Mr. Darryl Yagodich, representing the DHHL, presented testimony supporting additional water reservation from the Kualapuu Aquifer System for uses on Hawaiian home lands (see file).

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

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

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

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

Unanimously approved (Lewin/Ing).

**ITEM 4**

DAVID W. CURTIS, APPLICATION FOR A WATER USE PERMIT, KAMALO-C WELL (WELL NO. 035270), KAWELA GROUND WATER MANAGEMENT AREA, MOLOKAI

Unanimously approved (Ing/Cox).

**ITEM 5**

CIBA SEEDS, APPLICATION FOR A WATER USE PERMIT, NA IWA WELL (WELL NO. 0705265), 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 pumping 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:
Chairperson and Members  
Commission on Water Resource Management  
April 14, 1994

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 Kaluaok 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-TIME APPLICATION FOR STREAM CHANNEL ALTERATION PERMIT, STREAM DIVERSION WORKS PERMIT, AND AMENDMENT TO THE INTERIM INSTREAM FLOW STANDARD, HONOULIWI'A 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

Gentlemen:

Honolulu, Hawaii

1. Commission 4
   Kaunakakai, P.O.
2. (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

Same

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

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 17.5 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 3.71 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-3 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 Quota, 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.
Chairperson and Members
Commission on Water Resource Management
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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 Kapuaikoaul 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.
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Commission on Water Resource Management  
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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,

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
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

Meyer, Inc. #1 Well (Well No. 0354-01)
Kapuaokoolau, Molokai, TMK:5-5-1:11
NA

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

Meyer, Inc. #2 Well (Well No. 0354-02)
Kapuaokoolau, Molokai, TMK:5-5-1:11
1975
4 in.

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

Meyer, Inc. #4 Well (Well No. 0354-04)
Kapuaokoolau, Molokai, TMK:5-5-1:12
NA

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

Well #3 (Well No. 0354-03)
Kapuaokoolau, Molokai, TMK:5-5-1:12
NA

ATTACHMENT A
Chairperson and Members  
Commission on Water Resource Management  

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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:

ATTACHMENT A
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)

ATTACHMENT B
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Commission on Water Resource Management  
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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.
## Water Use Permit Application Notice Status Report

**04/05/94**

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<td><strong>Aquifer System: KAWELA</strong></td>
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<td>0354-01</td>
<td>MEYER INC. #1</td>
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<td>07/16/93</td>
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</tbody>
</table>

Total of Applications: 0.345

**MOLOKAI** has 0.345 in total Applications.

**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 Moloka'i 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
KAWELE AND WAIKOLOU 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

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

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
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.

LN:ky
Attachments

Response: Contact person: Brian Misrae

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

Signed: [Signature]

Date: [Signature]
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: 218-5352  

( ) 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


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

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

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: 【REDACTED】 Phone: 【REDACTED】

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

Signed: 【REDACTED】 Date: SEP 14, 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 08. 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]

Response: Contact person: ELEN KRAFTOW 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
September 23, 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

81:gh1:k
Attachment
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 051. 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: Steve Tagama Phone: 587-0385

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

Signed: Date: 9/10/93
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

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: 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:

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<th>Applicant Name</th>
<th>Water Mgt. Area</th>
<th>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>
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</tr>
<tr>
<td>Henry Meyer</td>
<td>Kawela</td>
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<tr>
<td>T.T. Meyer</td>
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<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.M. Hee  
Chairperson

LM:sk
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 038. 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: 9/7/93
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
   Office of Conservation and Environmental Affairs
   Office of Conservation and Environmental Affairs
   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 059. 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: 16/13
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. 0364-02 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: 9/19/93
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: ____________
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.
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: ___________
MEMORANDUM

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: 587-0290

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

Signed: Date: 8/31/93
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.
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, Kapuaokolau, 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:  Kapuaokolau, 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, Kapuaokolau, 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:  Kapuaokolau, 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, Kapuaokolau, 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:  Kapuaokolau, 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: 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 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

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

**APPLICATION FOR WATER USE PERMIT**

- **Ground Water** or  
- **Surface Water**

#### Instructions:
- Please print in ink or type and send completed application with attached map to the Commission on Water Resource Management, P.O. Box 5081, Honolulu, Hawai‘i 96856. Application must be accompanied by a non-refundable filing fee of $25.00 payable to the State of Hawai‘i, Department of Land and Natural Resources. The Commission may not accept incomplete applications. For assistance, call the Regulation Branch at 567-2025.

