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

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

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

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

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

Unanimously approved (Lewin/Ing).

**ITEM 4**

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

Unanimously approved (Ing/Cox).

**ITEM 5**

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

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

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

Unanimously approved (Cox/Ing).

**ITEM 6**

**KUKUI (MOLOKAI), INC. APPLICATION FOR A WATER USE PERMIT, NAIWA WELL (WELL NO. 0705-05), KUALAPUU GROUND WATER MANAGEMENT AREA, MOLOKAI**

Ms. Nakama presented amended recommendations for Commission action. After discussions the following was recommended:
1. That the Commission find that there was just cause for the applicant's failure to file within the specified one-year period, and that this late filing of a water use permit application be allowed.

2. That the Commission approve the issuance of an interim water use permit to Kukui (Molokai), Inc. for the reasonable and beneficial use of 928,000 gallons per day of potable water for municipal, domestic, and irrigation uses at the Kaluakoi Resort Hotel, condominiums, residences, and golf course from Well #17 (Well No. 0901-01), subject to the standard water use permit conditions listed in Attachment B and the following special conditions:

   a. The applicant may continue this existing use within the levels approved by the Commission, and the actual issuance of the permit document shall not be a reason to interrupt the approved level of use.

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

   c. Upon completion of a new transmission line for the transport of the water used by Well #17, the permitted use of Well #17 shall be reduced by 10% to 918,800 gallons per day.

3. That the Commission defer action on the remaining observed usage of 240,200 gallons per day, for a period not to exceed 90 days, pending the following:

   a. Justification for additional allocation for existing uses in excess of 918,800 gallons per day.

   b. Development of a conservation plan or program that shall address, but not be limited to, the following:

      (1) Identifying and using efficient plants and drought tolerant plants for landscaping and quantifying their demands (xeriscape).

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

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

5. Defer other requests for future uses.

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

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

Additional testimonies were heard for informational purposes only.

Unanimously approved for deferral (Cox/Nakata).

ITEM 7
APPLICATIONS FOR WATER USE PERMITS, KAWELA GROUND WATER MANAGEMENT AREA, MOLOKAI

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

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

Unanimously approved as amended (Ing/Lewin).

ITEM 8
LOKO I'A KALO AFTER-THE-FACT APPLICATION FOR STREAM CHANNEL ALTERATION PERMIT, STREAM DIVERSION WORKS PERMIT, AND AMENDMENT TO THE INTERIM INSTREAM FLOW STANDARD, HONOLULUWAI 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:

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

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

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

Landowner:

Same

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

Same

Background

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

Analysis & Issues

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

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

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

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

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

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

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

(1) Water availability - Although pending applications for existing uses reflect a total draft rate of 1.72 million gallons per day (mgd), the latest 12-month moving average of actual recorded water usage suggests that existing withdrawals may be less than 0.6 mgd. Staff finds that this is a more reasonable estimate of existing uses in the aquifer. The satisfaction of all reasonable and beneficial existing uses is therefore expected to require less than 15% of the total sustainable yield. An increase of about 3-4% in use at the major developments is projected through the year 2010. By this analysis, over 80% of the system’s sustainable yield remains available for other pending permits for continued existing uses and for new uses on lands that are currently undeveloped.

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

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

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

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

2
1. 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 Kapauokoolau 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,

[Signature]

RAE M. LOUI
Deputy Director

APPROVED FOR SUBMITTAL:

[Signature]

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: NA
Elevations (msl = 0 ft.)
Water Level: NA in.
Ground: NA ft.
Bottom of Solid Casing: 11 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
Year Drilled: 1975
Casing Diameter: 4 in.
Elevations (msl = 0 ft.)
Water Level: 2.7 ft.
Ground: 11 ft.
Bottom of Solid Casing: NA ft.
Bottom of Perforated: -11 ft.
Bottom of Open Hole: -16 ft.
Total Depth: 15 ft.
Grouted Annulus Depth: NA ft.
Pump Capacity: NA gpm

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

Total Depth:
Grouted Annulus Depth:

Pump Capacity

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

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

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

ATTACHMENT A
Chairperson and Members  
Commission on Water Resource Management  
Place of Water Use: Kapuaokoolau, Molokai at TMK: 5-5-1:12  
Reported Water Usage: NA gpd  
Nearby Similar Water Usage: NA gpd  

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

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

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

Nearby Surrounding Wells and Other Registered Ground Water Use  

There are 3 other wells within a mile of these wells (see Exhibit 2). Possibly all of these wells are currently in use. Information from the registration program indicates there are possibly 35 existing wells in the Kawela Aquifer System. The 1992 Draft of the Maui Water Use and Development Plan, Island of Molokai estimated that the existing withdrawals from the Kawela Aquifer System is 0.31 mgd as of 1990. The Final Report of the Molokai Working Group Estimated the actual use from the Kawela Aquifer System to be 0.76 mgd.  

