITH W. AHUE
Chairperson

Dated: AUG 24 1993

REF: WRM-KY

AUG 31 1993

MEMORANDUM

TO:

FROM:

Rae M. Loui, Deputy Director

SUBJECT: Request for Comments

Water Use Permit Application

Kawela Ground Water Management Area, Molokai

Transmitted for your review and comment are copies of water use permit applications for T.T. MEYER, INC., Wayne Meyer, and the Henry R. Meyer Estate for Well Nos. 0354-02 to 05. Public notice of these applications will be published in the Honolulu Star Bulletin issues of August 27, 1993 and September 3, 1993.

We would appreciate your review of the attached applications and please return this form by September 20, 1993.

If you have any questions regarding these applications, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

Response: Contact person: Phone:

( ) We have no comments
( ) We have no objections
( ) Comments attached
( ) Additional information requested
( ) Extended review period requested

Signed: Date: 8/31/93
State of Hawaii  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Commission on Water Resource Management  
Honolulu, Hawaii  

MEMORANDUM  

TO: Aquatic Resources  
Forestry and Wildlife  
Historic Preservation  
Land Management  
Natural Area Reserve System  
Office of Conservation and Environmental Affairs  
State Parks  
Water and Land Development  
Other Interested Parties  

FROM: Rae M. Loui, Deputy Director  

SUBJECT: Request for Comments  
Water Use Permit Application  
Kawela Ground Water Management Area, Molokai  

Transmitted for your review and comment are copies of water use permit applications for T.T. MEYER, INC., Wayne Meyer, and the Henry R. Meyer Estate for Well Nos. 0354-02 to 05. Public notice of these applications will be published in the Honolulu Star Bulletin issues of August 27, 1993 and September 3, 1993.  

We would appreciate your review of the attached applications and please return this form by September 20, 1993.  

If you have any questions regarding these applications, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.  

LN:ky  
Attachments  

Response: Contact person: _______________ Phone: ____________  

( ) We have no comments  
( ) We have no objections  
( ) Comments attached  
( ) Additional information requested  
( ) Extended review period requested  

Signed: ____________________________ Date: ____________
Mr. Wayne Meyer  
P.O. Box 454  
Kaunakakai, HI 96748

Dear Mr. Meyer:

Application for a Water Use Permit  
Kawela Ground Water Management Area, Molokai

We acknowledge receipt, on July 16, 1993, of your completed water use permit applications for the T.T. Meyer #1 and #2 Wells, T.T. Meyer #4 Well, and Henry's Well (Well Nos. 0354-05, 02, 04, & 03). You can expect your application to be processed within ninety (90) days from the date of receipt unless there are objections to your application.

We will be sending you a copy of the public notice for your application and any further information regarding the status of your application. In addition, we may need to visit and verify your proposed water source and use sites if we have not done so already under our registration program.

If you have any questions, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

Sincerely,

[Signature]

RAE M. LOUI
Deputy Director

LN:fc
APPLICATION FOR WATER USE PERMIT

1. (a) APPLICANT
   Firm/Name: JT Meyer Inc.
   Address: P.O. Box 554
   Kauaiakai, Hawaii 96745
   Contact Person: Walyng Meyer, Ph. 583-5675

2. WATER MANAGEMENT AREA: KAUAI

3. (a) EXISTING SOURCE NAME AND STATE NUMBER:
   JT Meyer Inc. __________
   (well or stream diversion name/number)

(b) PROPOSED (NEW) SOURCE NAME:

4. SOURCE LOCATION:
   Address: KAPUAOKOLAU, Molokai, Legislature
   (Attach a USGS map, scale 1"=2000', and a property tax map showing source location referenced to established property boundaries.)
   Tax Map Key: 5-5-1-11

5. SOURCE TYPE (check one):
   Stream
   Dike-confined
   Perched
   Caprock

6. METHOD OF TAKING WATER (check one):
   Artesian Flow
   Wall & Pump
   Diverted Surface Flow
   Other (explain)

7. LOCATION OF PROPOSED WATER USE: (If possible, show on same maps as source location. Otherwise, attach similar maps)
   (a) Address: KAPUAOKOLAU, Molokai, Legislature
   Tax Map Key: 5-5-1-11
   (b) Land Use District (check one):
      □ Urban
      □ Agriculture
      □ Conservation
      □ Rural
   (c) County Zoning (describe):
      __________

8. QUANTITY OF WATER REQUESTED: 200,000 gallons per day

9. METHOD OF MEASUREMENT:
   □ Flowmeter
   □ Open-pipe
   □ Weir
   □ Office
   □ Other (explain)

10. QUALITY OF WATER REQUESTED:
    □ Fresh
    □ Brackish
    □ Salt
    □ Potable
    □ Non-Potable
    □ Industrial
    □ Military
    □ Other (explain)

11. PROPOSED USE:
    □ Municipal (including hotels, stores, etc.)
    □ Domestic (individual, noncommercial, etc.)
    □ Irrigation
    □ Other (explain)

12. NUMBER AND TYPE OF UNITS TO BE SERVED (explain): Cinder Rock Quarry

13. TOTAL ACRES PROPOSED FOR IRRIGATION AND TYPE OF CROP: 25
    (acre)

14. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION:
    7am to 6pm
    (indicate hours of operation)

15. APPLICANT MUST BRIEFLY DESCRIBE FOLLOWING POTENTIAL RESTRICTIONS ON USE:
    (a) Impact on Sustainable yield (yes/no): None
    (b) Permanant or Interim
        Instream Flow Standards affected (yes/no): None
        Hawaiian Home Land uses affected (yes/no): None
        Other existing legal uses affected (yes/no):
        Other:

16. REMARKS, EXPLANATIONS:
    UNTIL 9/24/93 QUARRY WAS IN OPERATION, LACK NOW UP FOR NEGOTIATING NEW LICENSE
    (If more space is needed, continue on back side)

Signed:
Applicant (print):
JT Meyer Inc.
Signature: Walyng Meyer Jr.
Date: 7/13/93

Landowner (print):
JT Meyer Inc.
Signature: Walyng Meyer Jr., Pres.
Date: 7/13/93

For Official Use Only:
Notice Dates:
1:25,000-scale metric topographic map of Molokai East, Hawaii
WATER USE PERMIT NO. 299

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

P.O. Box 454  
Kaunakakai, HI 96748

Landowner of Source: T.T. Meyer, Inc.  
P.O. Box 454  
Kaunakakai, HI 96748

Permitted Withdrawal Rate: 0.040 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: Brackish

Original CWRM Date: April 14th, 1994

Standard Conditions: 1-11, 13-14, 16-17, 20-23

Special Conditions: 5

Water Source

State Well Number(s): 0354-02
Well Name: Meyer Inc. #2
Water Source TMK Number(s): 2nd Division, 5-5-001:011
State Land Use Classification(s): N/A
County Zoning Classification(s): N/A
Geographical Coordinates: Latitude 21° 03’ 32.5” North  
Longitude 156° 54’ 26.9” West

End Use

End Use TMK Number(s): 2nd Division, 5-5-001:011
State Land Use Classification(s): N/A
County Zoning Classification(s): N/A
Beneficial Use Explanation: Use for 25 acres of rock/cinder quarry
Background Information

Water Use Permit 299 was approved during the April 14th, 1994 Commission on Water Resource Management meeting. There are no monthly water use records on file for State Well No. 0354-02. Standard conditions 1-11, 13-14, 16-17, 20-23 and special condition 5 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: Roxanne French
Site Address: Kamalo Area
Kaunakakai, HI 96748

Brown and Caldwell conducted a field investigation on June 20th, 2008 from 1:00 p.m. until 2:00 p.m. with Ms. Roxanne French. During this time, type of water usage was verified, GPS coordinates of well head(s) were recorded, and property TMK information was verified. 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. 299

State Well No. 0354-02 is located on TMK parcel (2) 5-5-001:011 at coordinates 21° 03' 32.5" N, 156° 54' 26.9" W, with a real time accuracy of ±13 feet. This well has been capped with cement and no longer has any system appurtenances remaining. The permittee has advised that the well was formerly used for a small quarry operation on TMK parcel (2) 5-5-001:011 and that there are no future plans in the works for the well. Commission records indicate that there is neither a history of water use reporting nor any indication that the well had been capped. Reference the Appendix for photographs of the well head.

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.

Although State Well No. 0354-02 has been capped, the permittee has not been submitting reports of zero use to the Commission. As such, the permittee is in violation of Standard Condition (10).
Recommendations

- Address the following discrepancies between the Commission’s electronic database and actual field investigation findings:
  - Change permittee contact to Roxanne French at (808) 567-9099
- Address violation of Standard Condition (10) regarding non-reporting of water use.
20-Year Water Use Permit Review
Water Use Permit No. 299

APPENDIX

Field Investigation Photographs
Figure 1 – Former location of State Well No. 0354-02
**Water Use Permit Survey**

(Please complete one survey form for each WUP)

WUP Number: 299
Well Number(s): 0354-02

**Contact Information** (of the person who will be present at site visit):
Name: KOULANNE FRENCH / DOT FRENCH
Phone (for phone interview): [Redacted] Fax: [Redacted]
Email: [Redacted]
Best time to reach for phone interview: Between 8am & Noon

**Property Information** (of the water use/well location):
Address: P.O. Box 156
City: Kauakahili, HAWAII
Zip: 96748
Well Location TMK (list all if multiple wells present): (2) 5-5-01:11
Water Use TMK (list all if used on multiple lots): (2) 5-5-01:11

**Water Use/Well Information:**
Is the water source currently in use? Yes [ ] No [X]
If no, please explain: Currently working on replantation of our sur

What are you currently using the water for? (example: "Use for 45 acres of diversified agriculture and 3 residences"): [Redacted] Daily for

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

Do you submit monthly water use reports to the State? Yes [ ] No [X]
If no, please explain: [Redacted]

**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): Mon Time: 9:00 am [X] 12:00 pm [ ] 3:00 pm [ ]
Option #2 Date (M-F): Tues Time: 9:00 am [X] 12:00 pm [ ] 3:00 pm [ ]
Option #3 Date (M-F): Wed Time: 9:00 am [X] 12:00 pm [ ] 3:00 pm [ ]

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 **March 5th, 2008** and direct any questions related to this survey to Mr. Milo Smith of Brown and Caldwell at:
1099 Alakea Street, Suite #2400
Honolulu, HI 96813
Tel: (808) 203-2661
Fax: (808) 533-0226
mcsmith@brwncald.com

For Official Use Only

Received: 3/7/08 Information Updated: 3/27/08 Phone Interview Complete: [Redacted]

Notes/Comments: [Redacted]
Phone Interview

WUP Number: 299
Well Number(s): 0354-07

Contact Name: Ronene French/Scott French
Phone Number: _______________________

Attempt #1: Date/Time: ____________________________ Result: ____________________________
Attempt #2: Date/Time: ____________________________ Result: ____________________________

Well Location TMK(s): (2) 5-5-001.01
Water Use TMK(s): (2) 5-5-001.01

Water Source Address: PO Box 156
City: Kauwataki, #1 Zip Code: 94748

Currently using water source? Yes ☐ No ☒

Notes/Comments:

How often is the water source being used? Daily ☐ Weekly ☐ Monthly ☐

Notes/Comments:

How long have you been using this water source?: No longer in use, was rock quarry

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:

Notes (Special directions, site conditions, potential hazards, general notes, etc.):

Scheduled field investigation day/time: 6/20/08 @ 1:00 P.M.

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 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: ____________________________ Date: 6/4/08 Time: 7:00
Field Investigation Checklist

WUP Number: 299  Well Number(s): 0364-02

Water Source
Well Location TMK(s): (2) 5-5-001.01
Well Head GPS Coordinates:  
Lat: 21°03'32.5"N  Lon: 156°54'26.9"W
Well Type: Drilled
Currently using water source?  Yes □  No □
Notes/Comments: ____________________________

Is there a flow meter installed?  Yes □  No □
Is the flow meter operational Yes □  No □
Notes/Comments: ____________________________

Water Use
Water Use TMK(s): (2) 5-5-001.01

What is the water being used for?  Not in use

Is the water being used within the permitted boundaries? Yes □  No □
If no, explain ____________________________

Is there any observed wasting of water or water loss?  Yes □  No □
If no, explain ____________________________

Are the permit conditions being complied with? Yes □  No □
If no, explain ____________________________

Other
Photographs of: Water Source □  Water Meter □  Usage Area □  Pump/Motor □

General Notes/Comments: ____________________________

Investigated By: M.S. /2.5  Date:  Time: 1:00 PM
Standard Conditions List

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 Rule 13-168-7.

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), 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 Waiekele 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.
State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources
Honolulu, Hawaii

April 14, 1994

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

Gentlemen:

Applications for Water Use Permits
Kawela Ground Water Management Area, Molokai

Applicant: Landowner:
1. (Well Nos. 0354-01, 02, & 04)
   T.T. Meyer, Inc.
   P.O. Box 454
   Kaunakakai, HI 96748
   Same

2. (Well No. 0354-03)
   Kanukuawa Ranch
   P.O. Box 707
   Kaunakakai, HI 96748
   T.T. Meyer, Inc.
   P.O. Box 454
   Kaunakakai, HI 96748

3. (Well No. 0354-05)
   Henry R. Meyer Estate
   P.O. Box 454
   Kaunakakai, HI 96748
   Same

Background

The applicants submitted completed water use permit applications to the
Commission on the dates indicated in Exhibit 1. Specific information regarding the
source, use, notification, objections, and field investigation(s) are described in Attachment
A and the attached exhibits.

Analysis & Issues

1. These three existing sources use brackish water from the Kawela Aquifer System for
   various uses as follows:
   a. Meyer Inc. #1 (Well No. 0354-01) - Because the county water system has never been
      extended to service this area of Molokai, this dug well is the sole source of domestic
      water supply for five homes and serves a total of 13 members of the Meyer family.
      Eleven briefs in support of this application have been submitted. Although the application
      indicates that the well is also used for the irrigation of 15.5 acres of various fruit trees
      and vegetables, this use was not verified by the field investigation. The applicant has
      verbally stated that the irrigation use is sporadic and varies according to the nature of the
      rainfall. The produce is not marketed commercially at this time, but may be at some
      point in the future. Currently, the irrigated lands are used for subsistence farming.
   b. Meyer Inc. #2 (Well No. 0354-02) - This drilled well is used for dust control and rock
      and cinder quarry operations on 25 acres of leased land. The lease to Molokai Concrete
      and Construction expired in August 1993. The applicant has verbally stated that a new
      lease is currently being negotiated and that he considers the water needs of the quarry to
      be immediate. Four briefs in support of this application have been filed with the
      Commission.
   c. Meyer Inc. #4 (Well No. 0354-04) - This dug well is used for irrigation purposes.
      The application states that the water is used for the domestic needs of one home and for
      irrigation of 2.71 acres of coconut trees, heliconias, and ti leaf plants. However, the field
      investigation report states that the domestic water is derived from the Meyer Inc. #1 Well
      and that irrigation use is confined to 1/2 acres of lawn. The applicant has verbally stated
Chairperson and Members  
Commission on Water Resource Management  
April 14, 1994

that the irrigation use varies with rainfall and, at present, no commercial agricultural operations exist.

2. Well #3 (Well No. 0354-03) - This existing source uses brackish water for the domestic needs of three homes and the irrigation of a 5-acre orchard of various fruit trees. A small portion of the water is used by 4 horses and 4 pigs for drinking and washing. At the time that the field investigation was conducted on November 23, 1992, two of the five acres were not being farmed.

3. Henry's Well (Well No. 0354-05) - From the field investigation conducted on November 23, 1992, this existing dug source was verified to have no existing use. It was determined that the well was not equipped with a pump or motor. Further, this well has not been registered under the well registration program. Staff finds that there is no justification for the issuance of a water use permit for this well and that this application should be denied, pursuant to §174C-83 and pending justification of an immediate need.

By the following analysis, staff finds that the following applications for permits to continue an existing water use meet the seven (7) criteria set forth in HRS 174-C(a)

Conditions for a permit:

(1) Water availability - Although pending applications for existing uses reflect a total draft rate of 1.72 million gallons per day (mgd), the latest 12-month moving average of actual recorded water usage suggests that existing withdrawals may be less than 0.6 mgd. Staff finds that this is a more reasonable estimate of existing uses in the aquifer. The satisfaction of all reasonable and beneficial existing uses is therefore expected to require less than 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 pending permits for continued existing uses and for new uses on lands that are currently undeveloped.

(2) Reasonable-beneficial - The following proposed permits are deemed to be beneficial uses of the water resource. However, the quantities requested do not appear to be reasonable estimates for the proposed uses.

1a. Meyer Inc. #1 (Well No. 0354-01) - The applicant has not been reporting his water use on a regular basis, and the capacity of the pump could not be verified in the field. The well registration form lists the capacity at 20 gpm. It is assumed that the pump has not been replaced, since no application for a pump installation permit has been filed since the well was registered. Assuming that the pump is operated continuously at full capacity, the maximum possible yield from the well is 28,800 gallons per day. Based on the Maui County Domestic Consumption Guideline, a single family residential unit may use up to 3,000 gallons per acre of land. Given the large area used for subsistence farming (15.5 acres), it is conceivable that the maximum yield of the well may be required for domestic consumption and irrigation purposes. Staff finds that an allocation of 28,800 gallons per day is justified.

1b. Meyer Inc. #2 (Well No. 0354-02) - The Native Hawaiian Advisory Council (NHAC) has commented that, since the lease has expired, water should not be allocated until the future of the land use has been confirmed. However, the applicant has stated that his needs are immediate, as negotiations are underway. Given 1) the interim nature of the permit, 2) the ability of the Commission to revoke any portion, or all, of the permitted use following four continuous years of nonuse, 3) the availability of the water supply, and 4) the justification given for his need at this time, staff finds no compelling reason to deny the request for an allocation.

Water use data are not available to estimate existing needs, and the capacity of the pump could not be verified in the field, but the registration form lists the capacity at 56 gpm. The application states that the pump is run daily from 7 a.m. to 6 p.m. By this method, the estimated water use may be as much as 39,960 gpd. Staff feels that this is a liberal estimate. However, the issuance of an interim permit at this time will allow the Commission to further refine this estimate as water use data become available.

2
1c. Meyer Inc. #4 (Well No. 0354-04) - Water use data are not available, and the pump capacity is unknown. The type of plants being irrigated have relatively low water demands. Assuming a daily irrigation requirement of 1,700 gallons per acre (County guideline for park-like areas), about 4,600 gpd is required to irrigate 2.71 acres.

2. Well #3 (Well No. 0354-03) - The applicant’s request appears to be low. Based on the county guidelines, three single family residences consume an average of 1,800 gpd, and 5 acres of fruit trees may require anywhere from 15,000 to 25,000 gpd. Staff finds that an allocation of 16,800 gpd is a reasonable estimate for these uses.

3. **Interference with other existing legal uses** - There should be no affect on the interim instream flow standards, as these uses were in existence prior to the effective date of the standards for Molokai streams. Although Kapuakoolau Gulch appears to have flow in its lower region, DAR has commented that, from the aquatic biological resources standpoint, there are no objections. Further, it is unlikely that the existing withdrawal will result in any measurable impacts. Excluding the wells owned by the Meyer family, there are two other wells within a mile of these wells, but the use of these wells could not be confirmed. However, it does not appear that any interference with other legal rights will result from continuation of the use, and no objections to these permit applications have been filed.

NHAC has raised concerns regarding the effect of runoff from the quarry operation (Well No. 0354-02) on nearshore waters and nearby fishponds. The Division of Aquatic Resources has noted the proximity of the quarry to the Pahiomu Fish Pond and has concluded that there is no potential for any impact on surface water habitat.

4. **Public interest** - These proposed beneficial uses of water for domestic, agricultural irrigation, and industrial purposes do not appear to be in conflict with the various objectives declared to be in the public interest. Review of these applications by the various divisions of the Dept. of Land and Natural Resources, which serve to protect and promote the interests of the public, has not prompted any statements of objections or concerns.

5. **State & county general plans and land use designations** - The Office of Conservation and Environmental Affairs and the Maui County Planning Department has 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 Molokai Working Group has made the following recommendations for the Southeast Sector, which encompasses the Kawela Aquifer System:

1. Limit groundwater 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 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:

1. That, for any interim permits granted by the Commission for an existing use, the existing use may continue within the approved level of use, and any delay in the actual issuance of the permit document shall not be a reason to interrupt the approved level of use.

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 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.

3. That the Commission approve the issuance of an interim water use permit to T.T. Meyer, Inc. for the reasonable and beneficial use of 39,960 gallons per day of brackish water for industrial uses at a 25-acre quarry from the Meyer, Inc. #2 Well (Well No. 0354-02), subject to the standard water use permit conditions listed in Attachment B.

4. That the Commission approve the issuance of an interim water use permit to T.T. Meyer, Inc. for the reasonable and beneficial use of 4,600 gallons per day of brackish water for irrigation use on 2.71 acres from the Meyer, Inc. #4 Well (Well No. 0354-04), subject to the standard water use permit conditions listed in Attachment B.