#### 1. **APPLICANT**
- **Name:** Wayne Meyer  
- **Address:** D.W. Box USF  
- **City:** Honolulu  
- **State:** HI  
- **Zip Code:** 96821

#### 2. **WATER MANAGEMENT AREA:**  
- **Area:** Kauai  
- **Island:** Molokai

#### 3. **EXISTING SOURCE NAME AND STATE NUMBER:**  
- **Name:** Wayne Meyer  
- **Number:** 0359-04

#### 4. **SOURCE LOCATION:**  
- **Address:** Kapaa, Kauai  
- **Map Key:** 255-1-12

#### 5. **SOURCE TYPE:**
- **Check one:** Stream  
- **Basal  
- **Olive-confirmed  
- **Perched  
- **Caprock

#### 6. **METHOD OF TAKING WATER:**
- **Check one:** Artesian Flow  
- **Well & 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:**
  - **Address:** Kapaa, Kauai  
  - **Map Key:** 255-1-12
  - **City:** Honolulu  
  - **State:** HI  
  - **Zip Code:** 96821
  - **County:** Kauai  
  - **Town:** Kauai  
  - **Approx. Location:**
    - **WATER:**  
    - **TAKING:**

#### 8. **QUANTITY OF WATER REQUESTED:**
- **10,000 gallons per day**

#### 9. **METHOD OF MEASUREMENT:**
- **Flowmeter  
- **Open-pipe  
- **Wair  
- **Other (explain):**

#### 10. **QUALITY OF WATER REQUESTED:**
- **Fresh  
- **Brackish  
- **Salt  
- **Potable  
- **Non-Potable

#### 11. **PROPOSED USE:**
- **Check one:** Municipal (including hotels, stores, etc.)  
- **Domestic (individual, noncommercial, etc.)  
- **Irrigation  
- **Industrial  
- **Military  
- **Other (explain):**

#### 12. **NUMBER AND TYPE OF UNITS TO BE SERVED:**
- **1 house**

#### 13. **TOTAL ACRES PROPOSED FOR IRRIGATION AND TYPE OF CROP:**
- **2.71 Heliotropia (acres)**

#### 14. **PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION:**
- **12:00 PM**

#### 15. **APPLICANT MUST BRIEFLY DESCRIBE FOLLOWING POTENTIAL RESTRICTIONS ON USE:**
- **(a) Impact on Sustainable yield (question):**
  - **NONE**
- **(b) Permanent or Interim: Instream Flow Standards affected (question):**
  - **NONE**
- **(c) Hawaiian Home Land uses affected (question):**
  - **NONE**
- **(d) Other existing legal uses affected (question):**
  - **NONE**
- **(e) Other:**

#### 16. **REMARKS, EXPLANATIONS:**
- **No public water source of any kind**

---

**For Official Use Only:**
- **Hydrologic Unit No.:**
- **Diversion Works No.:**
- **State Well No.:**

**Notice Dates:**
- **Public:**
- **Mayor:**
- **BWS:**
- **Mail List:**
- **Bulletin:**
- **Public Hearing:**

- **Date:**

---

**Applicant (print):** Wayne Meyer  
**Signature:** Wayne Meyer  
**Date:** 7-12-93

**Landowner (print):**
**Signature:** Wayne Meyer  
**Date:** 7-12-93

---

**NOTE:** Signing below indicates that the applicant understands that, if a water use permit is granted by the Commission on Water Resource Management, a permit is subject to prior existing permitted uses, changes in sustainable yields and instream flow standards, reserved uses as defined by the Commission, and Hawaiian Home Lands future uses. In addition, applicant understands that, upon permit approval, water storage plan must be submitted should the Commissions require one.
NOTE: Base map, hydrogeologic units and contoured data were adapted from U.S. Geological Survey, Hawaiian Islands, 1976.

FIGURE 1
ISLANDS OF MOLOKAI
GROUND WATER RESOURCES

Mapped, edited, and plotted by the Geological Survey
Control by USGS, USGS, and Hawaiian State Survey
WATER USE PERMIT NO. 300

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

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>P.O. Box 454</td>
</tr>
<tr>
<td></td>
<td>Kaunakakai, HI 96748</td>
</tr>
<tr>
<td>Landowner of Source:</td>
<td>T.T. Meyer, Inc.</td>
</tr>
<tr>
<td></td>
<td>P.O. Box 454</td>
</tr>
<tr>
<td></td>
<td>Kaunakakai, HI 96748</td>
</tr>
<tr>
<td>Permitted Withdrawal Rate:</td>
<td>0.005 mgd (Based upon a 12-month moving average)</td>
</tr>
<tr>
<td>Water Management Area:</td>
<td>Kawela</td>
</tr>
<tr>
<td>Island:</td>
<td>Molokai</td>
</tr>
<tr>
<td>Aquifer Sector/System:</td>
<td>Southeast/Kawela</td>
</tr>
<tr>
<td>System Sustainable Yield:</td>
<td>5 mgd</td>
</tr>
<tr>
<td>Water Type:</td>
<td>Brackish</td>
</tr>
<tr>
<td>Original CWRM Date:</td>
<td>April 14th, 1994</td>
</tr>
<tr>
<td>Standard Conditions:</td>
<td>1-11, 13-14, 16-17, 20-23</td>
</tr>
<tr>
<td>Special Conditions:</td>
<td>5</td>
</tr>
</tbody>
</table>