Public Notice  

In accordance with HAR §13-171-17, a public notice was published in the Star-Bulletin on the dates indicated in Exhibit 1 and copies of the notice were sent to the Mayor’s office and the Board of Water Supply. Additional notice copies were sent to the County Council and Department of Water Supply. Copies of the completed application were sent to the Department of Health, Department of Hawaiian Home Lands, Office of Hawaiian Affairs, Aquatic Resources & Historic Preservation Divisions of the Department of Land and Natural Resources, and other interested parties for comments. Written comments and objections to the proposed permit were to be submitted to the Commission by the dates indicated on Exhibit 1.  

Objections  

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

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

ATTACHMENT A
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 Commissions'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

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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.
Aquifer System: KAWELA

<table>
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<th>APPLICANT</th>
<th>WELL NO</th>
<th>WELL NAME</th>
<th>EXIST</th>
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<th>PUBLIC 1 NOTICE</th>
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5 Applications Totaling 0.345

MOLOKAI HAS 5 Applications Totaling 0.345

STATEWIDE THERE ARE 5 APPLICATIONS TOTALING 0.345
Staff finds that the proposed permits for existing uses should not violate any of these recommendations made by the Molokai Working Group. No objections have been filed with the Commission.

RECOMMENDATION

Staff recommends:

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

2. That the Commission approve the issuance of an interim water use permit to T.T. Meyer, Inc. for the reasonable and beneficial use of 28,800 gallons per day of brackish water for the domestic needs 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 Kanukaawa 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. Henry Meyer  
P.O. Box 454  
Kaunakakai, HI 96748

Dear Mr. Meyer:

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

The Commission on Water Resource Management will be acting on your water use permit application for Henry’s Well (Well No. 0354-05) 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,

[Signature]

RAE M. LOUI  
Deputy Director

LN:fc  
Attach.
NOTICE OF PUBLIC HEARING
for
WATER USE PERMITS APPLICATIONS
KAWELA AND WAIKOLU GROUND WATER MANAGEMENT AREAS, MOLOKAI

The Commission on Water Resource Management will be holding a
de 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 96713

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

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

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

DW3 (Well No. 0456-06)
DW2 (Well No. 0456-08)
DW1 (Well No. 0456-09)

Applicant: Kawela Plantation Homeowners Association
P.O. Box 698
Kaunakakai, HI 96748

Date Completed Application Received: January 21, 1993

Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: DW3, DW2, DW1 Wells, Well Nos. 0456-06, 0456-08, 0456-09, at Kawela, Molokai, Tax Map Key: 5-4-14:17

Quantity Requested: 300,000 gallons per day
Existing Water Use: Domestic use for 210 agricultural units
Place of Water Use: Kawela Plantation 1, 2, & 3, Tax map Key: 5-4-14:various

AG #1 (Well No. 0457-04)

Applicant: Kawela Plantation Homeowners Association
P.O. Box 698
Kaunakakai, HI 96748

Date Completed Application Received: January 21, 1993

Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: AG #1 Well, Well No. 0457-04, at Kawela, Molokai, Tax Map Key: 5-4-15:33

Quantity Requested: 225,000 gallons per day
Existing Water Use: Irrigation of 300 acres over 139 lots
Place of Water Use: Kawela Plantation 2 & 3, Tax map Key: 5-4-15:various

Johnson Well (Well No. 0456-01)

Applicant: R.M. Granger
P.O. Box 371
Kaunakakai, HI 96748

Date Completed Application Received: July 6, 1993

Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: Johnson Well, Well No. 0456-01, near Kakahaia Pond, Molokai at Tax Map Key: 5-4-1:11

Quantity Requested: 25,000 gallons per day.
Existing Water Use: Irrigation of 4 acres of pasture & corn
Place of Water Use: Near Kakahaia Pond at Tax Map Key: 5-4-1:11

Kawela-Iaea #3 (Well No. 0456-16)