5. That the Commission approve the issuance of an interim water use permit to the Kanukuawa Ranch for the reasonable and beneficial use of 16,800 gallons per day of brackish water for domestic use by three residences and agricultural irrigation use on 5 acres from the Well #3 (Well No. 0354-03), subject to the standard water use permit conditions listed in Attachment B.

6. That the Commission deny the issuance of a permit to Henry R. Meyer for use of Henry's Well (Well No. 0354-05) pending the establishment of existing uses and further justification for the immediacy of his need.

Respectfully submitted,

Edwin Ihara
Deputy Director

Attch.

APPROVED FOR SUBMITTAL:

Keith W. Ahue, Chairperson
Chairperson and Members
Commission on Water Resource Management
April 14, 1994

WATER USE PERMIT DETAILED INFORMATION

Source Information

<table>
<thead>
<tr>
<th>AQUIFER:</th>
<th>Kawela System, Southeast Sector, Molokai</th>
</tr>
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<tbody>
<tr>
<td>Sustainable Yield:</td>
<td>5 mgd</td>
</tr>
<tr>
<td>Existing Water Use Permits:</td>
<td>0.002 mgd</td>
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<tr>
<td>Available Allocation:</td>
<td>4.998 mgd</td>
</tr>
<tr>
<td>Total of other pending allocations:</td>
<td>1.278 mgd</td>
</tr>
</tbody>
</table>

1a. WELL:
| Location: | Meyer, Inc. #1 Well (Well No. 0354-01) |
| Year Drilled: | Kapuaokoolau, Molokai, TMK:5-5-1:11 |
| Casing Diameter: Elevations (msl = 0 ft.) | NA |
| Water Level: | NA ft. |
| Ground: | 11 ft. |
| Bottom of Solid Casing: | NA ft. |
| Bottom of Perforated: | -4 ft. |
| Bottom of Open Hole: | |
| Total Depth: | 15 ft. |
| Grouted Annulus Depth: | NA ft. |
| Pump Capacity | 20 gpm |

1b. WELL:
| Location: | Meyer, Inc. #2 Well (Well No. 0354-02) |
| Year Drilled: | Kapuaokoolau, Molokai, TMK:5-5-1:11 |
| Casing Diameter: Elevations (msl = 0 ft.) | 1975 |
| Water Level: | 4 in. |
| Ground: | 2.7 ft. |
| Bottom of Solid Casing: | 11 ft. |
| Bottom of Perforated: | NA ft. |
| Bottom of Open Hole: | -11 ft. |
| Total Depth: | -16 ft. |
| Grouted Annulus Depth: | 15 ft. |
| Pump Capacity | NA gpm |

1c. WELL:
| Location: | Meyer, Inc. #4 Well (Well No. 0354-04) |
| Year Drilled: | Kapuaokoolau, Molokai, TMK:5-5-1:12 |
| Casing Diameter: Elevations (msl = 0 ft.) | NA |
| Water Level: | NA in. |
| Ground: | NA ft. |
| Bottom of Solid Casing: | NA ft. |
| Bottom of Perforated: | NA ft. |
| Bottom of Open Hole: | 6.5 ft. |
| Total Depth: | NA ft. |
| Grouted Annulus Depth: | NA ft. |
| Pump Capacity | NA gpm |

2. WELL:
| Location: | Well #3 (Well No. 0354-03) |
| Year Drilled: | Kapuaokoolau, Molokai, TMK:5-5-1:12 |
| Casing Diameter: E elevations (msl = 0 ft.) | NA |
| Water Level: | NA in. |

ATTACHMENT A
Chairperson and Members
Commission on Water Resource Management

Water Level:
- Ground: NA ft.
- Bottom of Solid Casing: NA ft.
- Bottom of Perforated: NA ft.
- Bottom of Open Hole: -4 ft.

Total Depth:
- Grouted Annulus Depth: 17 ft.

Pump Capacity: NA gpm

3. WELL:
   Location: Henry's Well (Well No. 0354-05)
   Year Drilled: Kapuaokoolau, Molokai, TMK:5-5-1:28
   Casing Diameter:
   Elevations (msl = 0 ft.)
   - Water Level: NA ft.
   - Ground: NA ft.
   - Bottom of Solid Casing: NA ft.
   - Bottom of Perforated: NA ft.
   - Bottom of Open Hole: NA ft.

Total Depth:
- Grouted Annulus Depth: 5.5 ft.

Pump Capacity: NA gpm

Use Information

1a. Quantity Requested: 100,000 gallons per day.
   Existing Type of Water Use: Domestic use for 5 residences and irrigation of 15.5 acres
   of various fruit trees
   Place of Water Use: Kapuaokoolau, Molokai at TMK: 5-5-1:11,12,28
   Reported Water Usage: NA gpd
   Nearby Similar Water Usage: NA gpd

1b. Quantity Requested: 200,000 gallons per day.
   Existing Type of Water Use: Industrial use at rock and cinder quarry
   Place of Water Use: Kapuaokoolau, Molokai at TMK: 5-5-1:11
   Reported Water Usage: NA gpd
   Nearby Similar Water Usage: NA gpd

1c. Quantity Requested: 10,000 gallons per day.
   Existing Type of Water Use: Domestic use for 1 residences and irrigation of 2.71 acres
   of heliconias, coconut and ti
   Reported Water Usage: NA gpd
   Nearby Similar Water Usage: NA gpd

ATTACHMENT A
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Place of Water Use: Kapuaokoolau, Molokai at TMK: 5-5-1:12  

Reported Water Usage:  
Nearby Similar Water Usage:  

2. Quantity Requested: 5,000 gallons per day.  
Existing Type of Water Use: Domestic use for 3 residences and irrigation of 5-acre orchard  
Place of Water Use: Kapuaokoolau, Molokai at TMK: 5-5-1:12  

Reported Water Usage:  
Nearby Similar Water Usage:  

3. Quantity Requested: 30,000 gallons per day.  
Existing Type of Water Use: Domestic use for 1 residence and irrigation of 5.32 acre of various fruit trees  
Place of Water Use: Kapuaokoolau, Molokai at TMK: 5-5-1:28  

Reported Water Usage:  
Nearby Similar Water Usage:  

Kawela Aquifer System  
Current 12-Month Moving Average Withdrawal: 0.594 gpd (12% of SY)  

Nearby Surrounding Wells and Other Registered Ground Water Use  

There are 3 other wells within a mile of these wells (see Exhibit 2). Possibly all of these wells are currently in use. Information from the registration program indicates there are possibly 35 existing wells in the Kawela Aquifer System. The 1992 Draft of the Maui Water Use and Development Plan, Island of Molokai estimated that the existing withdrawals 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.  

Public Notice  

In accordance with HAR §13-171-17, a public notice was published in the Star-Bulletin on the dates indicated in Exhibit 1 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 by the dates indicated on Exhibit 1.  

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 by the dates indicated on Exhibit 1.  

To the best of staff’s knowledge there are no objectors who have property interest within the Kawela Aquifer System or who will be directly and immediately affected by the proposed water use. All objections and/or comments to the application are summarized in the Analysis and Issues section:  

ATTACHMENT A
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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. Eleven briefs in support were filed with the Commission.

Field Investigation

The water sources and existing uses were investigated on the dates indicated on Exhibit 1. The investigation(s) verified the applicants existing sources and proposed use sites.
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 or policies as determined by the Commission. 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 April 14, 1994 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)
Chairperson and Members
Commission on Water Resource Management

April 14, 1994

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 yearly 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 comply with all applicable laws, rules, ordinances, and other agencies’ permits and conditions pertaining to water use or the water resource.

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

ATTN: Rae Loui and Keith Ahu'e

Dear Sirs:

In view of what transpired at the last meeting held on Moloka'i on November 17, 1993, I would like to point out that we have no other source of water except our well at Kapua'okoolau, Molokai.

Although the County of Maui have pipelines on the east and west of us, no pipelines were installed in our area of four (4) miles. It seems that the 4-mile strip between the pipelines simply do no exist, and therefore we had no other alternative but to pump and supply our own water.

My grandfather Theodore T. Meyer, Sr. was a Supervisor for the County of Maui many years ago and I've lived here all of my life--and we never had the luxury of county water.

Those individuals in Kawela are fortunate to have both county water and well water available to them. Are we to be penalized just because they may be denied the use of their well water? Are we to be denied the use of our well when we have no other water source available? I hope not!

We are a Kama'aina family...and Hawaiian at that too! It is my right to use this water to exist! I pay taxes like everyone else and if we are to be denied the right to use our well water, then are you, the Department, or the State of Hawai'i willing and financially able to truck water to us daily?

I hope that the Commission collectively will be able to come to an intelligent and satisfactory decision on this matter. If not, then we will proceed through legal channels.

Sincerely,

[Signature]

Jeanette Meyer Silva

cc: File Attorney
State of Hawai‘i-DLNR
Commission on Water Resource Management
November 24, 1993
ATTN: Keith Ahue
P.O. Box 621
Honolulu, Hawai‘i 96809

Dear Mr. Ahue,

My name is Wayne Meyer, and I’m the president of T.T. Meyer, Inc. (I’m the same Wayne Meyer who sits on the Molokai Working Group on Water, convened by the Commission on Water Resource Management). I have lived on Molokai all my life, except for four years away at Kamehameha Schools and three years in Vietnam with the U.S. Army.

T.T. Meyer, Inc. was formed in 1970. The corporation’s approximately 600 acres were used to raise cattle.

Theodore Thomas Meyer served as County Supervisor and dug his own well in the early 1900’s. This is the Number 1 Well. It serves five homes. Edith B. Meyer wanted to give their thirteen grandchildren each a half-acre lot. But, because there are no county or state water lines, the subdivision could not be approved. Without county water lines it is impossible to get building permits. (I heard people complaining at the November 17th CWRM meeting here on Molokai that they didn’t have enough water. We at T.T. Meyer, Inc. have a worse complaint: we are Hawaiian people with land and can’t do anything with it because we have no water lines.)

In 1972, T.T. Meyer, Inc. opened a 25-acre cinder and rock quarry with Vernon Funn. Well Number 2 was drilled by Red Sam Drilling Company for the sole purpose of obtaining water for dust control and the quarry operations.

T.T. Meyer Well Number 3 is used by Lloyd West for the tree orchard he has planted. I had given Lloyd the papers to file to sign up, declare, his water use.

Well Number 4 is on T.T. Meyer, Inc. land leased by myself and my wife, Lorraine for a small 2.709 acre parcel for trees and heliconia flowers.

(con’d.)
All our life we have lived on Molokai pumping water from wells; first powered with windmills, then with gas pumps, finally with electricity. Our pump at Well Number 1 is running 24-hours-a-day, 365-days-a-year. We're among the very few on Molokai who can say that and prove it.

I simply ask the Commission to consider our difficult situation and treat it differently than they would address the issue for more fortunate Molokai residents who at least have the capability of obtaining water from alternative government-provided wells and lines. Please approve our requested uses.

Thank you for your attention to these concerns.

Sincerely,

[Signature]

D. Wayne Meyer, Sr.
State of Hawai'i-DLNR
Commission on Water Resource Management
ATTN: Keith Ahue
P.O. Box 621
Honolulu, Hawai'i 96809

Dear Mr. Ahue,

This letter is in support of the Commission's favorable action on the application for water use from Henry's Well.

This well provides water for a small farm consisting of 5.34 acres. At present, there are some fruit trees including citrus, mango, guava, there's a coconut grove as well as breadfruit trees, ti leaf plants and noni (used for medicinal purposes). Henry also planted taro, sweet potato, watercress, un choy and bananas. He also raised chickens, pigs, goats, and cattle for home consumption.

Henry's property is not served by the Maui County Water System. There is a gap in the pipeline from Kawela to Kamalo.

As in the situation with T.T. Meyer, Inc. Wells applications, I ask the Commission to consider our difficult situation and treat it differently than they would address the issue for more fortunate Molokai residents who at least have the capability of obtaining water from alternative government-provided wells and lines. We are Hawaiians who need the water in order to live on the property left to us by our grandparents. Please approve our requested uses.

Thank you for your attention to these concerns.

Sincerely,

D. Wayne Meyer, Sr.
November 24, 1993

Mr. Rae Loui
State of Hawaii - DLNR
Commission on Water Resource Management
P. O. Box 21
Honolulu, Hawaii 96809

Dear Mr. Loui:

As a lifelong resident of Kapuaokoolau, Molokai, I am writing to you in reference to the wells situated on T.T. Meyer, Inc. property.

Many years ago, my grandfather dug a well and used the water for family consumption, bathing, and laundering needs. The water was also used for farming requirements. As the years went by, a request was made to the County of Maui to connect Kawela pipelines to Kamalo pipelines (which come from Ualapue) in which case residents between these areas would have had water from the county. The county responded unfavorably, stating that we run the pipelines to connect the two areas and afterwards dedicate this to the county. Needless to mention, the cost factor was outrageous and residents definitely could not afford such a request. However, over the years the feeling of being discriminated against never left our minds as we felt, and still feel, that as taxpayers, citizens, kamaaina to Molokai, we rightfully deserved the same benefits others are receiving.

My point, we need our wells because we have no other means of water being supplied to us. This well has, over the years, given "life" to other family members who built in this little "ohana" community. Family members will be returning to Kapuaokoolau in the very near future and, again, I emphasize we need to continue the use of our wells.

Won't you please consider this request?

Sincerely,

[Signature]
Haunani Meyer

cc: Keith Ahue
1428 Onipaa Street
Honolulu, Hawaii 96819
November 22, 1993

Ms. Rae Loui
State of Hawaii, DLNR
Commission on Water Resource Mgmt.
P.O. Box 21
Honolulu, HI 96809

Dear Ms. Loui:

I am writing regarding the water wells on the T.T. Meyer property at Kapuaokoolau, Molokai.

The first water well was dug by my grandfather, Theodore T. Meyer, in 1928. This well became the only source of water for his property. It was the sole source of water for the family home. This well provided water for drinking, bathing, washing, irrigation and provided water to his livestock. It was necessary to have this well since the County of Maui did not provide any water to this area.

In 1941, my father Otto S. Meyer, was given a portion of the family land where he built our family home. The same well supplied water to our home for drinking, bathing, washing, irrigation and also provided water to our livestock.

Today, this same well is used by five households since Maui County still does not provide water to the area between Kawela and Kamaio.

A second well was dug about ten years ago to provide water for a Cinder Quarry on our property. The water from this well is used to control dust pollution, watering of plants for landscaping and supplies water to the wash plant for the gravel that is mined.

More than forty years ago, our family requested that Maui County consider providing our family with County water. The County water source stops approximately 2 1/2 miles west of our property and 2 1/2 miles east of our property. Maui County's response to our request was that if the Meyer family could put up $60,000 to lay the pipe line, the County would
provide the water. Upon completion of this project, the Meyer Family would then have to dedicate the water line to Maui County. This meant that whoever built or became owners of property with in this five-mile range could hook up to the water line and would be required only to pay the normal charges. The Meyer family could not come up with this amount of money nor would we agree to such an unfair request.

As the population of Molokai grows, so does the use of water grow. I personally feel that if this five miles of land without county water could somehow be hooked together it would benefit not only the T.T.Meyer family, but other Molokai residents. If the Ualapue pump were to become disfunctional, the Kawela pump could provide water to the residents that draw water from the Ualapue pump. And therefore, the same would go for the Kawela pump.

I will retire in three years from the State of Hawaii and will make Molokai my home once again. My parents are both in ailing health and I plan to reside in Kapuaokoolau. Many of my family members would also like to someday return to Kapuaokoolau. If Maui County cannot provide water to this area then we most certainly need our family wells.

The Meyer family are all United State citizens who pay taxes like every other U.S. citizen. We are also residents of Hawaii and of Hawaiian blood. I do feel that if Maui County will not provide water to this area then why should we be denied the use of water from the wells on our own property?

Please take my letter into consideration when your department acts on water rights in Kapuaokoolau, Molokai.

Thank you for your time and I hope your decision will be based on fairness to our family who has been drawing water from this source for more than 60 years.

Sincerely,

(Mrs.) Ottina Meyer Paoa

cc: Keith Ahue
P.O. Box 35
Kaunakakai, Molokai
Nov. 19, 1993

State of Hawaii
Dept. of Land and 
Natural Resources
Commission on Water Resource 
Management
P.O. Box 21 
Honolulu, Hawaii 96809

Gentlemen:

My name is Otto S. Meyer a life-long resident of Molokai. My letter is in regards to the water wells on our property in Kapuaokoolau, Molokai. I am one of the surviving children of Theodore and Edith Meyer original owners of this property.

My father purchased this property more than 60 years ago and established his family residence and ranch. My father had to dig a water well so that water could be provided for family use in our daily needs. He also needed water to irrigate his crops and to provide water to his livestock. His livestock and crops was his source of income to support his family.

He petitioned the County of Maui for water to his property but was denied several times. When his children married and started to raise their own families, property was given to them to build homes on. Again, the county was asked to provide water to our properties and we were denied.

My brother Henry and I then became the spokesmen for our families, attending numerous water board meetings, writing numerous letters and speaking on our behalf to many Maui County Officials. This was all in vain, as here it is 1993 and we still do not have county water.

When we first started seeking county water for our property, we were told to pay forth $60,000 for the pipes and the county would then give us the water. However, once we did this, the county requested that we dedicate this same water line which we paid $60,000 back to Maui County. We could not and would not raise this kind of money as we are citizens and residents who have paid more than our share of taxes into this government.
Our family property now has a Cinder Quarry and a second well was dug by the Contractor to provide water for the wash plant, dust control and irrigation of vegetation.

My brother Henry and I raised our children in Kapuaokoolau as did my sister Hannah. Our parents' wish was to provide a parcel of property for their 13 grandchildren so that each could someday return to Kapuaokoolau, set up residency and carry on their legacy.

I am now 82 years old and although I may never live to see County Water provided to our family property, I would like to leave this world knowing that my children, grandchildren and great grandchildren can return to Kapuaokoolau someday and continue my father's legacy and my own personal dreams. If our water wells are ordered closed, my efforts would have all been in vain.

I have always done my share as a citizen and resident of Molokai. During my time, I got involved with many community activities and I feel have done my Island community well. After all these years, I cannot see or understand why we may be denied water from our own property.

Thank you for your time.

Otto S. Meyer
Landowner
P.O. Box 35
Kaunakakai, Molokai
Nov. 19, 1993

State of Hawaii
Dept. of Land and
    Natural Resources
Commission on Water Resource
    Management
P.O. Box 21
Honolulu, Hawaii 96809

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I have always done my share as a citizen and resident of Molokai. During my time, I got involved with many community activities and I feel have done my Island community well. After all these years, I cannot see or understand why we may be denied water from our own property.

Thank you for your time.

Otto S. Meyer
Landowner
Gave to Kay 4/18/93
(2) Well 0354-02 (Kamalo-TT Meyer #2):

1. Source: A drilled well with a 4-inch diameter casing and a 1-1/2 inch diameter outlet pipe. According to the registration form, the well has a 56 gpm submersible pump and electric motor. Water is stored in a 5,000 gallon tank near the well. Total depth of the well is 76 feet.

2. Use: The water is used by lessee Molokai Concrete and Construction for mixing concrete and dust control.

3. Quantity: The quantity used is not being measured. However, according to the Meyers, the quarry is used sporadically since the company is not doing a lot of work.

4. Location: Source and use, TMK: 5-5-1:11. Using the GPS: latitude = 21 deg 03 min 43.5 sec N 
   longitude = 156 deg 54 min 40.4 sec W


6. The well name will be changed from "Kamalo-East" to "Kamalo-TT Meyer #2".
FIELD OPERATION INFORMATION CHECKLIST
(Ver. 4/3/91)

PART I: USE OF WATER
Declarant's File Reference: IT MEVEL 1N.

1. Tax Map Key where the water is used: 5 - 5 - 1 : 11. Does the declarant own this land? YES If not, who does?

2. What is the water used for? CONCRETE (QUARRY OPERATION) (CONCRETE MIX (DUST CONTROL))
If for irrigation, how many acres are being irrigated by crop type?
If for livestock, how many and what kind?
If for drinking, at how many houses? by how many people?

3. Is the quantity of water used being measured? *NO If yes, document the location of the measurement point and method of measurement; also get use records if these were not submitted previously.

4. If this person takes from a multi-user pipe or ditch system:
How is the water taken from the system?
What is the capacity for taking (gpm)?
How often is it taken (used)?

PART II: WATER SOURCE
Source #: 0354-02 Name: KAMPLO - IT MEVEL 1N.

1. Where does the water come from / what kind of source is this? DRILLED WELL
Types of sources include:
1) Wells (drilled, dug, tunnel)
2) Diversion (pipe, pump, or livestock from a stream, spring, swamp, pond)
3) Multi-source systems. (Declared use cannot be traced to a single well or diversion)
NOTE: If a multi-user system: take from pipe or ditch (need to determine whether this is a multi-source or single-source system before the data can be input to the computer)
4) Instream (i.e., crops planted along water edge)

2. Show the source location on maps, determine latitude and longitude, and document the nature of source development by measurements, sketches, and photographs. How is the water taken? G9S: LONG - 21° 03' 43.5" W, LAT - 43° 54' 40.4" N
What is the capacity for taking (gpm)? FROM RED FORM 52 gpm for pump, electric motor
How often is it taken (used)? TIME TO FILL 5GTO (GPM)

3. Tax Map Key at the source: 5 - 5 - 1 : 11. Determine declarant's relation to source. Does the declarant:
1) Operate and maintain the source? NO If not, who does?
2) Own the land at the source? YES If not, who does?
3) Use the water from this source? NO If not, who does?
4) Own the land where the water is being used? YES
5) None of the above? If so, why did they file?