Water Source

| State Well Number(s): | 0354-04 |
| Well Name: | Meyer Inc. #4 |
| Water Source TMK Number(s): | 2nd Division, 5-5-001:012 |
| State Land Use Classification(s): | Agriculture |
| County Zoning Classification(s): | AG |
| Geographical Coordinates: | Latitude 21° 03' 24.0" North |
|                           | Longitude 156° 54' 37.0" West |

End Use

| End Use TMK Number(s): | 2nd Division, 5-5-001:012 |
| State Land Use Classification(s): | Agriculture |
| County Zoning Classification(s): | AG |
Beneficial Use Explanation: Supply 1 home and irrigate 2.17 acres of heliconia and ti

Background Information
Water Use Permit 300 was approved during the April 14th, 1994 Commission on Water Resource Management meeting. There are no monthly water use reports on file for State Well No. 0354-04. 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, flow meter installation and functionality were documented, and property TMK information was verified. The wellhead, its related appurtenances, and water usage area were visually inspected to assess compliance with permit conditions. Visual inspection of water loss/waste was limited to outdoor areas within the usage boundary. 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. 300
State Well No 0354-04 is believed to be formerly located on TMK parcel (2) 5-5-001:012 at 21° 03’ 24.0” N, 156° 54’ 37.0” W. During the field investigation, the permittee advised that this well was filled in during a family gathering to prevent any well-related accidents from happening.
Brown and Caldwell attempted to locate the former location of the well head with the assistance of the permittee, but was unsuccessful. Reference the Appendix for photographs of the area where the well is suspected to have been located.

The following are a list of standard condition(s) that the permittee is found to be in non-compliance with:
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 the well has been capped, the permittee is still required to report zero usage to maintain permit compliance. Since the permittee has not bee doing so, they are 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.
- Look into revoking WUP 300 since State Well No. 0354-04 is no longer in existence
20-Year Water Use Permit Review
Water Use Permit No. 300

APPENDIX

Field Investigation Photographs
Figure 1 – Suspected former vicinity of State Well No. 0354-04
**Water Use Permit Survey**

(Please complete one survey form for each WUP)

WUP Number: 300
Well Number(s): 0354-04

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

Name: [REDACTED]
Phone (for phone interview): (808) 533-0226
Fax:
Email: ____________________________
Best time to reach for phone interview: Between 8:00 & Noon

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

Address: P.O. Box 157
City: Kauai
State: Hawaii
Zip: 96748

Well Location TMK (list all if multiple wells present): (2) 5-5-01:12
Water Use TMK (list all if used on multiple lots): (2) 5-5-01:12

**Water Use/Well Information:**

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is the water source currently in use?</td>
<td>☑️</td>
<td></td>
</tr>
<tr>
<td>If no, please explain:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

What are you currently using the water for? (example: "Use for 45 acres of diversified agriculture and 3 residences"): Home - Coconut Trees / Hele CANIB / 1/4 (06/03)

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is a flow meter installed and working properly?</td>
<td>☑️</td>
<td></td>
</tr>
<tr>
<td>If no, please explain:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do you submit monthly water use reports to the State?</td>
<td>☑️</td>
<td></td>
</tr>
<tr>
<td>If no, please explain:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**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.

<table>
<thead>
<tr>
<th>Option #1</th>
<th>Date (M-F): MON</th>
<th>Time: 9:00 am</th>
<th>12:00 pm</th>
<th>3:00 pm</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option #2</td>
<td>Date (M-F): TUE</td>
<td>Time: 9:00 am</td>
<td>12:00 pm</td>
<td>3:00 pm</td>
</tr>
<tr>
<td>Option #3</td>
<td>Date (M-F): WED</td>
<td>Time: 9:00 am</td>
<td>12:00 pm</td>
<td>3:00 pm</td>
</tr>
</tbody>
</table>

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
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For Official Use Only

Received: 3/7/08
Information Updated: 3/27/08
Phone Interview Complete: ______________________