4. Does any one else also use water from this source? NO If yes, is their use included in this user's declaration? Who are the other users? Did they file?

VERIFIED BY: STELLING CHIN DATE: 11-23-92
July 6, 1989

NOTIFICATION OF BOUNDARY AMENDMENT AND SPECIAL PERMIT DECISIONS BY STATE LAND USE COMMISSION

To all concerned agencies:

The Findings of Fact, Conclusions of Law and Decision and Order for the following boundary amendment petitions and special permits have been filed by the Land Use Commission:

<table>
<thead>
<tr>
<th>Petition Docket No.</th>
<th>Special Permits Requested</th>
<th>IUC Action on April 14, 1989</th>
<th>Date of Decision and Order</th>
</tr>
</thead>
<tbody>
<tr>
<td>SP89-371</td>
<td>For a Special Permit to Allow the Continued Operation of a Radio Transmission Facility on Approximately 30 Acres of Land Within the Agricultural District at Kaluakoi, Molokai, County of Maui</td>
<td>Approved Special Permit for approximately 30 acres at Kaluakoi, Molokai, County of Maui, TMK: 5-1-04:19</td>
<td>May 30, 1989</td>
</tr>
<tr>
<td>78-326</td>
<td>For a Time Extension to Special Permit to Establish an Asphalt Batching Plant and to Continue to Operate a Concrete Batching Plant and Crushing and Screening Plant on Approximately 25 Acres of Land Within the Agricultural District at Kapuaokoolau, Molokai, County of Maui</td>
<td>Approved Second Amendment to Special Permit for approximately 25 acres at Kapuaokoolau, Molokai, County of Maui, TMK: 5-5-01: Portion of 11</td>
<td>June 20, 1989</td>
</tr>
</tbody>
</table>
BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of

T. T. MEYER, INC.

For a Time Extension to Special Permit to Establish an Asphalt Batching Plant and to Continue to Operate a Concrete Batching Plant and Crushing and Screening Plant on Approximately 25 Acres of Land Within the Agricultural District at Kapuaokoolau, Molokai, County of Maui, State of Hawaii, Tax Map Key No.: 5-5-01: Portion of 11

DOCKET NO. SP78-326

T. T. MEYER, INC.

This is to certify that this is a true and correct copy of the Decision and Order on file in the office of the State Land Use Commission, Honolulu Hawaii.

JUN 20 1989 by Executive Officer

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER
BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of )
T. T. MEYER, INC.)
DOCKET NO. SP78-326
T. T. MEYER, INC.)

For a Time Extension to Special
Permit to Establish an Asphalt
Batching Plant and to Continue to
Operate a Concrete Batching Plant
and Crushing and Screening Plant
on Approximately 25 Acres of Land
Within the Agricultural District
at Kapuaokoolau, Molokai, County
of Maui, State of Hawaii, Tax Map
Key No.: 5-5-01: Portion of 11

FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND DECISION AND ORDER

T. T. Meyer, Inc. (hereinafter "Petitioner") initiated
this proceeding pursuant to Section 205-6, Hawaii Revised
Statutes, as amended, and Title 15, Chapter 15, Subchapter 12 of
the Hawaii Administrative Rules, as amended (hereinafter
"Commission Rules"). The Land Use Commission (hereinafter the
("Commission"), having considered the entire record on this
matter, and good cause appearing therefrom, hereby makes the
following findings of fact, conclusions of law, and decision and
order:

FINDINGS OF FACT

Procedural Matters

1. On November 18, 1988, Petitioner filed an amendment
to Special Permit Docket Number SP78-326/T. T. Meyer, Inc.
(hereinafter the "Amendment") with the County of Maui Planning Department.

2. On February 2, 1989, the Molokai Advisory Committee (hereinafter "MAC") to the Maui Planning Commission (hereinafter "MPC") conducted a meeting pursuant to agenda filed at the County of Maui's Clerk's Office on January 27, 1989.

3. The MAC did not receive any testimony or written statements from public witnesses.

4. On February 2, 1989, the MAC recommended approval of the Amendment with fourteen conditions to the MPC.

5. On March 7, 1989, the MPC conducted a meeting on the Amendment, as transmitted by the MAC, pursuant to agenda filed at the County of Maui's Clerk's Office on February 28, 1989, and recommended approval of the Amendment subject to fourteen conditions.

6. The record of the County's proceeding on the Amendment was received by the Commission on April 3, 1989.

Background and Petitioner's Request

7. On April 18, 1979, the Commission granted Special Permit Docket No. SP78-326/T. T. Meyer, Inc. for a rock and cinder quarry use on the subject property for ten years subject to five conditions. The expiration date of said Special Permit is April 18, 1989.

8. On May 18, 1988, the Commission amended Special Permit Docket No. SP78-326/T. T. Meyer, Inc. (hereinafter "First
Amendment") to allow the inclusion of an asphalt batching plant and existing concrete batching, and crushing and screening plants as additional uses subject to fifteen conditions as follows:

"1. That said permit shall be limited to the operation of a rock and cinder quarry, a concrete batching plant, crushing and screening plant, and asphalt batching plant.

2. That all applicable Federal, State, and County environmental and health requirements shall be met.

3. That the permit, as amended, shall be valid until April 18, 1989, subject to extension upon favorable review by the Molokai Advisory Committee, Maui Planning Commission, and State Land Use Commission.

4. That the asphalt batching plant shall be established within one (1) year after the date of the approval of this amendment by the State Land Use Commission.

5. That full compliance with the requirements of the Department of Public Works in their memo dated September 23, 1987, and attached hereto as Exhibit "A", shall be rendered unless written verification is provided to the Maui Planning Department and the State Land Use Commission that the conditions have been either modified or deleted.

6. That the Petitioner shall improve the access connection to Kamehameha V Highway up to State Highway standards per the letter from the Department of Transportation, Highways Division dated September 22, 1987 and attached hereto as Exhibit "B" unless written verification has been provided to the Maui Planning Department and the State Land Use Commission from Department of Transportation, Highways Division that this condition has been either modified or deleted.

7. That the plan for wastewater disposal shall be submitted to the Department of Land and Natural Resources, Department of Public Works, and the Department of Health for approval.

8. That upon termination of the operation or use, the applicant shall be responsible to suitably restore the subject properties (e.g. removal of structures; revegetation; etc.) in a manner determined to be appropriate by the Maui County Planning Commission.
9. That dust control measures as determined to be appropriate by the Department of Public Works shall be duly implemented in conjunction with the quarry and associated approved uses.

10. That the Special Use Permit shall be valid only for the uses as approved and in accordance with plans submitted therein.

11. That the uses or structures allowed by the Special Use Permit shall not be expanded or increased in size or changed to another special use, unless so authorized.

12. That this permit shall be non-transferable unless prior approval has been obtained from the Maui Planning Commission and the State Land Use Commission.

13. In the event that any of the conditions of this permit are breached, the Petitioner/permittee shall be sent a written notice by the Planning Department or appropriate County enforcement agency and shall be required to cease all operations from and after receipt of said notice of the Planning Commission to address the breach of conditions. If no appeal is duly filed by the Petitioner, the Planning Commission shall revoke the subject Special Use Permit.

14. That the project shall conform to the requirements of other Federal, State and County statutes, ordinances, rules, and regulations or codes.

15. That the Petitioner shall submit a landscape planting plan to the Maui Planning Commission for approval."

9. Petitioner is requesting a 10-year time extension to the life of the Special Permit. In addition, one of the fifteen conditions of the First Amendment required that the asphalt batching plant be established within one year of the date of approval or by May 18, 1989.

Since the asphalt batching plant has not yet been established, the MAC and MPC have also recommended that the one year deadline to establish the asphalt batching plant be extended by six months, to October 18, 1989 (hereinafter collectively referred to as the "Second Amendment").
Description of the Property

10. The area subject to the Second Amendment is located in the vicinity of Waiakuilani Gulch and Pahiomu Fishpond, approximately eight miles east of Kaunakakai Town and approximately 1,000 feet mauka of Kamehameha V Highway (hereinafter "Property."

11. The Property, identified as Maui Tax Map Key Number: 5-5-01: portion of 11, consists of approximately 25 acres.

12. The Property is owned by T. T. Meyer, Inc.

13. The Property is presently being used as a rock and cinder quarry and contains a concrete batching plant, a portable crushing and screening plant, and stockpile areas.

14. According to Petitioner, the proposed asphalt batching plant is presently being shipped to the site.

15. The surrounding area is relatively unimproved and is being used as pasture land for cattle grazing.

16. A few single family dwellings are located along Kamehameha V Highway.

17. According to the Flood Insurance Rate Map (FIRM), the Property lies in Zone C, an area of minimal flooding.

18. Access to the Property is from a gravel road off of Kamehameha V Highway.

19. According to the Land Study Bureau’s Detailed Land Classification, the Property has an Overall (Master) Productivity
Rating of "E" which means poor productivity potential for most agricultural uses.

20. The Property is not classified according to the Agricultural Lands of Importance to the State of Hawaii (ALISH) classification system.

State and County Plans and Programs

21. The State Land Use District classification for the Property is Agricultural as reflected on the Land Use District Boundaries Map MO-4, Kamalo.

22. The Molokai Community Plan designates the Property as Agriculture.

23. The Property lies outside of the County of Maui Special Management Area.

Summary of Agency Comments

24. The State Department of Agriculture has no objection to the proposed time extension.

25. The State Department of Health indicated that the Petitioner will be required to obtain an air pollution permit for the asphalt batching plant and that favorable action by the Commission should be contingent upon Petitioner’s compliance with Department of Health regulations.

26. The County Department of Water Supply has no objection to the time extension.

27. The County Department of Public Works indicated that a) the project is subject to flood inundation and must
conform to Ordinance No. 1145 pertaining to flood hazard districts; b) a final detailed drainage and erosion control plan has not yet been submitted; c) the license document is still being reviewed to determine if a subdivision of the site is required.

**Conformance With Special Permit Tests**

28. The uses previously met the five tests for an unusual and reasonable use in the State Agricultural District. Inasmuch as the uses will not be expanded, they still meet the five tests.

**Planning Commission Recommendation**

29. On March 7, 1989, the Maui Planning Commission voted to recommend approval of the Second Amendment for a five-year period subject to seventeen conditions which would replace the 15 conditions of the First Amendment, as follows:

1. That said permit shall be limited to the operation of a rock and cinder quarry, a concrete batching plant, crushing and screening plant, and asphalt batching plant.

2. That all applicable Federal, State, and County Environmental and health requirements shall be met.

3. That the permit shall be valid for a period of five (5) years until April 18, 1994, subject to extension upon favorable review by the Molokai Planning Commission and the State Land Use Commission.

4. That the asphalt batching plant shall be established by October 18, 1989 otherwise permission for the use shall become null and void.

5. That the applicant shall obtain an air pollution permit from the Department of Health for the asphalt batching plant prior to operating the plant as stated in their letter dated
December 27, 1988 and attached as Exhibit "A" unless written verification has been submitted from the Department of Health that the condition has been either modified or deleted.

6. That the applicant shall comply with Ordinance No. 1145 pertaining to flood hazard district and submit a final detailed drainage and erosion control plan per the memo from the Department of Public Works dated January 25, 1989 and attached as Exhibit "B" unless written verification has been submitted from the Department of Public Works that the conditions have been either modified or deleted.

7. That the Petitioner shall complete the landscaping, drainage control measures, and driveway by October 18, 1989.

8. That upon termination of the operation or use, the applicant shall be responsible to suitably restore the subject properties (e.g. removal of structures; revegetation; etc.) in a manner determined to be appropriate by the Molokai Planning Commission.

9. That dust control measures as determined to be appropriate by the Department of Public Works shall be duly implemented in conjunction with the quarry and associated approved uses.

10. That the Special Use Permit shall be valid only for the uses as approved and in accordance with plans submitted therein.

11. That the uses or structures allowed by the Special Use Permit shall not be expanded or increased in size or changed to another special use, unless so authorized.

12. That this permit shall be non-transferable unless prior approval has been obtained from the Molokai Planning Commission and State Land Use Commission.

13. In the event that any of the conditions of this permit are breached, the Petitioner/permittee shall be sent a written notice by the Planning Department or appropriate County enforcement agency and shall be required to cease all operations from and after receipt of said notice of the Planning Commission to address the breach of conditions. If no appeal is duly filed by the Petitioner, the Planning Commission shall revoke the subject Special Use Permit.

14. That the project shall conform to the requirements of other Federal, State, and County statutes, ordinances, rules, and regulations or codes.
15. That the Petitioner shall improve the access connection to Kamehameha V Highway up to State Highway standards per the letter from the Department of Transportation, Highways Division dated September 22, 1987 and attached hereto as Exhibit "B" unless written verification has been provided to the Maui Planning Department and the State Land Use Commission from Department of Transportation, Highways Division that this condition has been either modified or deleted.

16. That the plan for wastewater disposal shall be submitted to the Department of Land and Natural Resources, Department of Public Works, and the Department of Health for approval.

17. That the Petitioner shall submit a landscape planting plan to the Molokai Planning Commission for approval.

CONCLUSIONS OF LAW

The Second Amendment to Special Permit Docket No. 78-326/T. T. Meyer, Inc. to extend the life of the permit by five years to April 18, 1994, and to extend the time to establish the asphalt batching plant by six months to October 18, 1989, is not contrary to the objectives sought to be accomplished by the State Land Use Law to preserve, protect and encourage development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare.

ORDER

IT IS HEREBY ORDERED that the Second Amendment to Special Permit Docket Number 78-362/T. T. Meyer, Inc. to extend the life of the permit by five years to April 18, 1994, and to extend the time to establish the asphalt batching plant by six months to October 18, 1989, on the Property, is hereby approved, subject to the following conditions:
1. That said permit shall be limited to the operation of a rock and cinder quarry, a concrete batching plant, crushing and screening plant, and asphalt batching plant.

2. That all applicable Federal, State, and County Environmental and health requirements shall be met.

3. That the permit shall be valid for a period of five (5) years until April 18, 1994, subject to extension upon favorable review by the Molokai Planning Commission and the State Land Use Commission.

4. That the asphalt batching plant shall be established by October 18, 1989 otherwise permission for the use shall become null and void.

5. That the applicant shall obtain an air pollution permit from the Department of Health for the asphalt batching plant prior to operating the plant as stated in their letter dated December 27, 1988 and attached as Exhibit "A" unless written verification has been submitted from the Department of Health that the condition has been either modified or deleted.

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12. That this permit shall be non-transferable unless prior approval has been obtained from the Molokai Planning Commission and State Land Use Commission.

13. In the event that any of the conditions of this permit are breached, the Petitioner/permittee shall be sent a written notice by the Planning Department or appropriate County enforcement agency and shall be required to cease all operations from and after receipt of said notice of the Planning Commission.
to address the breach of conditions. If no appeal is duly filed by the Petitioner, the Planning Commission shall revoke the subject Special Use Permit.

14. That the project shall conform to the requirements of other Federal, State, and County statutes, ordinances, rules, and regulations or codes.

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16. That the plan for wastewater disposal shall be submitted to the Department of Land and Natural Resources, Department of Public Works, and the Department of Health for approval.

17. That the Petitioner shall submit a landscape planting plan to the Molokai Planning Commission for approval.
Done at Honolulu, Hawaii, this 20th day of June 1989, per motions on May 11, 1989 and June 1, 1989.

LAND USE COMMISSION
STATE OF HAWAII

By
RENTON L. K. NIP
Chairman and Commissioner

By
ALLEN K. HOE
Commissioner

By
FREDERICK P. WHITTEMORE
Commissioner

Filed and effective on
June 20, 1989

Certified by:

Executive Officer

By
ROBERT S. TAMAYE
Commissioner

By
ALLEN Y. RAJIOKA
Commissioner

By
TEOFILO PHIL TACBIAN
Commissioner

-13-
BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of T. T. MEYER, INC.

For a Time Extension to Special Permit to Establish an Asphalt Batching Plant and to Continue to Operate a Concrete Batching Plant and Crushing and Screening Plant on Approximately 25 Acres of Land Within the Agricultural District at Kapuaokoolau, Molokai, County of Maui, State of Hawaii, Tax Map Key No.: 5-5-01: Portion of 11

DOCKET NO. SP78-326
T. T. MEYER, INC.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Findings of Fact, Conclusions of Law, and Decision and Order was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

CHRISTOPHER L. HART, Planning Director
CERT. Planning Department, County of Maui
200 South High Street
Wailuku, Hawaii 96793

OTTO S. MEYER
CERT. P. O. Box 156
Kaunakakai, Hawaii 96748

DATED: Honolulu, Hawaii, this 20th day of June 1989.

ESTHER UEDA
Executive Officer
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, Noelan 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. 0352:10), 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, NAIWA WELL (WELL NO. 0705-05), KUALAPUU GROUND WATER MANAGEMENT AREA, MOLOKAI

Ms. Nakama presented amended recommendations for Commission action. After discussions the following was recommended:
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 918,800 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, HONOUWIWI STREAM, MOLOKAI

Mr. Higa recommended the following amendments to the Recommendations:

"The permit application and the staff submittal approved by the Commission at its meeting of [March 16] April 14, 1994 shall be incorporated herein by reference."

5. "[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

April 14, 1994

Applications for Water Use Permits
Kawela Ground Water Management Area, Molokai

Applicant:   Landowner:

1. (Well Nos. 0354-01,02,&04)
   T.T. Meyer, Inc.
P.O. Box 454
Kaunakakai, HI 96748

2. (Well No. 0354-03)
   Kanukuawa Ranch
   P.O. Box 707
   Kaunakakai, HI 96748

3. (Well No. 0354-05)
   Henry R. Meyer Estate
   P.O. Box 454
   Kaunakakai, HI 96748

Background

The applicants submitted completed water use permit applications to the
Commission on the dates indicated in Exhibit 1. Specific information regarding the
source, use, notification, objections, and field investigation(s) are described in Attachment
A and the attached exhibits.

Analysis & Issues

1. These three existing sources use brackish water from the Kawela Aquifer System for
   various uses as follows:

   a. Meyer Inc. #1 (Well No. 0354-01) - Because the county water system has never been
      extended to service this area of Molokai, this dug well is the sole source of domestic
      water supply for five homes and serves a total of 13 members of the Meyer family.
      Eleven briefs in support of this application have been submitted. Although the application
      indicates that the well is also used for the irrigation of 15.5 acres of various fruit trees
      and vegetables, this use was not verified by the field investigation. The applicant has
      verbally stated that the irrigation use is sporadic and varies according to the nature of the
      rainfall. The produce is not marketed commercially at this time, but may be at some
      point in the future. Currently, the irrigated lands are used for subsistence farming.

   b. Meyer Inc. #2 (Well No. 0354-02) - This drilled well is used for dust control and rock
      and cinder quarry operations on 25 acres of leased land. The lease to Molokai Concrete
      and Construction expired in August 1993. The applicant has verbally stated that a new
      lease is currently being negotiated and that he considers the water needs of the quarry to
      be immediate. Four briefs in support of this application have been filed with the
      Commission.

   c. Meyer Inc. #4 (Well No. 0354-04) - This dug well is used for irrigation purposes.
      The application states that the water is used for the domestic needs of one home and for
      irrigation of 2.71 acres of coconut trees, heliconias, and ti leaf plants. However, the field
      investigation report states that the domestic water is derived from the Meyer Inc. #1 Well
      and that irrigation use is confined to 1/2 acres of lawn. The applicant has verbally stated
that the irrigation use varies with rainfall and, at present, no commercial agricultural operations exist.

2. Well #3 (Well No. 0354-03) - This existing source uses brackish water for the domestic needs of three homes and the irrigation of a 5-acre orchard of various fruit trees. A small portion of the water is used by 4 horses and 4 pigs for drinking and washing. At the time that the field investigation was conducted on November 23, 1992, two of the five acres were not being farmed.

3. Henry's Well (Well No. 0354-05) - From the field investigation conducted on November 23, 1992, this existing dug source was verified to have no existing use. It was determined that the well was not equipped with a pump or motor. Further, this well has not been registered under the well registration program. Staff finds that there is no justification for the issuance of a water use permit for this well and that this application should be denied, pursuant to §174C-83 and pending justification of an immediate need.

By the following analysis, staff finds that the following applications for permits to continue an existing water use meet the seven (7) criteria set forth in HRS 174-C(a) Conditions for a permit:

(1) Water availability - Although pending applications for existing uses reflect a total draft rate of 1.72 million gallons per day (mgd), the latest 12-month moving average of actual recorded water usage suggests that existing withdrawals may be less than 0.6 mgd. Staff finds that this is a more reasonable estimate of existing uses in the aquifer. The satisfaction of all reasonable and beneficial existing uses is therefore expected to require less than 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 pending permits for continued existing uses and for new uses on lands that are currently undeveloped.