Notes/Comments: ________________________________
Phone Interview

WUP Number: 300 Well Number(s): 0354 - 041

Contact Name: Roxanne French / Scott French Phone Number: ________________

Attempt #1: Date/Time: __________________ Result: __________________

Attempt #2: Date/Time: __________________ Result: __________________

Well Location TMK(s): (2) S - 5 - 001 - 012

Water Use TMK(s): (2) S - 5 - 001 - 012

Water Source Address: P.O. Box 156 - Further details here

City: Kamakai Zip Code: 96748

Currently using water source? Yes ☐ No ☒

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

Notes/Comments: ____________________________________________________________

How long have you been using this water source?: N/A

Has there been any rezoning of the water source/water use properties? Yes ☐ No ☒

Have you reported the rezoning to the State? Yes ☐ No ☐ N/A ☒

If no, explain: _________________________________________________________________

Scheduled field investigation day/time: 6/20/98 @ 1:00

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: R.J. Date: 6/4/98 Time: 9:00
Field Investigation Checklist

WUP Number: 300 Well Number(s): 035H-54

Water Source
Well Location TMK(s): (2) 5-5-001-012
Well Head GPS Coordinates: Latitude: Unknown Longitude: Unknown
Well Type: Capped / Covered
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) 5-5-001-012
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: No water use reports

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

General Notes/Comments:

Investigated By: M.S. /R.T Date: 6/20/09 Time: 1:00

Note: Well has been covered and former location is unknown.

Will use coordinates from city GIS:

21° 05' 24.0" N, 156° 54' 37.0" W (Accuracy Unknown)
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 Kamiloaloa-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 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 Waikele Farm's existing irrigation system.

140. The permittee shall file a completed application to modify WUP No. 758 to reduce the allocation by 0.100 mgd within 60 days. If a completed water use permit modification application is not received within 60 days from this submittal's date, then the subject water use permit application (WUPA No. 767) shall be deemed denied without prejudice without the need for another hearing.

141. The water withdrawn shall be for municipal use. No improvements to the existing sources are required as the existing source capacities are greater than the increase.
142. Water license must be determined through LM.

143. Proposed other uses will be considered at a later date.
Chairperson and Members
Commission on Water Resource Management
State of Hawaii
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. Same
   T.T. Meyer, Inc.
   P.O. Box 454
   Kaunakakai, HI 96748

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

3. (Well No. 0354-05) Henry R. Meyer Estate Same
   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 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 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 (DHH) 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. DHH 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,

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:
  - Elevation (msl = 0 ft.)
    - Water Level: NA ft.
    - Ground: 11 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:
  - Elevation (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:
  - Elevation (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: 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:
  - Elevation (msl = 0 ft.)

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ATTACHMENT A
Chairperson and Members  
Commission on Water Resource Management  

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

Total Depth:  
Grouted Annulus Depth:  
Pump Capacity  

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

Location:  
Casing Diameter:  

Year Drilled:  

Elevations (msl = 0 ft.)  

Water Level:  

Ground:  
Bottom of Solid Casing:  
Bottom of Perforated:  

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

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:
Nearby Similar Water Usage: NA gpd

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:
Nearby Similar Water Usage: NA gpd

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

November 24, 1993

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.)
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 within 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
gave to Kay 7/18/93
FIELD NOTES:

(1) Well 0354-04 (Kamalo-TT Meyer #4): √

1. Source: An unlined dug well with a 9 foot circular cross section, total depth 6-1/2 feet, and 5 feet of water. Water is withdrawn using a 3 hp gas motor with a 2-inch diameter PVC inlet and a 1-1/4 inch diameter PVC outlet pipe.

2. Use: The water is used to irrigate approximately 1/2 acre of lawn.

3. Quantity: The quantity used is not being measured. According to Mr. Meyer, if it doesn't rain, the area is irrigated daily for approximately 2 hours.

4. Location: Source and use, TMK: 5-5-1:12
   Using the GPS: latitude = 21 deg 03 min 36.1 sec N
   (Source location) longitude = 156 deg 54 min 47.2 sec W


6. Well index number 0354-04 (Kamalo-TT Meyer #4) will be assigned to this well.

7. Chloride Concentration: 550 ppm chlorides for a water sample taken by submerging a sample bottle in the well.
**PART I: USE OF WATER**

1. **Tax Map Key where the water is used:** 5.5.1.12. Does the declarant own this land? **No**. If not, who does? **IT MEYER INC.**

2. **What is the water used for?**
   - **IRRIGATION OF APPROX. 1/2 ACRE OF LAWN**
   - **DRINKING WATER**
   - **ACRE OF LAWN**

   If for irrigation, how many acres are being irrigated by crop type? **APPROXIMATELY**

   If for livestock, how many and what kind? ___________

   If for drinking, at how many houses? ___________ by how many people? **DRINKING WATER FROM WEL 0354-01 (SEE TT MEYER INC REPORT)**

3. **Is the quantity of water use 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)? **(NEW)**

**PART II: WATER SOURCE**

1. **Source #: 0354-04. Name: KOMALD-JT MEYER #1) (UNLINED)**

   - Types of sources include:
     1) Wells (drilled, dug, tunnel)
     2) Diversions (ditch, pipes, 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 takes 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)

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? **CIRCUIT DIA. 6 FT. PT TOTAL DEPTH. 5 PT WATER. DUG 1987.**

   - What is the capacity for taking (gpm)? **3 HP 240 MOTOR, PUMP CAPACITY UNKN**
   - How often is it taken (used)? **IF NOT IRRIGATING, IRRIGATE DAILY FOR 7-18**

3. **Tax Map Key at the source:** 5.5.1.12. Determine declarant's relation to source. Does the declarant:

   1) Operate and maintain the source? **Yes**. If not, who does? ___________
   2) Own the land at the source? **No**. If not, who does? **IT MEYER INC.**
   3) Use the water from this source? **Yes**. If not, who does? ___________
   4) Own the land where the water is being used? **No**
   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:** **STERLING CHOW**  **DATE:** **1-23-92**
Mr. Darryl Yagodich, representing the DHHL, presented testimony supporting additional water reservation from the Kualapuu Aquifer System for uses on Hawaiian home lands (see file).

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

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

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

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

Unanimously approved (Lewin/Ing).

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

Unanimously approved (Ing/Cox).

ITEM 5
CIBA SEEDS, APPLICATION FOR A WATER USE PERMIT, NAIWA WELL (WELL NO. 0705085), 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. 0795-05), 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 compiled 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).
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: T.T. Meyer, Inc.
P.O. Box 454
Kaunakakai, HI 96748

Landowner: Same

1. (Well Nos. 0354-01,02,03,04)
   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 3-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 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 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.

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 Kanukua 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. Schade
Deputy Director

APPROVED FOR SUBMITTAL:

Keith W. Ahue, Chairperson
WATER USE PERMIT DETAILED INFORMATION

Source Information

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<tr>
<th>AQUIFER:</th>
<th>Kawela System, Southeast Sector, Molokai</th>
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<tbody>
<tr>
<td>Sustainable Yield:</td>
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<td>Existing Water Use Permits:</td>
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<td>Available Allocation:</td>
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<td>Total of other pending allocations:</td>
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1a. WELL:

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<tr>
<th>Location:</th>
<th>Meyer, Inc. #1 Well (Well No. 0354-01)</th>
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<td>Year Drilled:</td>
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<td>Casing Diameter:</td>
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<tr>
<td>Elevations (msl = 0 ft.)</td>
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<tr>
<td>Water Level:</td>
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<tr>
<td>Ground:</td>
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</tr>
<tr>
<td>Bottom of Solid Casing:</td>
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<tr>
<td>Bottom of Perforated:</td>
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<tr>
<td>Bottom of Open Hole:</td>
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<tr>
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Pump Capacity

| | 20 gpm |

1b. WELL:

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Pump Capacity

| | NA gpm |

1c. WELL:

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<td>Ground:</td>
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Pump Capacity

| | NA gpm |

2. WELL:

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<tr>
<td>Casing Diameter:</td>
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<tr>
<td>Elevations (msl = 0 ft.)</td>
<td>NA in.</td>
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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

3. WELL:
Location: Henry’s Well (Well No. 0354-05)
Kapuaokoolau, Molokai, TMK:5-5-1:28

Elevations (msl = 0 ft.)
Water Level:
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

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

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)
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
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<th>WUPA NO</th>
<th>APPLICANT</th>
<th>WELL NO</th>
<th>WELL NAME</th>
<th>EXIST PROPOSED</th>
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<th>ACKNOWGD</th>
<th>ACCEPTED</th>
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</table>

|                | 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,

Edwin Isakada
RAE M. LOUI
Deputy Director

Attach.

APPROVED FOR SUBMITTAL:

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
KAWELE 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

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
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: Beman Miska

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

Signed: [signature]

Date: 9/30/93

Phone: [phone number]
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.

Contact person: Phone: ___11___

- 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

September 22, 1993

LOG NO:  9349
DOC NO:  9309AG23

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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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 09. 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.

Contact person: ELEN KRAFTOW  
Phone: 

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

Signed: 
Date:  

J:\ky
Attachments
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 homelands. 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: 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 055. 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: Steve Tagama 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 CDUPs for this well. A CDUA may be required for this well. We suggest that additional information be provided to determine possible CDUA requirments.