(2) Reasonable-beneficial - The following proposed permits are deemed to be beneficial uses of the water resource. However, the quantities requested do not appear to be reasonable estimates for the proposed uses.

1a. Meyer Inc. #1 (Well No. 0354-01) - The applicant has not been reporting his water use on a regular basis, and the capacity of the pump could not be verified in the field. The well registration form lists the capacity at 20 gpm. It is assumed that the pump has not been replaced, since no application for a pump installation permit has been filed since the well was registered. Assuming that the pump is operated continuously at full capacity, the maximum possible yield from the well is 28,800 gallons per day. Based on the Maui County Domestic Consumption Guideline, a single family residential unit may use up to 3,000 gallons per acre of land. Given the large area used for subsistence farming (15.5 acres), it is conceivable that the maximum yield of the well may be required for domestic consumption and irrigation purposes. Staff finds that an allocation of 28,800 gallons per day is justified.

1b. Meyer Inc. #2 (Well No. 0354-02) - The Native Hawaiian Advisory Council (NHAC) has commented that, since the lease has expired, water should not be allocated until the future of the land use has been confirmed. However, the applicant has stated that his needs are immediate, as negotiations are underway. Given 1) the interim nature of the permit, 2) the ability of the Commission to revoke any portion, or all, of the permitted use following four continuous years of nonuse, 3) the availability of the water supply, and 4) the justification given for his need at this time, staff finds no compelling reason to deny the request for an allocation.

Water use data are not available to estimate existing needs, and the capacity of the pump could not be verified in the field, but the registration form lists the capacity at 56 gpm. The application states that the pump is run daily from 7 a.m. to 6 p.m. By this method, the estimated water use may be as much as 39,960 gpd. Staff feels that this is a liberal estimate. However, the issuance of an interim permit at this time will allow the Commission to further refine this estimate as water use data become available.
1c. Meyer Inc. #4 (Well No. 0354-04) - Water use data are not available, and the pump capacity is unknown. The type of plants being irrigated have relatively low water demands. Assuming a daily irrigation requirement of 1,700 gallons per acre (County guideline for park-like areas), about 4,600 gpd is required to irrigate 2.71 acres.

2. Well #3 (Well No. 0354-03) - The applicant's request appears to be low. Based on the county guidelines, three single family residences consume an average of 1,800 gpd, and 5 acres of fruit trees may require anywhere from 15,000 to 25,000 gpd. Staff finds that an allocation of 16,800 gpd is a reasonable estimate for these uses.

(3) Interference with other existing legal uses - There should be no effect on the interim instream flow standards, as these uses were in existence prior to the effective date of the standards for Molokai streams. Although Kapuaokoolau Gulch appears to have flow in its lower region, DAR has commented that, from the aquatic biological resources standpoint, there are no objections. Further, it is unlikely that the existing withdrawal will result in any measurable impacts. Excluding the wells owned by the Meyer family, there are two other wells within a mile of these wells, but the use of these wells could not be confirmed. However, it does not appear that any interference with other legal rights will result from continuation of the use, and no objections to these permit applications have been filed.

NHAC has raised concerns regarding the effect of runoff from the quarry operation (Well No. 0354-02) on nearshore waters and nearby fishponds. The Division of Aquatic Resources has noted the proximity of the quarry to the Pahiomu Fish Pond and has concluded that there is no potential for any impact on surface water habitat.

(4) Public interest - These proposed beneficial uses of water for domestic, agricultural irrigation, and industrial purposes do not appear to be in conflict with the various objectives declared to be in the public interest. Review of these applications by the various divisions of the Dept. of Land and Natural Resources, which serve to protect and promote the interests of the public, has not prompted any statements of objections or concerns.

(5) State & county general plans and land use designations - The Office of Conservation and Environmental Affairs and the Maui County Planning Department has 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 Molokai Working Group has made the following recommendations for the Southeast Sector, which encompasses the Kawela Aquifer System:

1. Limit groundwater 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 Sector should be reserved first for residences of this Sector who are not yet served.
Chairperson and Members  
Commission on Water Resource Management  
April 14, 1994

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:

1. That, for any interim permits granted by the Commission for an existing use, the existing use may continue within the approved level of use, and any delay in the actual issuance of the permit document shall not be a reason to interrupt the approved level of use.

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 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.

3. That the Commission approve the issuance of an interim water use permit to T.T. Meyer, Inc. for the reasonable and beneficial use of 39,960 gallons per day of brackish water for industrial uses at a 25-acre quarry from the Meyer, Inc. #2 Well (Well No. 0354-02), subject to the standard water use permit conditions listed in Attachment B.

4. That the Commission approve the issuance of an interim water use permit to T.T. Meyer, Inc. for the reasonable and beneficial use of 4,600 gallons per day of brackish water for irrigation use on 2.71 acres from the Meyer, Inc. #4 Well (Well No. 0354-04), subject to the standard water use permit conditions listed in Attachment B.

5. That the Commission approve the issuance of an interim water use permit to the Kanukuawa Ranch for the reasonable and beneficial use of 16,800 gallons per day of brackish water for domestic use by three residences and agricultural irrigation use on 5 acres from the Well #3 (Well No. 0354-03), subject to the standard water use permit conditions listed in Attachment B.

6. That the Commission deny the issuance of a permit to Henry R. Meyer for use of Henry's Well (Well No. 0354-05) pending the establishment of existing uses and further justification for the immediacy of his need.

Respectfully submitted,

Edwin T. Scholte  
Deputy Director

APPROVED FOR SUBMITTAL:

RAE M. LOUI  
Deputy Director

KEITH W. AHUE, Chairperson
WATER USE PERMIT DETAILED INFORMATION

### Source Information

**AQUIFER:**
- Sustainable Yield:
- Existing Water Use Permits:
- Available Allocation:
- Total of other pending allocations:

1a. **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:**
- **Pump Capacity**

1b. **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:**
- **Pump Capacity**

1c. **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:**
- **Pump Capacity**

2. **WELL:**
- **Location:**
- **Year Drilled:**
- **Casing Diameter:**
- **Elevations (msl = 0 ft.)**

### Attachment A
Chairperson and Members
Commission on Water Resource Management

April 14, 1994

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:

Pump Capacity

Henry's Well (Well No. 0354-05)
Kapuaokoolau, Molokai, TMK:5-5-1:28

NA ft.
NA ft.
NA ft.
-4 ft.
17 ft.
NA ft.

Pump Capacity

NA gpm

Use Information

1a. Quantity Requested: 100,000 gallons per day.
Existing Type of Water Use: Domestic use for 5 residences and irrigation of 15.5 acres of various fruit trees
Place of Water Use: Kapuaokoolau, Molokai at TMK: 5-5-1:11,12,28

Reported Water Usage: NA gpd
Nearby Similar Water Usage: NA gpd

1b. Quantity Requested: 200,000 gallons per day.
Existing Type of Water Use: Industrial use at rock and cinder quarry
Place of Water Use: Kapuaokoolau, Molokai at TMK: 5-5-1:11

Reported Water Usage: NA gpd
Nearby Similar Water Usage: NA gpd

1c. Quantity Requested: 10,000 gallons per day.
Existing Type of Water Use: Domestic use for 1 residences and irrigation of 2.71 acres of heliconias, coconut and ti

ATTACHMENT A
Chairperson and Members
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Place of Water Use: Kapuaokoolau, Molokai at TMK: 5-5-1:12

Reported Water Usage: NA gpd
Nearby Similar Water Usage: NA gpd

2. Quantity Requested: 5,000 gallons per day.
Existing Type of Water Use: Domestic use for 3 residences and irrigation of 5-acre tree orchard
Place of Water Use: Kapuaokoolau, Molokai at TMK: 5-5-1:12

Reported Water Usage: NA gpd
Nearby Similar Water Usage: NA gpd

3. Quantity Requested: 30,000 gallons per day.
Existing Type of Water Use: Domestic use for 1 residence and irrigation of 5.32 acre of various fruit trees
Place of Water Use: Kapuaokoolau, Molokai at TMK: 5-5-1:28

Reported Water Usage: NA gpd
Nearby Similar Water Usage: NA gpd

Kawela Aquifer System
Current 12-Month Moving Average Withdrawal: 0.594 gpd (12% of SY)

Nearby Surrounding Wells and Other Registered Ground Water Use

There are 3 other wells within a mile of these wells (see Exhibit 2). Possibly all of these wells are currently in use. Information from the registration program indicates there are possibly 35 existing wells in the Kawela Aquifer System. The 1992 Draft of the Maui Water Use and Development Plan, Island of Molokai estimated that the existing withdrawals 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.

Public Notice

In accordance with HAR §13-171-17, a public notice was published in the Star-Bulletin on the dates indicated in Exhibit 1 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 by the dates indicated on Exhibit 1.

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 by the dates indicated on Exhibit 1.

To the best of staff’s knowledge there are no objectors who have property interest within the Kawela Aquifer System or who will be directly and immediately affected by the proposed water use. All objections and/or comments to the application are summarized in the Analysis and Issues section:

ATTACHMENT A
Chairperson and Members  
Commission on Water Resource Management  
April 14, 1994  

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. Eleven briefs in support were filed with the Commission.

Field Investigation  

The water sources and existing uses were investigated on the dates indicated on Exhibit 1. The investigation(s) verified the applicants existing sources and proposed use sites.
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 or policies as determined by the Commission. 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 April 14, 1994 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 yearly 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 comply with all applicable laws, rules, ordinances, and other agencies’ permits and conditions pertaining to water use or the water resource.

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
# Water Use Permit Application Notice Status Report 04/05/94

<table>
<thead>
<tr>
<th>WPNA 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>Objection Deadline</th>
<th>Days Left</th>
<th>Agenda</th>
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<td><strong>ISLAND OF MOLOKAI</strong></td>
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<td><strong>KAWELA</strong></td>
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<td>08/30/93</td>
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5 Applications Totaling 0.345

MOLOKAI HAS 5 Applications Totaling 0.345

STATEWIDE THERE ARE 5 APPLICATIONS TOTALING 0.345
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:

1. That, for any interim permits granted by the Commission for an existing use, the existing use may continue within the approved level of use, and any delay in the actual issuance of the permit document shall not be a reason to interrupt the approved level of use.

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 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.

3. That the Commission approve the issuance of an interim water use permit to T.T. Meyer, Inc. for the reasonable and beneficial use of 39,960 gallons per day of brackish water for industrial uses at a 25-acre quarry from the Meyer, Inc. #2 Well (Well No. 0354-02), subject to the standard water use permit conditions listed in Attachment B.

4. That the Commission approve the issuance of an interim water use permit to T.T. Meyer, Inc. for the reasonable and beneficial use of 4,600 gallons per day of brackish water for irrigation use on 2.71 acres from the Meyer, Inc. #4 Well (Well No. 0354-04), subject to the standard water use permit conditions listed in Attachment B.

5. That the Commission approve the issuance of an interim water use permit to the Kanukuawa Ranch for the reasonable and beneficial use of 16,800 gallons per day of brackish water for domestic use by three residences and agricultural irrigation use on 5 acres from the Well #3 (Well No. 0354-03), subject to the standard water use permit conditions listed in Attachment B.

6. That the Commission deny the issuance of a permit to Henry R. Meyer for use of Henry’s Well (Well No. 0354-05) pending the establishment of existing uses and further justification for the immediacy of his need.

Respectfully submitted,

[Signature]

RAE M. LOUI
Deputy Director

APPROVED FOR SUBMITTAL:

[Signature]

KEITH W. AHUE, Chairperson
Mr. Wayne Meyer  
T.T. Meyer, Inc.  
P.O. Box 454  
Kaunakakai, HI 96748

Dear Mr. Meyer:

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

The Commission on Water Resource Management will be acting on your water use permit applications for your Meyer, Inc. #1, #2, and #4 Wells (Well No. 0354-01, 02, & 04) at its April 14, 1994 meeting at 10:30 a.m. at the Mitchell Pauole Center on Molokai.

A copy of the submittal for action on your water use applications 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.
NOTICE OF PUBLIC HEARING
for
WATER USE PERMITS APPLICATIONS
KAWELA AND WAIKOLU GROUND WATER MANAGEMENT AREAS, MOLOKAI

COMMISSION ON WATER RESOURCE MANAGEMENT

The Commission on Water Resource Management will be holding a public hearing to gather testimony regarding the following applications for water use permit in the Kawela and Waikolu Ground Water Management Areas of Molokai. In accordance with Department of Land and Natural Resources Administrative Rules 13-171, objections filed by persons having standing to file an objection require that a public hearing be held before the Commission may proceed to approve or reject the permit applications. Call 587-0225 or 1-800-468-4644 for more information on the water use permit applications. The public is encouraged to attend and provide testimony.

DATE: November 17, 1993
TIME: 6:00-10:00 p.m.
PLACE: MITCHELL PAUOLE CENTER, MOLOKAI

Well #4 (Well No. 0855-06)
Well #5 (Well No. 0855-05)
Well #6 (Well No. 0855-04)
Well #22 (Well No. 0855-01)
Well #23 (Well No. 0855-02)
Well #24 (Well No. 0855-03)

Applicant: State Department of Agriculture
Agricultural Resource Management Division
P.O. Box 205
Hoolehua, HI 96813

Date Completed Application Received: June 8, 1993
Aquifer: Waikolu System, Northeast Sector, Molokai
Well Sources: WELLS #4, #5, #6, #22, #23, and #24, Well Nos. 0855-06, -05, -04, -01, -02, and -03, at Waikolu Valley, at Tax Map Key: 6-1-1:2
Quantity Requested: 3,360,000 gallons per day
Existing Water Use: Agricultural irrigation needs of Molokai
Irrigation System
Place of Water Use: Hoolehua at various Tax Map Keys

Breadfruit Well (Well No. 0456-04)
Applicant: Kawela Plantation Homeowners Association
P.O. Box 698
Kaunakakai, HI 96748

Date Completed Application Received: January 21, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: Breadfruit Well, Well No. 0456-04, at Kawela, Molokai, Tax Map Key: 5-4-1:26
Quantity Requested: 250,000 gallons per day
Existing Water Use: Irrigation of 200 acres covering 81 lots & common areas
Place of Water Use: Kawela Plantation 1, Tax map Key: 5-4-14:various

DW3 (Well No. 0456-06)
DW2 (Well No. 0456-08)
DW1 (Well No. 0456-09)
Applicant: Kawela Plantation Homeowners Association
P.O. Box 698
Kaunakakai, HI 96748
Date Completed Application Received: January 21, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: DW3, DW2, DW1 Wells, Well Nos. 0456-06, 0456-08, 0456-09, at Kawela, Molokai, Tax Map Key: 5-4-14:17
Quantity Requested: 300,000 gallons per day
Existing Water Use: Domestic use for 210 agricultural units
Place of Water Use: Kawela Plantation 1,2, & 3, Tax map Key: 5-4-14:various

AG #1 (Well No. 0457-04)
Applicant: Kawela Plantation Homeowners Association
P.O. Box 698
Kaunakakai, HI 96748
Date Completed Application Received: January 21, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: AG #1 Well, Well No. 0457-04, at Kawela, Molokai, Tax Map Key: 5-4-15:33
Quantity Requested: 225,000 gallons per day
Existing Water Use: Irrigation of 300 acres over 139 lots
Place of Water Use: Kawela Plantation 2 & 3, Tax map Key: 5-4-15:various

Johnson Well (Well No. 0456-01)
Applicant: R.M. Granger
P.O. Box 371
Kaunakakai, HI 96748
Date Completed Application Received: July 6, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: Johnson Well, Well No. 0456-01, near Kakahaia Pond, Molokai at Tax Map Key: 5-4-1:11
Quantity Requested: 25,000 gallons per day
Existing Water Use: Irrigation of 4 acres of pasture & corn
Place of Water Use: Near Kakahaia Pond at Tax Map Key: 5-4-1:11

Kawela-Iaea #3 (Well No. 0456-16)
Applicant: John Wm. Iaea, Sr.
P.O. Box 405
Kaunakakai, HI 96748
Date Completed Application Received: July 1, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: Kawela-Iaea #3 Well, Well No. 0456-16, at Kawela, Molokai, at Tax Map Key: 5-4-1:52
Quantity Requested: 1,000 gallons per day
Existing Water Use: Domestic supply for 3 homes and irrigation of 2 acres of flowers
Place of Water Use: Kawela. Molokai at Tax Map Key: 5-4-1:52

T.T. Meyer Inc #2 (Well No. 0354-02)
Applicant: T.T. Meyer, Inc.
P.O. Box 454
Kaunakakai, HI 96748
Date Completed Application Received: July 16, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: T.T. Meyer Inc #2 Well, Well No. 0354-02, at Kapuaokoolau, Molokai, at Tax Map Key: 5-5-1:11
Quantity Requested: 200,000 gallons per day.
Existing Water Use: Fire and dust control for 25-acre rock quarry
Place of Water Use: Kapuaokoolau, Molokai at Tax Map Key: 5-5-1:11

Henry's Well (Well No. 0354-03)
Applicant: Henry R. Meyer Estate
P.O. Box 454
Kaunakakai, HI 96748
Date Completed Application Received: July 16, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: Henry's Well, Well No. 0354-03, at Kapuaokoolau, Molokai, at Tax Map Key: 5-5-1:28
Quantity Requested: 30,000 gallons per day.
Existing Water Use: Irrigation of 5.32 acres of coconut and mango trees
Place of Water Use: Kapuaokoolau, Molokai at Tax Map Key: 5-5-1:28

T.T. Meyer Inc #4 (Well No. 0354-04)
Applicant: Wayne Meyer
P.O. Box 454
Kaunakakai, HI 96748
Date Completed Application Received: July 16, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: T.T. Meyer Inc #4 Well, Well No. 0354-04, at Kapuaokoolau, Molokai, at Tax Map Key: 5-5-1:12
Quantity Requested: 10,000 gallons per day.
Existing Water Use: Irrigation of 2.71 acres of heliconia
Place of Water Use: Kapuaokoolau, Molokai at Tax Map Key: 5-5-1:12

T.T. Meyer Inc #1 (Well No. 0354-05)
Applicant: T.T. Meyer, Inc.
P.O. Box 156
Kaunakakai, HI 96748
Date Completed Application Received: July 16, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: T.T. Meyer Inc #1 Well, Well No. 0354-05, at Kapuaokoolau, Molokai, at Tax Map Key: 5-5-1:11
Quantity Requested: 100,000 gallons per day.
Existing Water Use: Irrigation of 15.5 acres of citrus and mango trees and various other vegetables
Place of Water Use: Kapuaokoolau, Molokai at Tax Map Key: 5-5-1:11

COMMISSION ON WATER RESOURCE MANAGEMENT

KEITH W. AHUE, CHAIRPERSON

Any person may testify or present information on the public hearing subject matter or agenda items. If you have a legal interest that may be adversely affected, you have a right to request an administrative contested case hearing. However, you must make the request either orally or in writing by the close of this public hearing or meeting and file a written petition for a contested case hearing within 10 days after the date of this public hearing or meeting. If you do not make such a request or fail to file a timely written petition with the Commission, the consequence is that you will be precluded from later obtaining a contested case hearing, and seeking judicial review of the adverse decision. See Chapter 13-167, Hawaii Administrative Rules of the Department of Land and Natural Resources.

Also, disabled individuals planning to attend the public hearing are asked to contact the Commission at 587-0214 to indicate if they have special needs which require accommodation.

Dated: OCT 4 1993

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
MEMORANDUM

TO: Aquatic Resources
     Forestry and Wildlife
     Historic Preservation
     Land Management
     Natural Area Reserve System
     Office of Conservation and Environmental Affairs
     State Parks
     Water and Land Development
     Other Interested Parties

FROM: Rae M. Loui, Deputy Director

SUBJECT: Request for Comments
         Water Use Permit Application
         Kawela Ground Water Management Area, Molokai

Transmitted for your review and comment are copies of water use permit applications for T.T. MEYER, INC., Wayne Meyer, and the Henry R. Meyer Estate for Well Nos. 0354-02 to 05. Public notice of these applications will be published in the Honolulu Star Bulletin issues of August 27, 1993 and September 3, 1993.

We would appreciate your review of the attached applications and please return this form by September 20, 1993.

If you have any questions regarding these applications, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

Response: Contact person: Beirn Miskoe

( ) We have no comments
( ) We have no objections
( ) Comments attached
( ) Additional information requested
( ) Extended review period requested

Signed: [Signature]

Date: [Date]

LN:ky

Attachments
MEMORANDUM

TO: Aquatic Resources
    Forestry and Wildlife
    Historic Preservation
    Land Management
    Natural Area Reserve System
    Office of Conservation and Environmental Affairs
    State Parks
    Water and Land Development
    Other Interested Parties

FROM: Rae M. Loui, Deputy Director

SUBJECT: Request for Comments
    Water Use Permit Application
    Kawela Ground Water Management Area, Molokai

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If you have any questions regarding these applications, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

Response: Contact person: [Name]
Phone: [Number]
MEMORANDUM

TO: Rae M. Loui, Deputy Director
Commission on Water Resource Management

FROM: Don Hibbard, Administrator

SUBJECT: Historic Preservation Review of a Water Use Permit
TMK 5-5-1: 11, 12, 28

We have determined that these applications will have no effect on historic sites. There are no known historic sites on these parcels where the wells are located. Any historic sites that may have been present would have been destroyed by the construction of the wells and installation of the pumps.