Signed: 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</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.M. Hee  
Chairperson

LM:sk
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
    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
Nos. 0354-02 to 03. 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: Henry [Signature] Date: 9/7/93
MEMORANDUM

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

FROM:          Henry Sakuda, Administrator
                Division of Aquatic Resources

SUBJECT:       Comments on water use permit applications for T.T. Meyer, Inc., Wayne
                Meyer, and the Henry R. Meyer Estate for Well Nos. 0354-02, 0354-03,
                0354-04, and 0354-05 in the Kawela Ground Water Management Area,
                Molokai

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.
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
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: 9/1/93

DOFAW HAS NO COMMENTS OR OBJECTIONS TO THE PROPOSED REQUEST.

1993 A0031 P321
RECEIVED
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
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: 9/30/93
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
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: __________
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.
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 054. 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

REF: WRM-KY

AUG 31 1993

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: kky
Attachments

Response: Contact person: 5870274 Phone: 5870274

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

Signed: 8/31/93 Date: 8/31/93
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,

[Signature]

RAE M. LOUI  
Deputy Director

LN:ky  
Encl.
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

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

Sincerely,

[Signature]

RAE M. LOUI
Deputy Director
## APPLICATION FOR WATER USE PERMIT

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

### Ground Water or □ Surface Water

---

1. **(a) APPLICANT**
   - **Name**: Wayne Meyer
   - **Address**: P.O. Box 1321, Kahului, HI 96732
   - **Contact Person**: Wayne Meyer

2. **WATER MANAGEMENT AREA**
   - **Area**: Maui
   - **Island**: Molokai

3. **(a) EXISTING SOURCE NAME AND STATE NUMBER**: T.T. Meyer, Inc.
   - **(b) PROPOSED (NEW) SOURCE NAME**: Wayne's Well

4. **SOURCE LOCATION**
   - **Address**: Kapueokoolau
   - **Tax Map Key**: 15-1-12
   - **Area**: Maui
   - **Island**: Molokai

5. **SOURCE TYPE**
   - **(check one)**: Stream, Waterfall, Perched, Dike

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

7. **LOCATION OF PROPOSED WATER USE**
   - **(a) Address**: Kapueokoolau
   - **(b) Land Use District (check one)**: Urban, Agriculture, Other
   - **(c) County Zoning (describe)**: Agricultural zone

8. **QUANTITY OF WATER REQUESTED**: 10,000 gallons per day

9. **METHOD OF MEASUREMENT**
   - **Flowmeter**, **Open-pipe**, **Weir**, **Orifice**, **Other (explain)**

10. **QUALITY OF WATER REQUESTED**
    - **Fresh**, **Brackish**, **Salt**, **Potable**, **Non-Potable**

11. **PROPOSED USE**
    - **Municipal** (including hotels, stores, etc.), **Domestic** (individual), **Irrigation**

12. **NUMBER AND TYPE OF UNITS TO BE SERVED (explain)**
    - 1 house

13. **TOTAL ACRES PROPOSED FOR IRRIGATION AND TYPE OF CROP**
    - **2.71** Hectare
    - **(acres)**

14. **PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION**: 1-12 noon

15. **APPLICANT MUST BRIEFLY DESCRIBE FOLLOWING POTENTIAL RESTRICTIONS ON USE**
    - **(a) Impact on Sustainable yield (acres)**
    - **(b) Permanant or Interim**
    - **(c) Hawaiian Home Lands use affected**
    - **(d) Other existing legal uses affected**

16. **REMARKS, EXPLANATIONS**
    - No public water source of any kind
    - Pump to Febroc Cap

---

**NOTE**: Signing below indicates that the applicant understands that, if a water use permit is granted by the Commission on Water Resource Management, a permit is subject to prior existing permitted uses, changes in sustainable yields and instream flow standards, reserved uses as defined by the Commission, and Hawaiian Home Lands future uses. In addition, applicant understands that, upon permit approval, water storage plan must be submitted to the Department of Land and Natural Resources.

---

**Applicant (print)**
**Signature**: Wayne Meyer
**Date**: 7-12-93

**Landowner (print)**
**Signature**: Wayne Meyer
**Date**: 7-12-93

---

**For Official Use Only**
**Date Received**
**Date Accepted**
**Water Use No.**
**Hydrologic Unit No.**
**Diversion Works No.**
**State Well No.**

**Notice Dates**
**Public**
**Mayor**
**BWS**
**Mail List**
**Bulletin**

---

**5/24/92 WURA Form**
WATER USE PERMIT NO. 300

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: 0.005 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): 0354-04
Well Name: Meyer Inc. #4
Water Source TMK Number(s): 2nd Division, 5-5-001:012
State Land Use Classification(s): Agriculture
County Zoning Classification(s): AG
Geographical Coordinates: Latitude 21° 03' 24.0" North
Longitude 156° 54' 37.0" West

End Use

End Use TMK Number(s): 2nd Division, 5-5-001:012
State Land Use Classification(s): Agriculture
County Zoning Classification(s): AG
Beneficial Use Explanation: Supply 1 home and irrigate 2.17 acres of heliconia and ti

Background Information

Water Use Permit 300 was approved during the April 14th, 1994 Commission on Water Resource Management meeting. There are no monthly water use reports on file for State Well No. 0354-04. 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, flow meter installation and functionality were documented, and property TMK information was verified. The wellhead, its related appurtenances, and water usage area were visually inspected to assess compliance with permit conditions. Visual inspection of water loss/waste was limited to outdoor areas within the usage boundary. 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. 300

State Well No 0354-04 is believed to be formerly located on TMK parcel (2) 5-5-001:012 at 21° 03' 24.0" N, 156° 54' 37.0" W. During the field investigation, the permittee advised that this well was filled in during a family gathering to prevent any well-related accidents from happening. Brown and Caldwell attempted to locate the former location of the well head with the assistance of the permittee, but was unsuccessful. Reference the Appendix for photographs of the area where the well is suspected to have been located.

The following are a list of standard condition(s) that the permittee is found to be in non-compliance with:
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 the well has been capped, the permittee is still required to report zero usage to maintain permit compliance. Since the permittee has not been doing so, they are 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.
- Look into revoking WUP 300 since State Well No. 0354-04 is no longer in existence.
20-Year Water Use Permit Review
Water Use Permit No. 300

APPENDIX

Field Investigation Photographs
Figure 1 – Suspected former vicinity of State Well No. 0354-04
Water Use Permit Survey
(Please complete one survey form for each WUP)

WUP Number: 300
Well Number(s): 0354-04

Contact Information (of the person who will be present at site visit):
Name: ____________________________
Phone (for phone interview): _________ Fax: _______________________
Email: ____________________________
Best time to reach for phone interview: Between 8 am & Noon

Property Information (of the water use/well location):
Address: P.O. Box 156
City: Kaunakakai, Hawaii Zip: 96748
Well Location TMK (list all if multiple wells present): (2) 5-5-01:12
Water Use TMK (list all if used on multiple lots): (2) 5-5-01:12

Water Use/Well Information:
Is the water source currently in use? Yes [x] No [ ]
If no, please explain: ________________________________

What are you currently using the water for? (example: “Use for 45 acres of diversified agriculture and 3 residences”): HOME - COCONUT TREES / NEW CONCRETE / 1 (Farms)

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

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

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): __________ Time: 9:00 am [x] 12:00 pm [ ] 3:00 pm [ ]
Option #2 Date (M-F): __________ Time: 9:00 am [x] 12:00 pm [ ] 3:00 pm [ ]
Option #3 Date (M-F): __________ 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@brwcald.com

For Official Use Only
Received: 3/7/08 Information Updated: 3/27/08 Phone Interview Complete: ____________________________
Notes/Comments: ________________________________
Phone Interview

WUP Number: ___300___  Well Number(s): 0354 - 0H

WUP Name: Boxone French/Scott French  Phone Number: blank

Contact Name:  

Well Number(s): blank

Attempt #1: Date/Time: ___________________________  Result: ___________________________

Attempt #2: Date/Time: ___________________________  Result: ___________________________

Well Location TMK(s): (2) 5.5 - 001.012

Water Use TMK(s): (2) 5.5 - 001.012

Water Source Address: P.O. Box 156  - Please fill in this address

City: Kamakiki  #1  Zip Code: 96748

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?: N/A

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

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: R.J.  Date: 6/4/08  Time: 9:00
# Field Investigation Checklist

**WUP Number:** 300  
**Well Number(s):** 0354-54

## Water Source

<table>
<thead>
<tr>
<th>Field</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Well Location TMK(s):</td>
<td>(2) 5-5-001.012</td>
</tr>
</tbody>
</table>
| Well Head GPS Coordinates: | Latitude: Unknown  
Longitude: Unknown |
| Well Type: | Capped / Caved |

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

Notes/Comments:

---

Is there a flow meter installed?  
Yes [ ]  
No [X]

Notes/Comments:

---

Is the flow meter operational?  
Yes [ ]  
No [X]

Notes/Comments:

---

## Water Use

**Water Use TMK(s):** (2) 5-5-001.012

What is the water being used for?  
**Not in use**

---

Is the water being used within the permitted boundaries?  
Yes [ ]  
No [X]

If no, explain:  

---

Is there any observed wasting of water or water loss?  
Yes [ ]  
No [X]

If no, explain:  

---

Are the permit conditions being complied with?  
Yes [ ]  
No [X]

If no, explain:  

---

## Other

**Photographs of:**  
- Water Source [X]  
- Water Meter [ ]  
- Usage Area [ ]  
- Pump/Motor [ ]

General Notes/Comments:

- Well has been covered and former location is unknown.
- Well coordinates from City GIS:  
  - 21°05'24.0"N, 156°54'37.0"W (Accuracy Unknown)

---

Investigated By: M.S. / P.T  
Date: 6/20/08  
Time: 1:00
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 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 Waikele Farm’s existing irrigation system.