Please contact Annie Griffin at 587-0013 if you have any questions.

AG:111
MEMORANDUM

TO: Mrs. Hoaliku L. Drake, Director
Department of Hawaiian Home Lands
Dr. John C. Lewin, M.D., Director
Department of Health
Mr. Clayton H. W. Hee, Chairperson
Office of Hawaiian Affairs
Mr. Goro Hokama, Chair
County Council
County of Maui
Mr. Byron S. Walters, Chair
Board of Water Supply
County of Maui

FROM: Keith W. Ahue, Chairperson
Commission on Water Resource Management

SUBJECT: Water Use Permit Application
Kawela Ground Water Management Area, Molokai

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Attachments

Response: Contact person: ELLEN KRAFTON Phone: ____________
( ) We have no comments
( ) We have no objections
( ) Comments attached
( ) Additional information requested
( ) Extended review period requested

Signed: ____________ Date: ____________

SEP - 1 1993
MEMORANDUM

TO: Aquatic Resources
    Forestry and Wildlife
    Historic Preservation
    Land Management
    Natural Area Reserve System
    Office of Conservation and Environmental Affairs
    State Parks
    Water and Land Development
    Other Interested Parties

FROM: Rae M. Loui, Deputy Director

SUBJECT: Request for Comments
          Water Use Permit Application
          Kawela Ground Water Management Area, Molokai

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We would appreciate your review of the attached applications and please return this form by September 20, 1993.

If you have any questions regarding these applications, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

LN:ky
Attachments

Response: Contact person: ELEN KAPITOW
          Phone: [redacted]

( ) We have no comments
( ) We have no objections
( ) Comments attached
( ) Additional information requested
( ) Extended review period requested

Signed: [Signature]
Date: Sept 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:

Water Use Permits

Thank you for the opportunity to respond to the T.T. Meyer, Inc., Wayne Meyer, and Henry R. Meyer Estate applications for Kawela, Moloka'i water use permits for Well Numbers 0354-02 to 05.

The wells at Kapuakoolau, near Kamalo, do not affect Hawaiian home lands. We have no objections to the applications. They propose to withdraw a total of about 340,000 gallons per day (brackish water), which may affect adjacent fishponds. Proposed rules for Hawaiian water rights protect fishponds from adverse impacts; permits should be conditioned upon meeting those impact standards.

Warmest aloha,

Hoaliiku L. Drake, Chairman
Hawaiian Homes Commission
1993 September 20

State of Hawaii
Commission on Water Resource Management
P.O. Box 621
Honolulu, HI 96809

OBJECTIONS AND COMMENTS ON APPLICATIONS FOR WATER USE PERMITS
Public Notice dated August 24, 1993
Send written objections by September 20, 1993

GENERAL OBJECTIONS

We reiterate our general objections to current COWRM water use permit application processing and decisionmaking practices as previously submitted on numerous occasions (10/12/92, 10/21/92, 12/1/92, 6/22/93, & 7/8/93).

SPECIFIC OBJECTIONS
Wells 0354-02 to -05

NHAC represents water source registrants, water use declarants, water use permit applicants, and others with property interest in land within the hydrologic units of the sources of water supply who would be directly and immediately affected by the proposed water uses.

14.(c) Hawaiian Home Lands uses affected

In its final report dated July 1993, the Molokai Working Group recommends that "... DHHL's demonstrable needs which are currently tied to lands at Hoolehua and Kalamaula through 2010, be reserved first."

Since reservations of water to Hawaiian Home Lands have not yet been accomplished, this application should be deferred until that time. Additionally, mechanisms for bulk allocation of water to the Maui Department of Water Supply, similar to those being developed for O'ahu, should be also be implemented prior to allocation to private users.
14.(d) The Molokai Working Group recommends that "Other rights which may exist pertaining to Hawaiians not residing on DHHL lands must also be honored" (Final Report page 6).

The proximity of the wells to shoreline fishponds at Pamanaha, Kanukuawa, Pahiomu, and Kipapa raises questions of extraction impacts upon groundwater flows which nourish these resources. Permitted use of these wells should be restricted to avoid affecting subsurface flows required to maintain the productivity of nearby fishponds and nearshore ecosystems, and to honor the rights of Native Hawaiians to utilize these resources for traditional and customary practices.

**Well 0354-02**

16. REMARKS. EXPLANATIONS:

Applicant states that the quarry lease is "now up" and that a new lease is being negotiated. Water use permits for quarry operations should not be granted until the future of the land use is confirmed. NHAC is also concerned about the potential impacts of surface runoff from quarry operations upon nearshore waters and nearby fishponds.

Mahalo,

David L. Martin, Water Claims Manager

pc: T.T. Meyer, Inc.
Wayne Meyer
Henry R. Meyer Estate
Mr. Keith W. Ahue, Chairperson  
Commission on Water Resource Management  
State of Hawaii  
P.O. Box 621  
Honolulu, Hawaii 96809

Dear Chairperson Ahue:

SUBJECT: WATER PERMIT APPLICATION

This letter responds to your request for comments on the water permit application transmitted to me by your letter dated September 1, 1993. I have no objections to the permit.

I received your request on September 3, 1993. The Council's procedures did not allow enough time to refer the matter to the Council's Human Services, Housing, Water and Agricultural Committee. Therefore, I transmitted a copy of the application to the Committee Chair and to the Council member from Molokai. I have received no negative comments from them.

If you have any questions, please contact me.

Yours truly,

GORO HOKAMA
Council Chair
STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

SEP - 1 1993

MEMORANDUM

TO: Mrs. Hoaliku L. Drake, Director
   Department of Hawaiian Home Lands

   Dr. John C. Lewin, M.D., Director
   Department of Health

   Mr. Clayton H. W. Hee, Chairperson
   Office of Hawaiian Affairs

   Mr. Goro Hokama, Chair
   County Council
   County of Maui

   Mr. Byron S. Walters, Chair
   Board of Water Supply
   County of Maui

FROM: Keith W. Ahue, Chairperson
      Commission on Water Resource Management

SUBJECT: Water Use Permit Application
         Kawela Ground Water Management Area, Molokai

Transmitted for your review and comment are copies of water use permit
Nos. 0354-02 to 05. Public notice of these applications will be published in the Honolulu

We would appreciate your review of the attached applications and please return this

If you have any questions regarding these applications, please contact Roy Hardy at
587-0274 or Lenore Nakama at 587-0218.

LN:ky
Attachments

Response: Contact person: _______________ Phone: __________

( ) We have no comments
( ) We have no objections
( ) Comments attached
( ) Additional information requested
( ) Extended review period requested

Signed: ___________________________ Date: __________
REF: WRM-KY  
AUG 31 1993  
MEMORANDUM

TO:  Aquatic Resources  
      Forestry and Wildlife  
      Historic Preservation  
      Land Management  
      Natural Area Reserve System  
      Office of Conservation and Environmental Affairs  
      State Parks  
      Water and Land Development  
      Other Interested Parties

FROM:  Rae M. Loui, Deputy Director

SUBJECT:  Request for Comments  
Water Use Permit Application  
  Kawela Ground Water Management Area, Molokai

Transmitted for your review and comment are copies of water use permit applications for T.T. MEYER, INC., Wayne Meyer, and the Henry R. Meyer Estate for Well Nos. 0354-02 to 05. Public notice of these applications will be published in the Honolulu Star Bulletin issues of August 27, 1993 and September 3, 1993.

We would appreciate your review of the attached applications and please return this form by September 20, 1993.

If you have any questions regarding these applications, please contact Roy Hardy at 587-0274 or Lenorc Nakama at 587-0218.

LN:ky  
Attachments

Response:  Contact person:  Stevi Tagama  
          Phone:  587-0385  
          Well No. 0354-03 appears to be located within the Limited "L" subzone of the Conservation District. According to our records, there are no CDUPs for this well. A CDUA may be required for this well.
          We suggest that additional information be provided to determine possible CDUA requirements.

          ( ) We have no comments  
          ( ) We have no objections  
          ( ) Comments attached  
          ( ) Additional information requested  
          ( ) Extended review period requested

Signed:  9/10/93  
Date:  9/10/93
MEMORANDUM

TO: Aquatic Resources
    Forestry and Wildlife
    Historic Preservation
    Land Management
    Natural Area Reserve System
    Office of Conservation and Environmental Affairs
    State Parks
    Water and Land Development
    Other Interested Parties

FROM: Rae M. Loui, Deputy Director

SUBJECT: Request for Comments
Water Use Permit Application
Kawela Ground Water Management Area, Molokai

Transmitted for your review and comment are copies of water use permit applications for T.T. MEYER, INC., Wayne Meyer, and the Henry R. Meyer Estate for Well Nos. 0354-02 to 05. Public notice of these applications will be published in the Honolulu Star Bulletin issues of August 27, 1993 and September 3, 1993.

We would appreciate your review of the attached applications and please return this form by September 20, 1993.

If you have any questions regarding these applications, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

Response: Contact person: Gordon Akita Phone: 70227

(✓) We have no comments
( ) We have no objections
( ) Comments attached
( ) Additional information requested
( ) Extended review period requested

Signed: MANABU TAGOMORI Date: 9-9-93
The Honorable Keith W. Ahue  
State of Hawaii  
Department of Land and Natural Resources  
Commission of Water Resource Management  
P.O. Box 621  
Honolulu, Hawaii 96809  
Attn: Mr. Manabu Tagomori, Deputy  

Dear Mr. Ahue:  

We have received the following water permit applications. Thank you for the opportunity to review these applications:  

<table>
<thead>
<tr>
<th>Applicant Name</th>
<th>Area</th>
<th>Water Mgt. Amount Requested (gpd)</th>
<th>Tax Map</th>
<th>Well Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>T.T Meyer</td>
<td>Kawela</td>
<td>200,000</td>
<td>5-5-1:11</td>
<td>0354-02</td>
</tr>
<tr>
<td>Henry Meyer</td>
<td>Kawela</td>
<td>30,000</td>
<td>5-5-1:28</td>
<td>0354-03</td>
</tr>
<tr>
<td>T.T. Meyer</td>
<td>Kawela</td>
<td>10,000</td>
<td>5-5-1:12</td>
<td>0354-04</td>
</tr>
<tr>
<td>T.T. Meyer</td>
<td>Kawela</td>
<td>100,000</td>
<td>5-5-1:11</td>
<td>0354-05</td>
</tr>
</tbody>
</table>

Our overall concern is that the Kawela system, the aquifer from which the water will be withdrawn, is small (an estimated sustainable yield of 5 mgd). In granting water permits, the Commission must make provisions to secure water allocations for DHHL and Kuleana lands. As long as these reservations are addressed, we have no objections in granting water permits to the above applicants.

Sincerely yours,  

Clayton H.W. Hee  
Chairperson  

LM: sk
MEMORANDUM

TO: Aquatic Resources
    Forestry and Wildlife
    Historic Preservation
    Land Management
    Natural Area Reserve System
    Office of Conservation and Environmental Affairs
    State Parks
    Water and Land Development
    Other Interested Parties

FROM: Rae M. Loui, Deputy Director

SUBJECT: Request for Comments
          Water Use Permit Application
          Kawela Ground Water Management Area, Molokai

Transmitted for your review and comment are copies of water use permit applications for T.T. MEYER, INC., Wayne Meyer, and the Henry R. Meyer Estate for Well Nos. 0354-02 to 05. Public notice of these applications will be published in the Honolulu Star Bulletin issues of August 27, 1993 and September 3, 1993.

We would appreciate your review of the attached applications and please return this form by September 20, 1993.

If you have any questions regarding these applications, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

Response: Contact person: ___________________________ Phone: ____________

( ) We have no comments
( ) We have no objections
X Comments attached
( ) Additional information requested
( ) Extended review period requested

Signed: ___________________________ Date: 9/7/93
MEMORANDUM

TO: Rae M. Loui, Deputy Director
Commission on Water Resource Management

FROM: Henry Sakuda, Administrator
Division of Aquatic Resources


The applications are for an existing low elevation wells distributed above the Pahiomu Fish Pond to supply a total of approximately 340,000 gallons per day of brackish water for irrigation and industrial (cinder/rock quarry) use. There is no potential for any impact on surface water habitat. We have no objections from the aquatic biological resources standpoint.
REF: WRM-KY
AUG 31 1993

MEMORANDUM

TO: Aquatic Resources
Forestry and Wildlife
Historic Preservation
Land Management
Natural Area Reserve System
Office of Conservation and Environmental Affairs
State Parks
Water and Land Development
Other Interested Parties

FROM: Rae M. Loui, Deputy Director

SUBJECT: Request for Comments
Water Use Permit Application
Kawela Ground Water Management Area, Molokai

Transmitted for your review and comment are copies of water use permit applications for T.T. MEYER, INC., Wayne Meyer, and the Henry R. Meyer Estate for Well Nos. 0354-02 to 05. Public notice of these applications will be published in the Honolulu Star Bulletin issues of August 27, 1993 and September 3, 1993.

We would appreciate your review of the attached applications and please return this form by September 20, 1993.

If you have any questions regarding these applications, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

LN: ky
Attachments

Response: Contact person: ____________________________

( ) We have no comments
( ) We have no objections
( ) Comments attached
( ) Additional information requested
( ) Extended review period requested

Signed: ____________________________

Phone: ____________________________

Date: ____________________________

WE WOULD APPRECIATE YOUR REVIEW OF THE ATTACHED APPLICATIONS AND PLEASE RETURN THIS FORM BY SEPTEMBER 20, 1993.

IF YOU HAVE ANY QUESTIONS REGARDING THESE APPLICATIONS, PLEASE CONTACT ROY HARDY AT 587-0274 OR LENORE NAKAMA AT 587-0218.

Response: Contact person: Phone:
( ) WE HAVE NO COMMENTS
( ) WE HAVE NO OBJECTIONS
( ) COMMENTS ATTACHED
( ) ADDITIONAL INFORMATION REQUESTED
( ) EXTENDED REVIEW PERIOD REQUESTED

Signed: Date: 9/19/93
SEP - 1 1993

MEMORANDUM

TO: Mrs. Hoaliku L. Drake, Director
   Department of Hawaiian Home Lands

   Dr. John C. Lewin, M.D., Director
   Department of Health

   Mr. Clayton H. W. Hee, Chairperson
   Office of Hawaiian Affairs

   Mr. Goro Hokama, Chair
   County Council
   County of Maui

   Mr. Byron S. Walters, Chair
   Board of Water Supply
   County of Maui

FROM: Keith W. Ahue, Chairperson
      Commission on Water Resource Management

SUBJECT: Water Use Permit Application
   Kawela Ground Water Management Area, Molokai

Transmitted for your review and comment are copies of water use permit applications for T.T. MEYER, INC., Wayne Meyer, and the Henry R. Meyer Estate for Well Nos. 0354-02 to 05. Public notice of these applications will be published in the Honolulu Star Bulletin issues of August 27, 1993 and September 3, 1993.

We would appreciate your review of the attached applications and please return this form by September 20, 1993.

If you have any questions regarding these applications, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

LN:ky
Attachments

Response: Contact person: ________________ Phone: __________

( ) We have no comments
( ) We have no objections
( ) Comments attached
( ) Additional information requested
( ) Extended review period requested

Signed: _____________________________ Date: ___________
Honorable Linda Crockett Lingle, Mayor  
County of Maui  
200 South High Street  
Wailuku, HI 96793  

Dear Mayor Lingle:  

Notice of an Application for a Water Use Permit  
Kawela Ground Water Management Area, Molokai  

In accordance with the Department of Land and Natural Resources Administrative Rules, Section 13-171-17(a), we are sending you a copy of the public notice for the water use permit applications for T.T. Meyer, Inc., Wayne Meyer, and the Henry R. Meyer Estate for Well Nos. 0354-02 to 05, which will be published in the Honolulu Star Bulletin.  

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

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

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

Very truly yours,  

Keith W. Ahue  
Chairperson  

Enc.
Mr. Wayne Meyer
T.T. Meyer, Inc.
P.O. BOX 454
Kaunakakai, HI 96748

Dear Mr. Meyer:

Enclosed is a copy of the public notice for your water use permit applications for Well Nos. 0354-02 to 05 which will be published in the Honolulu Star Bulletin issues of August 27, 1993 and September 3, 1993.

Please be aware that there may be objections to your applications. If objections are made, the objector is required to file such objections with the Commission and is also required to send you a copy of the objections.

You, or any other party, may respond to objections by filing a brief in support of your applications with the Commission within ten (10) days of the filing of an objection. You, or the other party, must also send a copy of the response to the objector.

If you have any questions, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

Sincerely,

RAE M. LOUI
Deputy Director

LN:ky
Encl.
PUBLUC NOTICE

Applications for Water Use Permits
Ground Water Management Areas

Applications for the following water use permits have been received and are hereby made public in accordance with Department of Land and Natural Resources Administrative Rules 13-171, "Designation and Regulation of Water Management Areas."

T.T. Meyer Inc #1 (Well No. 0354-05)
Applicant: T.T. Meyer, Inc.
P.O. Box 156
Kaunakakai, HI  96748
Date Completed Application Received: July 16, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: T.T. Meyer Inc #1 Well, Well No. 0354-05, Kapuaokoolau, Molokai, at Tax Map Key: 5-5-1:11
Quantity Requested: 100,000 gallons per day
Existing Water Use: Irrigation of 15.5 acres of citrus and mango trees and various other vegetables
Place of Water Use: Kapuaokoolau, Molokai at Tax Map Key: 5-5-1:11

T.T. Meyer Inc #2 (Well No. 0354-02)
Applicant: T.T. Meyer, Inc.
P.O. Box 454
Kaunakakai, HI  96748
Date Completed Application Received: July 16, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: T.T. Meyer Inc #2 Well, Well No. 0354-02, Kapuaokoolau, Molokai, at Tax Map Key: 5-5-1:11
Quantity Requested: 200,000 gallons per day
Existing Water Use: Fire and dust control for 25-acre rock quarry
Place of Water Use: Kapuaokoolau, Molokai at Tax Map Key: 5-5-1:11

T.T. Meyer Inc #4 (Well No. 0354-04)
Applicant: Wayne Meyer
P.O. Box 454
Kaunakakai, HI  96748
Date Completed Application Received: July 16, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: T.T. Meyer Inc #4 Well, Well No. 0354-04, Kapuaokoolau, Molokai, at Tax Map Key: 5-5-1:12
Quantity Requested: 10,000 gallons per day
Existing Water Use: Irrigation of 2.71 acres of heliconia
Place of Water Use: Kapuaokoolau, Molokai at Tax Map Key: 5-5-1:12

(more)
Henry's Well (Well No. 0354-03)
Applicant: Henry R. Meyer Estate
P.O. Box 454
Kaunakakai, HI 96748
Date Completed Application Received: July 16, 1993
Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: Henry's Well, Well No. 0354-03, Kapuaokoolau, Molokai, at Tax Map Key: 5-5-1:28
Quantity Requested: 30,000 gallons per day
Existing Water Use: Irrigation of 5.32 acres of coconut and mango trees
Place of Water Use: Kapuaokoolau, Molokai at Tax Map Key: 5-5-1:28

Written objections or comments on the applications for water use permits may be filed by any person who has property interest in any land within the hydrologic unit of the source of water supply, any person who will be directly and immediately affected by the proposed water use, or any other interested person. Written objections shall: (1) state property or other interest in the matter; (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 20, 1993 to 1) the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809, and 2) a copy of the objection letter(s) to the applicant at the above address.

COMMISSION ON WATER RESOURCE MANAGEMENT

KEITH W. AHUE
Chairperson

Dated: AUG 24 1993

REF: WRM-KY
AUG 31 1993

MEMORANDUM

TO:

FROM:

SUBJECT:

Rae M. Loui, Deputy Director

Request for Comments
Water Use Permit Application
Kawela Ground Water Management Area, Molokai

Transmitted for your review and comment are copies of water use permit applications for T.T. MEYER, INC., Wayne Meyer, and the Henry R. Meyer Estate for Well Nos. 0354-02 to 05. Public notice of these applications will be published in the Honolulu Star Bulletin issues of August 27, 1993 and September 3, 1993.

We would appreciate your review of the attached applications and please return this form by September 20, 1993.

If you have any questions regarding these applications, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

Response:

( ) We have no comments
( ) We have no objections
( ) Comments attached
( ) Additional information requested
( ) Extended review period requested

Signed: ____________________________ Date: 8/31/93
REF: WRM-KY

AUG 31 1993

MEMORANDUM

TO: Aquatic Resources
Forestry and Wildlife
Historic Preservation
Land Management
Natural Area Reserve System
Office of Conservation and Environmental Affairs
State Parks
Water and Land Development
Other Interested Parties

FROM: Rae M. Loui, Deputy Director

SUBJECT: Request for Comments
Water Use Permit Application
Kawela Ground Water Management Area, Molokai

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We would appreciate your review of the attached applications and please return this form by September 20, 1993.

If you have any questions regarding these applications, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

LN: ky
Attachments

Response: Contact person: ___________________________ Phone: __________

( ) We have no comments
( ) We have no objections
( ) Comments attached
( ) Additional information requested
( ) Extended review period requested

Signed: ___________________________ Date: __________
Mr. Wayne Meyer  
P.O. Box 454  
Kaunakakai, HI 96748  

Dear Mr. Meyer:  

Application for a Water Use Permit  
Kawela Ground Water Management Area, Molokai  

We acknowledge receipt, on July 16, 1993, of your completed water use permit applications for the T.T. Meyer #1 and #2 Wells, T.T. Meyer #4 Well, and Henry's Well (Well Nos. 0354-05, 02, 04, & 03). You can expect your application to be processed within ninety (90) days from the date of receipt unless there are objections to your application.

We will be sending you a copy of the public notice for your application and any further information regarding the status of your application. In addition, we may need to visit and verify your proposed water source and use sites if we have not done so already under our registration program.

If you have any questions, please contact Roy Hardy at 587-0274 or Lenore Nakama at 587-0218.

Sincerely,

RAE M. LOUI  
Deputy Director

LN:fc
APPLICATION FOR WATER USE PERMIT

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

APPLICATION FOR WATER USE PERMIT

[Ground Water or ] Surface Water

NOTE:

1. (a) APPLICANT

Firm/Name: T.T. MEYER INC
Contact Person: T.T. MEYER
Address: P.O. BOX 554
KAUNAKAKAI, HAWAII 96748

(b) LANDOWNER

Firm/Name: SAME
Contact Person: SAME
Address: SAME

2. WATER MANAGEMENT AREA: KAWELA

3. (a) EXISTING SOURCE NAME AND STATE NUMBER:

T.T. MEYER INC 72-0354-02

(b) PROPOSED (NEW) SOURCE NAME:

4. SOURCE LOCATION:

Address: KAPUAOKOLAU, MOLOKAI, CONSTRUCTION
Tax Map Key 5-5-1-11

(Attach a USGS map, scale 1:2000', and a property tax map showing source location referenced to established property boundaries.)

5. SOURCE TYPE (check one):

☐ Stream ☐ Well ☐ Wall & Pump
☐ Dike-confined ☐ Diverted Surface Flow ☐ Artesian
☐ Parched ☐ Other
☐ Caprock

6. METHOD OF TAKING WATER (check one):

☐ Artesian Flow ☐ Wall & Pump
☐ Well & Pump ☐ Artesian
☐ Open-pipe ☐ Other
☐ Dike-confined ☐ Other
☐ Deep well

7. LOCATION OF PROPOSED WATER USE: (If possible, show on same maps as source location. Otherwise, attach similar maps)

(a) Address: KAPUAOKOLAU, MOLOKAI, CONSTRUCTION
Tax Map Key 5-5-1-11

(b) Land Use District (check one): ☐ Urban ☐ Agriculture ☐ Conservation ☐ Rural

(c) County Zoning (describe):

8. QUANTITY OF WATER REQUESTED: 200,000 gallons per day

9. METHOD OF MEASUREMENT:

☐ Flowmeter ☐ Open-pipe ☐ Weir ☐ Office
☐ Other

10. QUALITY OF WATER REQUESTED:

☐ Fresh ☐ Brackish ☐ Salt ☐ Potable ☐ Non-Potable
☐ Industrial ☐ Other

11. PROPOSED USE:

☐ Municipal (including hotels, stores, etc.) ☐ Domestic (individual, noncommercial, etc.)
☐ Irrigation ☐ Commercial
☐ Other

12. NUMBER AND TYPE OF UNITS TO BE SERVED (explain):

13. TOTAL ACRES PROPOSED FOR IRRIGATION AND TYPE OF CROP:

25 acres

14. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION:

7AM TO 6PM

15. APPLICANT MUST BRIEFLY DESCRIBE FOLLOWING POTENTIAL RESTRICTIONS ON USE:

(a) Impact on Sustainable yield (?): 

(b) Permanent or Interim

Instream Flow Standards affected (?):

(c) Hawaiian Home Land uses affected (?):

(d) Other existing legal uses affected (?):

(e) Other:

16. REMARKS, EXPLANATIONS:

UP TILL 9/23, QUARRY WAS IN OPERATION, LASE

NOW UP, NOT NEGOTIATING NEW LASE...

If more space is needed, continue on back side

Applicant (print): T.T. MEYER INC
Signature: [Signature]
Date: 7/23/92

For Official Use Only:

Hydrologic Unit No.

State Well No.

Diversion Works No.

Notice Dates:

Public Mayor BWS Mail List Bulletin Public Hearing

5/24/92 WURA Form
WATER USE PERMIT NO. 299

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

P.O. Box 454
Kaunakakai, HI 96748

Landowner of Source: T.T. Meyer, Inc.
P.O. Box 454
Kaunakakai, HI 96748

Permitted Withdrawal Rate: 0.040 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: Brackish
Original CWRM Date: April 14th, 1994
Standard Conditions: 1-11, 13-14, 16-17, 20-23
Special Conditions: 5

Water Source

State Well Number(s): 0354-02
Well Name: Meyer Inc. #2
Water Source TMK Number(s): 2nd Division, 5-5-001:011
State Land Use Classification(s): N/A
County Zoning Classification(s): N/A
Geographical Coordinates: Latitude 21° 03’ 32.5” North
Longitude 156° 54’ 26.9” West

End Use

End Use TMK Number(s): 2nd Division, 5-5-001:011
State Land Use Classification(s): N/A
County Zoning Classification(s): N/A
Beneficial Use Explanation: Use for 25 acres of rock/cinder quarry

BROWN AND CALDWELL
Summary Report for Water Use Permit No. 299
Background Information

Water Use Permit 299 was approved during the April 14th, 1994 Commission on Water Resource Management meeting. There are no monthly water use records on file for State Well No. 0354-02. Standard conditions 1-11, 13-14, 16-17, 20-23 and special condition 5 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: Roxanne French
Site Address: Kamalo Area
Kaunakakai, HI 96748

Brown and Caldwell conducted a field investigation on June 20th, 2008 from 1:00 p.m. until 2:00 p.m. with Ms. Roxanne French. During this time, type of water usage was verified, GPS coordinates of well head(s) were recorded, and property TMK information was verified. 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. 299

State Well No. 0354-02 is located on TMK parcel (2) 5-5-001:011 at coordinates 21° 03' 32.5" N, 156° 54' 26.9" W, with a real time accuracy of ±13 feet. This well has been capped with cement and no longer has any system appurtenances remaining. The permittee has advised that the well was formerly used for a small quarry operation on TMK parcel (2) 5-5-001:011 and that there are no future plans in the works for the well. Commission records indicate that there is neither a history of water use reporting nor any indication that the well had been capped. Reference the Appendix for photographs of the well head.

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.

Although State Well No. 0354-02 has been capped, the permittee has not been submitting reports of zero use to the Commission. As such, the permittee is in violation of Standard Condition (10).
Recommendations

- Address the following discrepancies between the Commission’s electronic database and actual field investigation findings:
  - Change permitee contact to Roxanne French at (808) 567-9099
- Address violation of Standard Condition (10) regarding non-reporting of water use.
20-Year Water Use Permit Review
Water Use Permit No. 299

APPENDIX

Field Investigation Photographs
Figure 1 – Former location of State Well No. 0354-02
Water Use Permit Survey
(Please complete one survey form for each WUP)

WUP Number: 299
Well Number(s): 0354-02

Contact Information (of the person who will be present at site visit):
Name: ROXANNE FRENCH / SCOTT FRENCH
Phone (for phone interview): [REDACTED] Fax: [REDACTED]
Email:
Best time to reach for phone interview: BETWEEN 8AM + NOON

Property Information (of the water use/well location):
Address: P.O Box 1576
City: Kailua Kona, HAWAII Zip: 96748
Well Location TMK (list all if multiple wells present): (2) 5-5-01-11
Water Use TMK (list all if used on multiple lots): (2) 5-5-01-11

Water Use/Well Information:
Is the water source currently in use? Yes ☐ No X
If no, please explain: CURRENTLY UNDER A RESIDENTIAL WATER USE PERMIT

What are you currently using the water for? (example: "Use for 45 acres of diversified agriculture and 3 residences"): WATER USE FOR AGRICULTURAL OPERATIONS

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

Do you submit monthly water use reports to the State? Yes ☐ No X
If no, please explain: [REDACTED]

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): MON Time: 9:00 am ☑ 12:00 pm ☐ 3:00 pm ☐
Option #2 Date (M-F): TUES Time: 9:00 am ☑ 12:00 pm ☐ 3:00 pm ☐
Option #3 Date (M-F): WED Time: 9:00 am ☑ 12:00 pm ☐ 3:00 pm ☐

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 March 5th, 2008 and direct any questions related to this survey to Mr. Milo Smith of Brown and Caldwell at:
1099 Alakea Street, Suite #2400
Honolulu, HI 96813
Tel: (808) 203-2661
Fax: (808) 533-0226
mcsmith@brwnald.com

For Official Use Only
Received: 3/7/08 Information Updated: 3/27/08 Phone Interview Complete: [REDACTED]
Notes/Comments: [REDACTED]
# Phone Interview

<table>
<thead>
<tr>
<th>WUP Number: 299</th>
<th>Well Number(s): 0354 - 02</th>
</tr>
</thead>
</table>

**Contact Name:** Daisy French / Scott French  
**Phone Number:** [Redacted]

**Attempt #1:**  
**Date/Time:** [Redacted]  
**Result:** [Redacted]

**Attempt #2:**  
**Date/Time:** [Redacted]  
**Result:** [Redacted]

**Well Location TMK(s):** (2) 5-5-001:011  
**Water Use TMK(s):** (2) 5-5-001:011

**Water Source Address:** PO Box 156  
**City:** Kauakakea, HI  
**Zip Code:** 96748

**Currently using water source?**  
Yes [ ]  No [X]

**How often is the water source being used?**  
Daily [ ]  Weekly [ ]  Monthly [ ]

**How long have you been using this water source?:** No longer in use, was rock quarry

**Has there been any rezoning of the water source/water use properties?**  
Yes [ ]  No [X]

**Have you reported the rezoning to the State?**  
Yes [ ]  No [ ]  N/A [X]

**Notes/Comments:**

**Scheduled field investigation day/time:**  6/20/08 @ 1:00 P.M.

**Notes (Special directions, site conditions, potential hazards, general notes, etc.):**

**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:** P.J.  
**Date:** 6/4/08  
**Time:** 7:00
Field Investigation Checklist

WUP Number: 299

Water Source
Well Location TMK(s): (2) 5-5-001.011
Well Head GPS Coordinates: Latitude: 21° 03' 32.5" N Longitude: 156° 54' 26.9" W
Well Type: Drilled

Currently using water source? Yes ☐ No ☐

Notes/Comments:

Is there a flow meter installed? Yes ☐ No ☐
Is the flow meter operational? Yes ☐ No ☐

Notes/Comments:

Water Use
Water Use TMK(s): (2) 5-5-001.011

What is the water being used for? Not in use

Is the water being used within the permitted boundaries? Yes ☐ No ☐
If no, explain:

Is there any observed wasting of water or water loss? Yes ☐ No ☐
If no, explain:

Are the permit conditions being complied with? Yes ☐ No ☐
If no, explain:

Other
Photographs of: Water Source ☒ Water Meter ☐ Usage Area ☐ Pump/Motor ☐

General Notes/Comments:

Investigated By: M.G. / E.J. Date: Time: 1:00 PM
Standard Conditions List

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 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.
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.

The permittee shall contact the Department of Health, Clean Water Branch and obtain the necessary discharge permit(s).

Permit shall be interim and replaces existing WUP for 2051-07 & 11.

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.

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.

(The permittee) may report monthly pumpage on yearly basis.

Prior to issuance of any permits, must submit filing fee for after-the-fact pump installation permit.

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.

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.

The use authorized by the permit must not interfered substantially and materially with existing individual household uses and existing uses.

The use of this well shall be subject to the shortage and emergency powers of the Board of Land and Natural Resources (BLNR).

This permit may be suspended or revoked, in accordance with Chapter 166.

The permit holder may be required to relinquish this permit to BLNR, in accordance with Chapter 166

The withdrawal from Well 1646-10 shall be recorded and reported to DLNR on a monthly basis by the permittee.

In the event that emergency water use occurs, the permittee shall notify the Commission in writing within one (1) day of pumping, to in form 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 Rule 13-168-7.

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 Waiekele 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 L.M.

143. Proposed other uses will be considered at a later date.
State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources
Honolulu, Hawaii

April 14, 1994

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

Gentlemen:

Applications for Water Use Permits
Kawela Ground Water Management Area, Molokai

Applicant:

1. (Well Nos. 0354-01,02,&04)
   T.T. Meyer, Inc.
   P.O. Box 454
   Kaunakakai, HI 96748

2. (Well No. 0354-03)
   Kanukuawa Ranch
   P.O. Box 707
   Kaunakakai, HI 96748

3. (Well No. 0354-05)
   Henry R. Meyer Estate
   P.O. Box 454
   Kaunakakai, HI 96748

Landowner:

Same

T.T. Meyer, Inc.

P.O. Box 454

Kaunakakai, HI 96748

Same

Background

The applicants submitted completed water use permit applications to the Commission on the dates indicated in Exhibit 1. Specific information regarding the source, use, notification, objections, and field investigation(s) are described in Attachment A and the attached exhibits.

Analysis & Issues

1. These three existing sources use brackish water from the Kawela Aquifer System for various uses as follows:

   a. Meyer Inc. #1 (Well No. 0354-01) - Because the county water system has never been extended to service this area of Molokai, this dug well is the sole source of domestic water supply for five homes and serves a total of 13 members of the Meyer family. Eleven briefs in support of this application have been submitted. Although the application indicates that the well is also used for the irrigation of 15.5 acres of various fruit trees and vegetables, this use was not verified by the field investigation. The applicant has verbally stated that the irrigation use is sporadic and varies according to the nature of the rainfall. The produce is not marketed commercially at this time, but may be at some point in the future. Currently, the irrigated lands are used for subsistence farming.

   b. Meyer Inc. #2 (Well No. 0354-02) - This drilled well is used for dust control and rock and cinder quarry operations on 25 acres of leased land. The lease to Molokai Concrete and Construction expired in August 1993. The applicant has verbally stated that a new lease is currently being negotiated and that he considers the water needs of the quarry to be immediate. Four briefs in support of this application have been filed with the Commission.

   c. Meyer Inc. #4 (Well No. 0354-04) - This dug well is used for irrigation purposes. The application states that the water is used for the domestic needs of one home and for irrigation of 2.71 acres of coconut trees, heliconias, and ti leaf plants. However, the field investigation report states that the domestic water is derived from the Meyer Inc. #1 Well and that irrigation use is confined to 1/2 acres of lawn. The applicant has verbally stated
that the irrigation use varies with rainfall and, at present, no commercial agricultural
operations exist.

2. Well #3 (Well No. 0354-03) - This existing source uses brackish water for the domestic
needs of three homes and the irrigation of a 5-acre orchard of various fruit trees. A small
portion of the water is used by 4 horses and 4 pigs for drinking and washing. At the time
that the field investigation was conducted on November 23, 1992, two of the five acres
were not being farmed.

3. Henry's Well (Well No. 0354-05) - From the field investigation conducted on November
23, 1992, this existing dug source was verified to have no existing use. It was
determined that the well was not equipped with a pump or motor. Further, this well has
not been registered under the well registration program. Staff finds that there is no
justification for the issuance of a water use permit for this well and that this application
should be denied, pursuant to §174C-83 and pending justification of an immediate need.

By the following analysis, staff finds that the following applications for permits to
continue an existing water use meet the seven (7) criteria set forth in HRS 174-C(a)
Conditions for a permit:

(1) Water availability - Although pending applications for existing uses reflect a total
draft rate of 1.72 million gallons per day (mgd), the latest 12-month moving
average of actual recorded water usage suggests that existing withdrawals may be
less than 0.6 mgd. Staff finds that this is a more reasonable estimate of existing
uses in the aquifer. The satisfaction of all reasonable and beneficial existing uses
is therefore expected to require less than 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 pending permits for continued existing uses and for new uses
on lands that are currently undeveloped.

(2) Reasonable-beneficial - The following proposed permits are deemed to be
beneficial uses of the water resource. However, the quantities requested do not
appear to be reasonable estimates for the proposed uses.

1a. Meyer Inc. #1 (Well No. 0354-01) - The applicant has not been reporting his
water use on a regular basis, and the capacity of the pump could not be verified in
the field. The well registration form lists the capacity at 20 gpm. It is assumed
that the pump has not been replaced, since no application for a pump installation
permit has been filed since the well was registered. Assuming that the pump is
operated continuously at full capacity, the maximum possible yield from the well
is 28,800 gallons per day. Based on the Maui County Domestic Consumption
Guideline, a single family residential unit may use up to 3,000 gallons per acre of
land. Given the large area used for subsistence farming (15.5 acres), it is
conceivable that the maximum yield of the well may be required for domestic
consumption and irrigation purposes. Staff finds that an allocation of 28,800
gallons per day is justified.

1b. Meyer Inc. #2 (Well No. 0354-02) - The Native Hawaiian Advisory Council
(NHAC) has commented that, since the lease has expired, water should not be
allocated until the future of the land use has been confirmed. However, the
applicant has stated that his needs are immediate, as negotiations are underway.
Given 1) the interim nature of the permit, 2) the ability of the Commission to
revoke any portion, or all, of the permitted use following four continuous years of
nonuse, 3) the availability of the water supply, and 4) the justification given for
his need at this time, staff finds no compelling reason to deny the request for an
allocation.

Water use data are not available to estimate existing needs, and the capacity of the
pump could not be verified in the field, but the registration form lists the capacity
at 56 gpm. The application states that the pump is run daily from 7 a.m. to 6
p.m. By this method, the estimated water use may be as much as 39,960 gpd.
Staff feels that this is a liberal estimate. However, the issuance of an interim
permit at this time will allow the Commission to further refine this estimate as
water use data become available.
1c. Meyer Inc. #4 (Well No. 0354-04) - Water use data are not available, and the pump capacity is unknown. The type of plants being irrigated have relatively low water demands. Assuming a daily irrigation requirement of 1,700 gallons per acre (County guideline for park-like areas), about 4,500 gpd is required to irrigate 2.71 acres.

2. Well #3 (Well No. 0354-03) - The applicant’s request appears to be low. Based on the county guidelines, three single family residences consume an average of 1,800 gpd, and 5 acres of fruit trees may require anywhere from 15,000 to 25,000 gpd. Staff finds that an allocation of 16,800 gpd is a reasonable estimate for these uses.

(3) Interference with other existing legal uses - There should be no affect on the interim instream flow standards, as these uses were in existence prior to the effective date of the standards for Molokai streams. Although Kapuaokoolau Gulch appears to have flow in its lower region, DAR has commented that, from the aquatic biological resources standpoint, there are no objections. Further, it is unlikely that the existing withdrawal will result in any measurable impacts. Excluding the wells owned by the Meyer family, there are two other wells within a mile of these wells, but the use of these wells could not be confirmed. However, it does not appear that any interference with other legal rights will result from continuation of the use, and no objections to these permit applications have been filed.

NHAC has raised concerns regarding the effect of runoff from the quarry operation (Well No. 0354-02) on nearshore waters and nearby fishponds. The Division of Aquatic Resources has noted the proximity of the quarry to the Pahiumu Fish Pond and has concluded that there is no potential for any impact on surface water habitat.

(4) Public interest - These proposed beneficial uses of water for domestic, agricultural irrigation, and industrial purposes do not appear to be in conflict with the various objectives declared to be in the public interest. Review of these applications by the various divisions of the Dept. of Land and Natural Resources, which serve to protect and promote the interests of the public, has not prompted any statements of objections or concerns.

(5) State & county general plans and land use designations - The Office of Conservation and Environmental Affairs and the Maui County Planning Department has 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 Molokai Working Group has made the following recommendations for the Southeast Sector, which encompasses the Kawela Aquifer System:

1. Limit groundwater 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 Sector should be reserved first for residences of this Sector who are not yet served.
Chairperson and Members  
Commission on Water Resource Management  
April 14, 1994  

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:

1. That, for any interim permits granted by the Commission for an existing use, the existing use may continue within the approved level of use, and any delay in the actual issuance of the permit document shall not be a reason to interrupt the approved level of use.

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 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.

3. That the Commission approve the issuance of an interim water use permit to T.T. Meyer, Inc. for the reasonable and beneficial use of 39,960 gallons per day of brackish water for industrial uses at a 25-acre quarry from the Meyer, Inc. #2 Well (Well No. 0354-02), subject to the standard water use permit conditions listed in Attachment B.

4. That the Commission approve the issuance of an interim water use permit to T.T. Meyer, Inc. for the reasonable and beneficial use of 4,600 gallons per day of brackish water for irrigation use on 2.71 acres from the Meyer, Inc. #4 Well (Well No. 0354-04), subject to the standard water use permit conditions listed in Attachment B.

5. That the Commission approve the issuance of an interim water use permit to the Kanukuawa Ranch for the reasonable and beneficial use of 16,800 gallons per day of brackish water for domestic use by three residences and agricultural irrigation use on 5 acres from the Well #3 (Well No. 0354-03), subject to the standard water use permit conditions listed in Attachment B.