140. The permittee shall file a completed application to modify WUP No. 758 to reduce the allocation by 0.100 mgd within 60 days. If a completed water use permit modification application is not received within 60 days from this submittal’s date, then the subject water use permit application (WUPA No. 767) shall be deemed denied without prejudice without the need for another hearing.

141. The water withdrawn shall be for municipal use. No improvements to the existing sources are required as the existing source capacities are greater than the increase.
142. Water license must be determined through LM.

143. Proposed other uses will be considered at a later date.
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

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 product 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 39,900 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 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 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 Ishida
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: Meyer, Inc. #1 Well (Well No. 0354-01) Kapuaokoolau, Molokai, TMK:5-5-1:11

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1b. WELL: Meyer, Inc. #2 Well (Well No. 0354-02) Kapuaokoolau, Molokai, TMK:5-5-1:11

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1c. WELL: Meyer, Inc. #4 Well (Well No. 0354-04) Kapuaokoolau, Molokai, TMK:5-5-1:12

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2. WELL: Well #3 (Well No. 0354-03) Kapuaokoolau, Molokai, TMK:5-5-1:12

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ATTACHMENT A
Chairperson and Members
Commission on Water Resource Management

April 14, 1994

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

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

Total Depth:
Grouted Annulus Depth:

Pump Capacity

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

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

NA ft.
NA ft.
NA ft.
NA ft.
NA ft.
NA ft.

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
Objections

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)
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.

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

months from the date the water use permit is approved.
State of Hawai'i-DLNR
Commission on Water Resource Management
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.)
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 within 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,

Ottina Meyer Paoa

(Mrs.) Ottina Meyer Paoa

cc: Keith Ahue
gave to Kay 4/18/93
FIELD NOTES:

(1) Well 0354-04 (Kamalo-TT Meyer #4): ✓

1. Source: An unlined dug well with a 9 foot circular cross section, total depth 6-1/2 feet, and 5 feet of water. Water is withdrawn using a 3 hp gas motor with a 2-inch diameter PVC inlet and a 1-1/4 inch diameter PVC outlet pipe.

2. Use: The water is used to irrigate approximately 1/2 acre of lawn.

3. Quantity: The quantity used is not being measured. According to Mr. Meyer, if it doesn't rain, the area is irrigated daily for approximately 2 hours.

4. Location: Source and use, TMK: 5-5-1:12
   Using the GPS: latitude = 21 deg 03 min 36.1 sec N
   (Source location) longitude = 156 deg 54 min 47.2 sec W


6. Well index number 0354-04 (Kamalo-TT Meyer #4) will be assigned to this well.

7. Chloride Concentration: 550 ppm chlorides for a water sample taken by submerging a sample bottle in the well.
FIELD INSPECTION INFORMATION CHECKLIST (Ver. 4/3/91)

PART I: USE OF WATER

Declarant's File Reference: MEYER DW

1. Tax Map Key where the water is used: 5.5.1.12. Does the declarant own this land? No.  If not, who does? TT MEYER INC.

2. What is the water used for? Irrigation or Approx. % Use of Lawn

If for irrigation, how many acres are being irrigated by crop type? Approximately

If for livestock, how many and what kind?

If for drinking, at how many houses?

5. Is the quantity of water use being measured? No. If yes, document the location of the measurement place and method of measurement, also get use records if these were not submitted previously.

4. If this person take 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 #: 0354-04 Name: KAMALDI-TE MEYER #4

1. Where does the water come from / what kind of source is this? Dug Well, 9 ft cemented DIA, 6 ft. PT total depth, 5 ft well. Dug 1987.

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) Irrigation (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? [Lot: 21, 80° 38.1' W, Lon: 156° 54.4' 17.2. N]

What is the capacity for taking (gpm)? 3 hp 680 motor. Pump capacity unknown.

How often is it taken (used)? If not training, irrigate daily for 2 hrs.

3. Tax Map Key at the source: 5.5.1.12. Determine declarant's relation to source. Does the declarant?

1) Operate and maintain the source? Yes. If not, who does?
2) Own the land at the source? No. If not, who does? TT MEYER INC.
3) Use the water from this source? Yes. If not, who does?
4) Own the land where the water is being used? No.
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: STEERLING CHOW DATE: 1-23-92