6. That the Commission deny the issuance of a permit to Henry R. Meyer for use of Henry's Well (Well No. 0354-05) pending the establishment of existing uses and further justification for the immediacy of his need.

Respectfully submitted,

[Signature]

RAE M. LOUI  
Deputy Director

Approved for Submittal:

[Signature]

KEITH W. AHUE, Chairperson
### Source Information

**AQUIFER:** Kawela 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: 1.278 mgd

### WELL: Meyer, Inc. #1 Well (Well No. 0354-01)

<table>
<thead>
<tr>
<th>Year Drilled:</th>
<th>1994</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location: Kapuaokoolau, Molokai, TMK:5-5-1:11</td>
<td></td>
</tr>
</tbody>
</table>

#### 1a. WELL: Meyer, Inc. #1 Well (Well No. 0354-01)

**Source Information**

- **AQUIFER:** Kawela 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:** 1.278 mgd

**Location:**

<table>
<thead>
<tr>
<th>Location</th>
<th>Kapuaokoolau, Molokai, TMK:5-5-1:11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year Drilled:</td>
<td>1994</td>
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</table>

#### Casing Diameter:

<table>
<thead>
<tr>
<th>Elevation (msl = 0 ft.)</th>
<th>NA ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ground:</strong></td>
<td>11 ft.</td>
</tr>
<tr>
<td><strong>Bottom of Solid Casing:</strong></td>
<td>NA ft.</td>
</tr>
<tr>
<td><strong>Bottom of Perforated:</strong></td>
<td>NA ft.</td>
</tr>
<tr>
<td><strong>Bottom of Open Hole:</strong></td>
<td>-4 ft.</td>
</tr>
</tbody>
</table>

**Total Depth:**

<table>
<thead>
<tr>
<th>Total Depth</th>
<th>15 ft.</th>
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**Grouted Annulus Depth:**

<table>
<thead>
<tr>
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</thead>
</table>

**Pump Capacity:**

<table>
<thead>
<tr>
<th>Pump Capacity</th>
<th>NA gpm</th>
</tr>
</thead>
</table>

#### 1b. WELL: Meyer, Inc. #2 Well (Well No. 0354-02)

**Source Information**

- **AQUIFER:** Kawela 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:** 1.278 mgd

**Location:**

<table>
<thead>
<tr>
<th>Location</th>
<th>Kapuaokoolau, Molokai, TMK:5-5-1:11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year Drilled:</td>
<td>1975</td>
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<tr>
<td>Casing Diameter:</td>
<td>4 in.</td>
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#### Casing Diameter:

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<td>11 ft.</td>
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<tr>
<td><strong>Bottom of Solid Casing:</strong></td>
<td>NA ft.</td>
</tr>
<tr>
<td><strong>Bottom of Perforated:</strong></td>
<td>-11 ft.</td>
</tr>
<tr>
<td><strong>Bottom of Open Hole:</strong></td>
<td>-16 ft.</td>
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**Total Depth:**

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<th>Total Depth</th>
<th>15 ft.</th>
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**Grouted Annulus Depth:**

<table>
<thead>
<tr>
<th>Grouted Annulus Depth:</th>
<th>NA ft.</th>
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</thead>
</table>

**Pump Capacity:**

<table>
<thead>
<tr>
<th>Pump Capacity</th>
<th>NA gpm</th>
</tr>
</thead>
</table>

#### 1c. WELL: Meyer, Inc. #4 Well (Well No. 0354-04)

**Source Information**

- **AQUIFER:** Kawela 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:** 1.278 mgd

**Location:**

<table>
<thead>
<tr>
<th>Location</th>
<th>Kapuaokoolau, Molokai, TMK:5-5-1:12</th>
</tr>
</thead>
<tbody>
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<td>Year Drilled:</td>
<td>NA</td>
</tr>
<tr>
<td>Casing Diameter:</td>
<td>NA in.</td>
</tr>
</tbody>
</table>

#### Casing Diameter:

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<tr>
<th>Elevation (msl = 0 ft.)</th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Ground:</strong></td>
<td>NA ft.</td>
</tr>
<tr>
<td><strong>Bottom of Solid Casing:</strong></td>
<td>NA ft.</td>
</tr>
<tr>
<td><strong>Bottom of Perforated:</strong></td>
<td>NA ft.</td>
</tr>
<tr>
<td><strong>Bottom of Open Hole:</strong></td>
<td>6.5 ft.</td>
</tr>
</tbody>
</table>

**Total Depth:**

<table>
<thead>
<tr>
<th>Total Depth:</th>
<th>NA ft.</th>
</tr>
</thead>
</table>

**Grouted Annulus Depth:**

<table>
<thead>
<tr>
<th>Grouted Annulus Depth:</th>
<th>NA ft.</th>
</tr>
</thead>
</table>

**Pump Capacity:**

<table>
<thead>
<tr>
<th>Pump Capacity</th>
<th>NA gpm</th>
</tr>
</thead>
</table>

#### 2. WELL: Well #3 (Well No. 0354-03)

**Source Information**

- **AQUIFER:** Kawela 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:** 1.278 mgd

**Location:**

<table>
<thead>
<tr>
<th>Location</th>
<th>Kapuaokoolau, Molokai, TMK:5-5-1:12</th>
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<tbody>
<tr>
<td>Year Drilled:</td>
<td>NA</td>
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<tr>
<td>Casing Diameter:</td>
<td>NA in.</td>
</tr>
</tbody>
</table>

#### Casing Diameter:

<table>
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<tr>
<th>Elevation (msl = 0 ft.)</th>
<th>NA ft.</th>
</tr>
</thead>
</table>

**Total Depth:**

<table>
<thead>
<tr>
<th>Total Depth:</th>
<th>NA ft.</th>
</tr>
</thead>
</table>

**Grouted Annulus Depth:**

<table>
<thead>
<tr>
<th>Grouted Annulus Depth:</th>
<th>NA ft.</th>
</tr>
</thead>
</table>

**Pump Capacity:**

<table>
<thead>
<tr>
<th>Pump Capacity</th>
<th>NA gpm</th>
</tr>
</thead>
</table>

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**ATTACHMENT A**
Chairperson and Members
Commission on Water Resource Management

Water Level:
- Ground: NA ft.
- Bottom of Solid Casing: NA ft.
- Bottom of Perforated: NA ft.
- Bottom of Open Hole: -4 ft.

Total Depth: 17 ft.
Grouted Annulus Depth: NA ft.

Pump Capacity: NA gpm

3. WELL:
- Location: Henry’s Well (Well No. 0354-05)
- Year Drilled: Kapuaokoolau, Molokai, TMK:5-5-1:28
- Casing Diameter:
  - Elevations (msl = 0 ft.)
    - Water Level: NA in.
    - Ground: NA ft.
    - Bottom of Solid Casing: NA ft.
    - Bottom of Perforated: NA ft.
    - Bottom of Open Hole: NA ft.

Total Depth: 5.5 ft.
Grouted Annulus Depth: NA ft.

Pump Capacity: NA gpm

Use Information

1a. Quantity Requested: 100,000 gallons per day.
Existing Type of Water Use: Domestic use for 5 residences and irrigation of 15.5 acres of various fruit trees
Place of Water Use: Kapuaokoolau, Molokai at TMK: 5-5-1:11,12,28
Reported Water Usage: NA gpd
Nearby Similar Water Usage: NA gpd

1b. Quantity Requested: 200,000 gallons per day.
Existing Type of Water Use: Industrial use at rock and cinder quarry
Place of Water Use: Kapuaokoolau, Molokai at TMK: 5-5-1:11
Reported Water Usage: NA gpd
Nearby Similar Water Usage: NA gpd

1c. Quantity Requested: 10,000 gallons per day.
Existing Type of Water Use: Domestic use for 1 residences and irrigation of 2.71 acres of heliconias, coconut and ti

ATTACHMENT A
Chairperson and Members
Commission on Water Resource Management

Place of Water Use: Kapuaokoolau, Molokai at TMK: 5-5-1:12

Reported Water Usage: NA gpd
Nearby Similar Water Usage: NA gpd

2. Quantity Requested: 5,000 gallons per day.
Existing Type of Water Use: Domestic use for 3 residences and irrigation of 5-acre tree orchard
Place of Water Use: Kapuaokoolau, Molokai at TMK: 5-5-1:12

Reported Water Usage: NA gpd
Nearby Similar Water Usage: NA gpd

3. Quantity Requested: 30,000 gallons per day.
Existing Type of Water Use: Domestic use for 1 residence and irrigation of 5.32 acre of various fruit trees
Place of Water Use: Kapuaokoolau, Molokai at TMK: 5-5-1:28

Reported Water Usage: NA gpd
Nearby Similar Water Usage: NA gpd

Kawela Aquifer System
Current 12-Month Moving Average Withdrawal: 0.594 gpd
(12% of SY)

Nearby Surrounding Wells and Other Registered Ground Water Use

There are 3 other wells within a mile of these wells (see Exhibit 2). Possibly all of these wells are currently in use. Information from the registration program indicates there are possibly 35 existing wells in the Kawela Aquifer System. The 1992 Draft of the Maui Water Use and Development Plan, Island of Molokai estimated that the existing withdrawals 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.

Public Notice

In accordance with HAR §13-171-17, a public notice was published in the Star-Bulletin on the dates indicated in Exhibit 1 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 by the dates indicated on Exhibit 1.

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 by the dates indicated on Exhibit 1.

To the best of staff’s knowledge there are no objectors who have property interest within the Kawela Aquifer System or who will be directly and immediately affected by the proposed water use. All objections and/or comments to the application are summarized in the Analysis and Issues section:

ATTACHMENT A
Chairperson and Members
Commission on Water Resource Management

April 14, 1994

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. Eleven briefs in support were filed with the Commission.

Field Investigation

The water sources and existing uses were investigated on the dates indicated on Exhibit 1. The investigation(s) verified the applicants existing sources and proposed use sites.

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 or policies as determined by the Commission. 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 April 14, 1994 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)
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 yearly 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 comply with all applicable laws, rules, ordinances, and other agencies’ permits and conditions pertaining to water use or the water resource.

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.
November 24, 1993

ATTN: Rae Loui and Keith Ahu'e

Dear Sirs:

In view of what transpired at the last meeting held on Moloka'i on November 17, 1993, I would like to point out that we have no other source of water except our well at Kapua'okoolau, Molokai.

Although the County of Maui have pipelines on the east and west of us, no pipelines were installed in our area of four (4) miles. It seems that the 4-mile strip between the pipelines simply do no exist, and therefore we had no other alternative but to pump and supply our own water.

My grandfather Theodore T. Meyer, Sr. was a Supervisor for the County of Maui many years ago and I've lived here all of my life--and we never had the luxury of county water.

Those individuals in Kawela are fortunate to have both county water and well water available to them. Are we to be penalized just because they may be denied the use of their well water? Are we to be denied the use of our well when we have no other water source available? I hope not!

We are a Kama'aina family...and Hawaiian at that too! It is my right to use this water to exist! I pay taxes like everyone else and if we are to be denied the right to use our well water, then are you, the Department, or the State of Hawaii willing and financially able to truck water to us daily?

I hope that the Commission collectively will be able to come to an intelligent and satisfactory decision on this matter. If not, then we will proceed through legal channels.

Sincerely,

Jeanette Meyer Silva

cc: File
Attorney
State of Hawai‘i-DLNR
Commission on Water Resource Management
November 24, 1993
ATTN: Keith Ahue
P.O. Box 621
Honolulu, Hawai‘i 96809

Dear Mr. Ahue,

My name is Wayne Meyer, and I'm the president of T.T. Meyer, Inc. (I'm the same Wayne Meyer who sits on the Molokai Working Group on Water, convened by the Commission on Water Resource Management). I have lived on Molokai all my life, except for four years away at Kamehameha Schools and three years in Vietnam with the U.S. Army.

T.T. Meyer, Inc. was formed in 1970. The corporation's approximately 600 acres were used to raise cattle.

Theodore Thomas Meyer served as County Supervisor and dug his own well in the early 1900's. This is the Number 1 Well. It serves five homes. Edith B. Meyer wanted to give their thirteen grandchildren each a half-acre lot. But, because there are no county or state water lines, the subdivision could not be approved. Without county water lines it is impossible to get building permits. (I heard people complaining at the November 17th CWRM meeting here on Molokai that they didn't have enough water. We at T.T. Meyer, Inc. have a worse complaint: we are Hawaiian people with land and can't do anything with it because we have no water lines.)

In 1972, T.T. Meyer, Inc. opened a 25-acre cinder and rock quarry with Vernon Funn. Well Number 2 was drilled by Red Sam Drilling Company for the sole purpose of obtaining water for dust control and the quarry operations.

T.T. Meyer Well Number 3 is used by Lloyd West for the tree orchard he has planted. I had given Lloyd the papers to file to sign up, declare, his water use.

Well Number 4 is on T.T. Meyer, Inc. land leased by myself and my wife, Lorraine for a small 2.709 acre parcel for trees and heliconia flowers.

(con'd.)
All our life we have lived on Molokai pumping water from wells; first powered with windmills, then with gas pumps, finally with electricity. Our pump at Well Number 1 is running 24-hours-a-day, 365-days-a-year. We're among the very few on Molokai who can say that and prove it.

I simply ask the Commission to consider our difficult situation and treat it differently than they would address the issue for more fortunate Molokai residents who at least have the capability of obtaining water from alternative government-provided wells and lines. Please approve our requested uses.

Thank you for your attention to these concerns.

Sincerely,

D. Wayne Meyer, Sr.
Dear Mr. Ahue,

This letter is in support of the Commission's favorable action on the application for water use from Henry's Well.

This well provides water for a small farm consisting of 5.34 acres. At present, there are some fruit trees including citrus, mango, guava, there's a coconut grove as well as breadfruit trees, ti leaf plants and noni (used for medicinal purposes). Henry also planted taro, sweet potato, watercress, un choy and bananas. He also raised chickens, pigs, goats, and cattle for home consumption.

Henry's property is not served by the Maui County Water System. There is a gap in the pipeline from Kawela to Kamalo.

As in the situation with T.T. Meyer, Inc. Wells applications, I ask the Commission to consider our difficult situation and treat it differently than they would address the issue for more fortunate Molokai residents who at least have the capability of obtaining water from alternative government-provided wells and lines. We are Hawaiians who need the water in order to live on the property left to us by our grandparents. Please approve our requested uses.

Thank you for your attention to these concerns.

Sincerely,

D. Wayne Meyer, Sr.
Mr. Rae Loui  
State of Hawaii - DLNR  
Commission on Water Resource Management  
P. O. Box 21  
Honolulu, Hawaii 96809  

Dear Mr. Loui:  

As a lifelong resident of Kapuaokoolau, Molokai, I am writing to you in reference to the wells situated on T.T. Meyer, Inc. property.  

Many years ago, my grandfather dug a well and used the water for family consumption, bathing, and laundering needs. The water was also used for farming requirements. As the years went by, a request was made to the County of Maui to connect Kawela pipelines to Kamalo pipelines (which come from Ualapue) in which case residents between these areas would have had water from the county. The county responded unfavorably, stating that we run the pipelines to connect the two areas and afterwards dedicate this to the county. Needless to mention, the cost factor was outrageous and residents definitely could not afford such a request. However, over the years the feeling of being discriminated against never left our minds as we felt, and still feel, that as tax payers, citizens, kamaaina to Molokai, we rightfully deserved the same benefits others are receiving.  

My point, we need our wells because we have no other means of water being supplied to us. This well has, over the years, given "life" to other family members who built in this little "ohana" community. Family members will be returning to Kapuaokoolau in the very near future and, again, I emphasize we need to continue the use of our wells.  

Won't you please consider this request?  

Sincerely,  

[Signature]  

Haunani Meyer  

c: Keith Ahue
Ms. Rae Loui  
State of Hawaii, DLNR  
Commission on Water Resource Mgmt.  
P.O. Box 21  
Honolulu, HI 96809

Dear Ms. Loui:

I am writing regarding the water wells on the T.T.Meyer property at Kapuaokoolau, Molokai.  

The first water well was dug by my grandfather, Theodore T. Meyer, in 1928. This well became the only source of water for his property. It was the sole source of water for the family home. This well provided water for drinking, bathing, washing, irrigation and provided water to his livestock. It was necessary to have this well since the County of Maui did not provide any water to this area.

In 1941, my father Otto S. Meyer, was given a portion of the family land where he built our family home. The same well supplied water to our home for drinking, bathing, washing, irrigation and also provided water to our livestock.

Today, this same well is used by five households since Maui County still does not provide water to the area between Kawela and Kama'io.

A second well was dug about ten years ago to provide water for a Cinder Quarry on our property. The water from this well is used to control dust pollution, watering of plants for landscaping and supplies water to the wash plant for the gravel that is mined.

More than forty years ago, our family requested that Maui County consider providing our family with County water. The County water source stops approximately 2 1/2 miles west of our property and 2 1/2 miles east of our property. Maui County's response to our request was that if the Meyer family could put up $60,000 to lay the pipe line, the County would
provide the water. Upon completion of this project, the Meyer Family would then have to dedicate the water line to Maui County. This meant that whoever built or became owners of property with in this five-mile range could hook up to the water line and would be required only to pay the normal charges. The Meyer family could not come up with this amount of money nor would we agree to such an unfair request.

As the population of Molokai grows, so does the use of water grow. I personally feel that if this five miles of land without county water could somehow be hooked together it would benefit not only the T.T. Meyer family, but other Molokai residents. If the Ualapue pump were to become disfunctional, the Kawela pump could provide water to the residents that draw water from the Ualapue pump. And therefore, the same would go for the Kawela pump.

I will retire in three years from the State of Hawaii and will make Molokai my home once again. My parents are both in ailing health and I plan to reside in Kapuaokoolau. Many of my family members would also like to someday return to Kapuaokoolau. If Maui County cannot provide water to this area then we most certainly need our family wells.

The Meyer family are all United State citizens who pay taxes like every other U.S. citizen. We are also residents of Hawaii and of Hawaiian blood. I do feel that if Maui County will not provide water to this area then why should we be denied the use of water from the wells on our own property?

Please take my letter into consideration when your department acts on water rights in Kapuaokoolau, Molokai.

Thank you for your time and I hope your decision will be based on fairness to our family who has been drawing water from this source for more than 60 years.

Sincerely,

(Mrs.) Ottina Meyer Paoa

cc: Keith Ahue
P.O. Box 35
Kaunakakai, Molokai
Nov. 19, 1993

State of Hawaii
Dept. of Land and
Natural Resources
Commission on Water Resource
Management
P.O. Box 21
Honolulu, Hawaii 96809

Gentlemen:

My name is Otto S. Meyer a life-long resident of Molokai. My letter is in regards to the water wells on our property in Kapuaokoolau, Molokai. I am one of the surviving children of Theodore and Edith Meyer original owners of this property.

My father purchased this property more than 60 years ago and established his family residence and ranch. My father had to dig a water well so that water could be provided for family use in our daily needs. He also needed water to irrigate his crops and to provide water to his livestock. His livestock and crops was his source of income to support his family.

He petitioned the County of Maui for water to his property but was denied several times. When his children married and started to raise their own families, property was given to them to build homes on. Again, the county was asked to provide water to our properties and we were denied.

My brother Henry and I then became the spokesmen for our families, attending numerous water board meetings, writing numerous letters and speaking on our behalf to many Maui County Officials. This was all in vain, as here it is 1993 and we still do not have county water.

When we first started seeking county water for our property, we were told to pay forth $60,000 for the pipes and the county would then give us the water. However, once we did this, the county requested that we dedicate this same water line which we paid $60,000 back to Maui County. We could not and would not raise this kind of money as we are citizens and residents who have paid more than our share of taxes into this government.
Our family property now has a Cinder Quarry and a second well was dug by the Contractor to provide water for the wash plant, dust control and irrigation of vegetation.

My brother Henry and I raised our children in Kapuaokoolau as did my sister Hannah. Our parents' wish was to provide a parcel of property for their 13 grandchildren so that each could someday return to Kapuaokoolau, set up residency and carry on their legacy.

I am now 82 years old and although I may never live to see County Water provided to our family property, I would like to leave this world knowing that my children, grandchildren and great grandchildren can return to Kapuaokoolau someday and continue my father's legacy and my own personal dreams. If our water wells are ordered closed, my efforts would have all been in vain.

I have always done my share as a citizen and resident of Molokai. During my time, I got involved with many community activities and I feel have done my Island community well. After all these years, I cannot see or understand why we may be denied water from our own property.

Thank you for your time.

Otto S. Meyer
Landowner
P.O. Box 35
Kaunakakai, Molokai
Nov. 19, 1993

State of Hawaii
Dept. of Land and
Natural Resources
Commission on Water Resource
Management
P.O. Box 21
Honolulu, Hawaii 96809

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I have always done my share as a citizen and resident of Molokai. During my time, I got involved with many community activities and I feel have done my Island community well. After all these years, I cannot see or understand why we may be denied water from our own property.

Thank you for your time.

Otto S. Meyer
Landowner
gave to Kay  9/18/93
(2) Well 0354-02 (Kamalo-TT Meyer #2):

1. Source: A drilled well with a 4-inch diameter casing and a 1-1/2 inch diameter outlet pipe. According to the registration form, the well has a 56 gpm submersible pump and electric motor. Water is stored in a 5,000 gallon tank near the well. Total depth of the well is 76 feet.

2. Use: The water is used by lessee Molokai Concrete and Construction for mixing concrete and dust control.

3. Quantity: The quantity used is not being measured. However, according to the Meyers, the quarry is used sporadically since the company is not doing a lot of work.

4. Location: Source and use, TMK: 5-5-1:11.
   Using the GPS: latitude = 21 deg 03 min 43.5 sec N
   longitude = 156 deg 54 min 40.4 sec W


6. The well name will be changed from "Kamalo-East" to "Kamalo-TT Meyer #2".
FIELD OPERATIONAL INFORMATION CHECKLIST
(Ver. 4/3/91)

PART I: USE OF WATER
Declarant's File Reference: WM MEYER INC.

1. Tax Map Key where the water is used: 5-5-1:11. Does the declarant own this land? YES If not, who does?

2. What is the water used for? CONCRETE / QUIRRA Y OPERATION (CONCRETE MIX / DUST CONTROL) If for irrigation, how many acres are being irrigated by crop type?

3. Is the quantity of water use being measured?* NEW If yes, document the location of the measurement point and method of measurement; also get use records if these were not submitted previously.

4. If this person takes from a multi-user pipe or ditch system: AND (CONSTRUCTION) DON'T DO TOO MUCH WORK RECENTLY

   How is the water taken from the system?
   What is the capacity for taking (gpm)?
   How often is it taken (used)?

PART II: WATER SOURCE
Source #: 0354-02 Name: KAMPINO - WM MEYER FL

1. Where does the water come from / what kind of source is this? DRILLED WELL Types of sources include:
   1) Wells (drilled, dug, tunnel)
   2) Diversions (ditch, pipe, pump, or livestock from a stream, spring, swamp, pond)
   3) Multi-source systems. (Declared use cannot be traced to a single well or diversion)
   NOTE: If a multi-user system: take from pipe or ditch (need to determine whether this is a multi-source or single-source system before the data can be input to the computer)
   4) Instream (i.e., crops planted along water edge)

2. Show the source location on maps, determine latitude and longitude, and document the nature of source development by measurements, sketches, and photographs. How is the water taken? GPS: 23°11'03" 43.5'W, 69°15'34" 40.4'N
   What is the capacity for taking (gpm)? FROM BED FORM 5-1/2 GPM 5/3 PUMP, ELECTRIC MOTOR
   How often is it taken (used)? USED TO FILL GEAR BOX TANK THROUGH PUMP FORM, ZUM 8-12 HRS PER DAY

3. Tax Map Key at the source: 5-5-1:11. Determine declarant's relation to source. Does the declarant:
   1) Operate and maintain the source? NO If not, who does? LESSOR: (MOLDI) CONCRETE & CONSTRUCTION
   2) Own the land at the source? YES If not, who does?
   3) Use the water from this source? NO If not, who does? LESSOR
   4) Own the land where the water is being used? YES
   5) None of the above? If so, why did they file?

4. Does any one else also use water from this source? NO If yes, is their use included in this user's declaration? Who are the other users? Did they file?

VERIFIED BY: STELLING CHEN DATE: 11-23-92
NOTIFICATION OF BOUNDARY AMENDMENT AND SPECIAL PERMIT
DECISIONS BY STATE LAND USE COMMISSION

July 6, 1989

To all concerned agencies:

The Findings of Fact, Conclusions of Law and Decision and Order for the following boundary amendment petitions and special permits have been filed by the Land Use Commission:

<table>
<thead>
<tr>
<th>Petition Docket No.</th>
<th>Special Permits Requested</th>
<th>LUC Action on April 14, 1989</th>
<th>Date of Decision and Order</th>
</tr>
</thead>
<tbody>
<tr>
<td>JSP89-371</td>
<td>For a Special Permit to Allow the Continued Operation of a Radio Transmission Facility on Approximately 30 Acres of Land Within the Agricultural District at Kaluakoi, Molokai, County of Maui</td>
<td>Approved Special Permit for approximately 30 acres at Kaluakoi, Molokai, County of Maui, TMK: 5-1-04:19</td>
<td>May 30, 1989</td>
</tr>
<tr>
<td>CHRISTIAN BROADCASTING ASSOCIATION (Radio Station KAII M)</td>
<td>For a Time Extension to Special Permit to Establish an Asphalt Batching Plant and to Continue to Operate a Concrete Batching Plant and Crushing and Screening Plant on Approximately 25 Acres of Land Within the Agricultural District at Kapuaokoolau, Molokai, County of Maui</td>
<td>Approved Second Amendment to Special Permit for approximately 25 acres at Kapuaokoolau, Molokai, County of Maui, TMK: 5-5-01: Portion of 11</td>
<td>June 20, 1989</td>
</tr>
</tbody>
</table>
BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of
T. T. MEYER, INC.

For a Time Extension to Special Permit to Establish an Asphalt Batching Plant and to Continue to Operate a Concrete Batching Plant and Crushing and Screening Plant on Approximately 25 Acres of Land Within the Agricultural District at Kapuaokoolau, Molokai, County of Maui, State of Hawaii, Tax Map Key No.: 5-5-01: Portion of 11

DOCKET NO. SP78-326

T. T. MEYER, INC.

This is to certify that this is a true and correct copy of the Decision and Order on file in the office of the State Land Use Commission, Honolulu Hawaii.

JUN 20 1989

Date

Executive Officer

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER
BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of ) DOCKET NO. SP78-326
T. T. MEYER, INC. ) T. T. MEYER, INC.

For a Time Extension to Special )
Permit to Establish an Asphalt )
Batching Plant and to Continue to )
Operate a Concrete Batching Plant )
and Crushing and Screening Plant )
on Approximately 25 Acres of Land )
Within the Agricultural District )
at Kapuaokoolau, Molokai, County )
of Maui, State of Hawaii, Tax Map )
Key No.: 5-5-01: Portion of 11 )

FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND DECISION AND ORDER

T. T. Meyer, Inc. (hereinafter "Petitioner") initiated
this proceeding pursuant to Section 205-6, Hawaii Revised
Statutes, as amended, and Title 15, Chapter 15, Subchapter 12 of
the Hawaii Administrative Rules, as amended (hereinafter
"Commission Rules"). The Land Use Commission (hereinafter the
("Commission"), having considered the entire record on this
matter, and good cause appearing therefrom, hereby makes the
following findings of fact, conclusions of law, and decision and
order:

FINDINGS OF FACT

Procedural Matters

1. On November 18, 1988, Petitioner filed an amendment
to Special Permit Docket Number SP78-326/T. T. Meyer, Inc.
(hereinafter the "Amendment") with the County of Maui Planning Department.

2. On February 2, 1989, the Molokai Advisory Committee (hereinafter "MAC") to the Maui Planning Commission (hereinafter "MPC") conducted a meeting pursuant to agenda filed at the County of Maui’s Clerk’s Office on January 27, 1989.

3. The MAC did not receive any testimony or written statements from public witnesses.

4. On February 2, 1989, the MAC recommended approval of the Amendment with fourteen conditions to the MPC.

5. On March 7, 1989, the MPC conducted a meeting on the Amendment, as transmitted by the MAC, pursuant to agenda filed at the County of Maui’s Clerk’s Office on February 28, 1989, and recommended approval of the Amendment subject to fourteen conditions.

6. The record of the County’s proceeding on the Amendment was received by the Commission on April 3, 1989.

Background and Petitioner’s Request

7. On April 18, 1979, the Commission granted Special Permit Docket No. SP78-326/T. T. Meyer, Inc. for a rock and cinder quarry use on the subject property for ten years subject to five conditions. The expiration date of said Special Permit is April 18, 1989.

8. On May 18, 1988, the Commission amended Special Permit Docket No. SP78-326/T. T. Meyer, Inc. (hereinafter "First
Amendment") to allow the inclusion of an asphalt batching plant and existing concrete batching, and crushing and screening plants as additional uses subject to fifteen conditions as follows:

1. That said permit shall be limited to the operation of a rock and cinder quarry, a concrete batching plant, crushing and screening plant, and asphalt batching plant.

2. That all applicable Federal, State, and County environmental and health requirements shall be met.

3. That the permit, as amended, shall be valid until April 18, 1989, subject to extension upon favorable review by the Molokai Advisory Committee, Maui Planning Commission, and State Land Use Commission.

4. That the asphalt batching plant shall be established within one (1) year after the date of the approval of this amendment by the State Land Use Commission.

5. That full compliance with the requirements of the Department of Public Works in their memo dated September 23, 1987, and attached hereto as Exhibit "A", shall be rendered unless written verification is provided to the Maui Planning Department and the State Land Use Commission that the conditions have been either modified or deleted.

6. That the Petitioner shall improve the access connection to Kamehameha V Highway up to State Highway standards per the letter from the Department of Transportation, Highways Division dated September 22, 1987 and attached hereto as Exhibit "B" unless written verification has been provided to the Maui Planning Department and the State Land Use Commission from Department of Transportation, Highways Division that this condition has been either modified or deleted.

7. That the plan for wastewater disposal shall be submitted to the Department of Land and Natural Resources, Department of Public Works, and the Department of Health for approval.

8. That upon termination of the operation or use, the applicant shall be responsible to suitably restore the subject properties (e.g. removal of structures; revegetation; etc.) in a manner determined to be appropriate by the Maui County Planning Commission.
9. That dust control measures as determined to be appropriate by the Department of Public Works shall be duly implemented in conjunction with the quarry and associated approved uses.

10. That the Special Use Permit shall be valid only for the uses as approved and in accordance with plans submitted therein.

11. That the uses or structures allowed by the Special Use Permit shall not be expanded or increased in size or changed to another special use, unless so authorized.

12. That this permit shall be non-transferable unless prior approval has been obtained from the Maui Planning Commission and the State Land Use Commission.

13. In the event that any of the conditions of this permit are breached, the Petitioner/permittee shall be sent a written notice by the Planning Department or appropriate County enforcement agency and shall be required to cease all operations from and after receipt of said notice of the Planning Commission to address the breach of conditions. If no appeal is duly filed by the Petitioner, the Planning Commission shall revoke the subject Special Use Permit.

14. That the project shall conform to the requirements of other Federal, State and County statutes, ordinances, rules, and regulations or codes.

15. That the Petitioner shall submit a landscape planting plan to the Maui Planning Commission for approval."

9. Petitioner is requesting a 10-year time extension to the life of the Special Permit. In addition, one of the fifteen conditions of the First Amendment required that the asphalt batching plant be established within one year of the date of approval or by May 18, 1989.

Since the asphalt batching plant has not yet been established, the MAC and MPC have also recommended that the one year deadline to establish the asphalt batching plant be extended by six months, to October 18, 1989 (hereinafter collectively referred to as the "Second Amendment").
Description of the Property

10. The area subject to the Second Amendment is located in the vicinity of Waiakuilani Gulch and Pahiomu Fishpond, approximately eight miles east of Kaunakakai Town and approximately 1,000 feet mauka of Kamehameha V Highway (hereinafter "Property.")

11. The Property, identified as Maui Tax Map Key Number: 5-5-01: portion of 11, consists of approximately 25 acres.

12. The Property is owned by T. T. Meyer, Inc.

13. The Property is presently being used as a rock and cinder quarry and contains a concrete batching plant, a portable crushing and screening plant, and stockpile areas.

14. According to Petitioner, the proposed asphalt batching plant is presently being shipped to the site.

15. The surrounding area is relatively unimproved and is being used as pasture land for cattle grazing.

16. A few single family dwellings are located along Kamehameha V Highway.

17. According to the Flood Insurance Rate Map (FIRM), the Property lies in Zone C, an area of minimal flooding.

18. Access to the Property is from a gravel road off of Kamehameha V Highway.

19. According to the Land Study Bureau's Detailed Land Classification, the Property has an Overall (Master) Productivity
Rating of "E" which means poor productivity potential for most agricultural uses.

20. The Property is not classified according to the Agricultural Lands of Importance to the State of Hawaii (ALISH) classification system.

State and County Plans and Programs

21. The State Land Use District classification for the Property is Agricultural as reflected on the Land Use District Boundaries Map MO-4, Kamalo.

22. The Molokai Community Plan designates the Property as Agriculture.

23. The Property lies outside of the County of Maui Special Management Area.

Summary of Agency Comments

24. The State Department of Agriculture has no objection to the proposed time extension.

25. The State Department of Health indicated that the Petitioner will be required to obtain an air pollution permit for the asphalt batching plant and that favorable action by the Commission should be contingent upon Petitioner's compliance with Department of Health regulations.

26. The County Department of Water Supply has no objection to the time extension.

27. The County Department of Public Works indicated that a) the project is subject to flood inundation and must
conform to Ordinance No. 1145 pertaining to flood hazard districts; b) a final detailed drainage and erosion control plan has not yet been submitted; c) the license document is still being reviewed to determine if a subdivision of the site is required.

Conformance With Special Permit Tests

28. The uses previously met the five tests for an unusual and reasonable use in the State Agricultural District. Inasmuch as the uses will not be expanded, they still meet the five tests.

Planning Commission Recommendation

29. On March 7, 1989, the Maui Planning Commission voted to recommend approval of the Second Amendment for a five-year period subject to seventeen conditions which would replace the 15 conditions of the First Amendment, as follows:

1. That said permit shall be limited to the operation of a rock and cinder quarry, a concrete batching plant, crushing and screening plant, and asphalt batching plant.

2. That all applicable Federal, State, and County Environmental and health requirements shall be met.

3. That the permit shall be valid for a period of five (5) years until April 18, 1994, subject to extension upon favorable review by the Molokai Planning Commission and the State Land Use Commission.

4. That the asphalt batching plant shall be established by October 18, 1989 otherwise permission for the use shall become null and void.

5. That the applicant shall obtain an air pollution permit from the Department of Health for the asphalt batching plant prior to operating the plant as stated in their letter dated
December 27, 1988 and attached as Exhibit "A" unless written verification has been submitted from the Department of Health that the condition has been either modified or deleted.

6. That the applicant shall comply with Ordinance No. 1145 pertaining to flood hazard district and submit a final detailed drainage and erosion control plan per the memo from the Department of Public Works dated January 25, 1989 and attached as Exhibit "B" unless written verification has been submitted from the Department of Public Works that the conditions have been either modified or deleted.

7. That the Petitioner shall complete the landscaping, drainage control measures, and driveway by October 18, 1989.

8. That upon termination of the operation or use, the applicant shall be responsible to suitably restore the subject properties (e.g. removal of structures; revegetation; etc.) in a manner determined to be appropriate by the Molokai Planning Commission.

9. That dust control measures as determined to be appropriate by the Department of Public Works shall be duly implemented in conjunction with the quarry and associated approved uses.

10. That the Special Use Permit shall be valid only for the uses as approved and in accordance with plans submitted therein.

11. That the uses or structures allowed by the Special Use Permit shall not be expanded or increased in size or changed to another special use, unless so authorized.

12. That this permit shall be non-transferable unless prior approval has been obtained from the Molokai Planning Commission and State Land Use Commission.

13. In the event that any of the conditions of this permit are breached, the Petitioner/permittee shall be sent a written notice by the Planning Department or appropriate County enforcement agency and shall be required to cease all operations from and after receipt of said notice of the Planning Commission to address the breach of conditions. If no appeal is duly filed by the Petitioner, the Planning Commission shall revoke the subject Special Use Permit.

14. That the project shall conform to the requirements of other Federal, State, and County statutes, ordinances, rules, and regulations or codes.
15. That the Petitioner shall improve the access connection to Kamehameha V Highway up to State Highway standards per the letter from the Department of Transportation, Highways Division dated September 22, 1987 and attached hereto as Exhibit "B" unless written verification has been provided to the Maui Planning Department and the State Land Use Commission from Department of Transportation, Highways Division that this condition has been either modified or deleted.

16. That the plan for wastewater disposal shall be submitted to the Department of Land and Natural Resources, Department of Public Works, and the Department of Health for approval.

17. That the Petitioner shall submit a landscape planting plan to the Molokai Planning Commission for approval."

CONCLUSIONS OF LAW

The Second Amendment to Special Permit Docket No. 78-326/T. T. Meyer, Inc. to extend the life of the permit by five years to April 18, 1994, and to extend the time to establish the asphalt batching plant by six months to October 18, 1989, is not contrary to the objectives sought to be accomplished by the State Land Use Law to preserve, protect and encourage development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare.

ORDER

IT IS HEREBY ORDERED that the Second Amendment to Special Permit Docket Number 78-362/T. T. Meyer, Inc. to extend the life of the permit by five years to April 18, 1994, and to extend the time to establish the asphalt batching plant by six months to October 18, 1989, on the Property, is hereby approved, subject to the following conditions:
1. That said permit shall be limited to the operation of a rock and cinder quarry, a concrete batching plant, crushing and screening plant, and asphalt batching plant.

2. That all applicable Federal, State, and County Environmental and health requirements shall be met.

3. That the permit shall be valid for a period of five (5) years until April 18, 1994, subject to extension upon favorable review by the Molokai Planning Commission and the State Land Use Commission.

4. That the asphalt batching plant shall be established by October 18, 1989 otherwise permission for the use shall become null and void.

5. That the applicant shall obtain an air pollution permit from the Department of Health for the asphalt batching plant prior to operating the plant as stated in their letter dated December 27, 1988 and attached as Exhibit "A" unless written verification has been submitted from the Department of Health that the condition has been either modified or deleted.

6. That the applicant shall comply with Ordinance No. 1145 pertaining to flood hazard district and submit a final detailed drainage and erosion control plan per the memo from the Department of Public Works dated January 25, 1989 and attached as Exhibit "B" unless written verification has been submitted from the Department of Public Works that the conditions have been either modified or deleted.
7. That the Petitioner shall complete the landscaping, drainage control measures, and driveway by October 18, 1989.

8. That upon termination of the operation or use, the applicant shall be responsible to suitably restore the subject properties (e.g. removal of structures; revegetation; etc.) in a manner determined to be appropriate by the Molokai Planning Commission.

9. That dust control measures as determined to be appropriate by the Department of Public Works shall be duly implemented in conjunction with the quarry and associated approved uses.

10. That the Special Use Permit shall be valid only for the uses as approved and in accordance with plans submitted therein.

11. That the uses or structures allowed by the Special Use Permit shall not be expanded or increased in size or changed to another special use, unless so authorized.

12. That this permit shall be non-transferable unless prior approval has been obtained from the Molokai Planning Commission and State Land Use Commission.

13. In the event that any of the conditions of this permit are breached, the Petitioner/permittee shall be sent a written notice by the Planning Department or appropriate County enforcement agency and shall be required to cease all operations from and after receipt of said notice of the Planning Commission
to address the breach of conditions. If no appeal is duly filed by the Petitioner, the Planning Commission shall revoke the subject Special Use Permit.

14. That the project shall conform to the requirements of other Federal, State, and County statutes, ordinances, rules, and regulations or codes.

15. That the Petitioner shall improve the access connection to Kamehameha V Highway up to State Highway standards per the letter from the Department of Transportation, Highways Division dated September 22, 1987 and attached hereto as Exhibit "B" unless written verification has been provided to the Maui Planning Department and the State Land Use Commission from Department of Transportation, Highways Division that this condition has been either modified or deleted.

16. That the plan for wastewater disposal shall be submitted to the Department of Land and Natural Resources, Department of Public Works, and the Department of Health for approval.

17. That the Petitioner shall submit a landscape planting plan to the Molokai Planning Commission for approval.
DOCKET NO. SP78-326 - T. T. MEYER, INC.

Done at Honolulu, Hawaii, this 20th day of June 1989, per motions on May 11, 1989 and June 1, 1989.

LAND USE COMMISSION
STATE OF HAWAII

By

RENTON L. K. NIP
Chairman and Commissioner

By

ALLEN K. HOE
Commissioner

By

FREDERICK P. WHITTEMORE
Commissioner

Filed and effective on
June 20, 1989

Certified by:

Executive Officer

By

ROBERT S. TAMAYE
Commissioner

By

ALLEN Y. KAJIOKA
Commissioner

By

TEOFILO PHIL TACBIAN
Commissioner
BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of
T. T. MEYER, INC.

For a Time Extension to Special
Permit to Establish an Asphalt
Batching Plant and to Continue to
Operate a Concrete Batching Plant
and Crushing and Screening Plant
on Approximately 25 Acres of Land
Within the Agricultural District
at Kapuaokoolau, Molokai, County
of Maui, State of Hawaii, Tax Map
Key No.: 5-5-01: Portion of 11

DOCKET NO. SP78-326
T. T. MEYER, INC.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Findings of Fact,
Conclusions of Law, and Decision and Order was served upon the
following by either hand delivery or depositing the same in the
U. S. Postal Service by certified mail:

CHRISTOPHER L. HART, Planning Director
CERT. Planning Department, County of Maui
200 South High Street
Wailuku, Hawaii 96793

OTTO S. MEYER
CERT. P. O. Box 156
Kaunakakai, Hawaii 96748

DATED: Honolulu, Hawaii, this 20th day of June 1989.

ESTHER UEDA
Executive Officer