Applicant: John Wm. Iaea, Sr.
P.O. Box 405
Kaunakakai, HI 96748

Date Completed Application Received: July 1, 1993

Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: Kawela-Iaea #3 Well, Well No. 0456-16, at Kawela, Molokai, at Tax Map Key: 5-4-1:52

Quantity Requested: 1,000 gallons per day.
Existing Water Use: Domestic supply for 3 homes and irrigation of 2 acres of flowers
Place of Water Use: Kawela. Molokai at Tax Map Key: 5-4-1:52

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

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

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

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

COMMISSION ON WATER RESOURCE MANAGEMENT

KEITH W. AHUE, CHAIRPERSON

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

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

Dated: OCT 4 1993

October 14, 1993

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

Dear Mr. Ahue:

Withdrawal of Objections

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

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

Warmest aloha,

Hoaliku L. Drake, Chairman
Hawaiian Homes Commission

HLD:BH:ci/1608L.77
MEMORANDUM

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

FROM: Rae M. Loui, Deputy Director

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

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

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

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

Response: Contact person: Phone:

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

Signed:  

Date:
MEMORANDUM

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

ATTN: Mr. William Tam, Deputy Attorney General

FROM: Rae M. Loui, Deputy Director

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

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

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

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

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

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

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

Please provide the following information:

1. NAME: Wilma Kamakana Grambusch  PHONE: [Redacted]

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

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

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

5. SUBJECT MATTER: Objection to water permit applications

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

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

8. WHAT STATUTORY OR OTHER RIGHT OF YOURS IS BEING AFFECTED?
   Applicant's use will interfere with standard water use permit conditions 3(c) and 3(g) "existing legal right" to use water by members of the Kalamaula Homestead Association, including petitioner. (see Petition for Contested Proceeding 9/15/93 and letter of 9/13/93)

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

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

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

10. WHAT IS YOUR SPECIFIC DISAGREEMENT REGARDING THIS ISSUE?

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

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

(for individual permit objections see attached Petition)

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

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

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

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

Mrs. Wilma Kamakana Hambusch

Petitioner
TAX MAP KEYS

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

Iaea and Granger

as above plus

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

Curtis and Hawaiian Research

all Keys referenced above
BEFORE THE COMMISSION ON WATER RESOURCES MANAGEMENT
STATE OF HAWAII

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

) Petition for Contested Proceeding on Applicants' Request for Water Permits
) Certificate of Service

PETITION TO INTERVENE

AND

CERTIFICATE OF SERVICE

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

STATE OF HAWAII

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

Petition for Contested Proceeding on Applicants' Request for Water Permits
Certificate of Service

PETITION TO INTERVENE

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

I. NATURE OF PETITIONERS STANDING AND STATUTORY OR OTHER RIGHT

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

II. REASONS FOR REJECTION OF PETITIONER'S REQUEST
1. THE NUMBER OF APPLICATIONS FOR GROUNDWATER FOR THE KAWELA AQUIFER REQUIRE DEFERRING THE ISSUANCE OF ANY PERMITS UNTIL ALL INFORMATION CAN BE OBTAINED.

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

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

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

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

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

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

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

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

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

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

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

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

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

II. PETITIONER GRAMBUCIS INTEREST WILL NOT BE REPRESENTED BY OTHER PARTIES

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

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

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

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

VII. PRAYER FOR RELIEF

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

Dated: Molokai, Hawaii, September 14, 1993

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

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

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

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

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

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

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

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

Dated: September 15, 1993, Kaunkakai, Hi,

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

September 13, 1993

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

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

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

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

II. Specific Objections to Applications:

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

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

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

b. Item 9 --

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

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

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

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

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

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

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

DATED: September 13, 1993. Honolulu, Hawaii

Yours,

Williamson B.C. Chang
Counsel for Objector, Kalamaualala Homestead Assn, Professor of Law, University of 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: Philip Osa

Phone: [Redacted]

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

Signed: [Signature]

Date: 10/1/93
MEMORANDUM

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

FROM: Don Hibbard, Administrator


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
          Kawaiaha'o Ground Water Management Area, Molokai

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

Response:

Contact person:  ELLIE KRAMER

Phone:  [Redacted]

[☑] We have no comments
[ ] We have no objections
[ ] Comments attached
[ ] Additional information requested
[ ] Extended review period requested

Signed:  [Signature]

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

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

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

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

Signed: Date: 09/14/93
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, 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:ghl:k  
Attachment
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: 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
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:  
Rac 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 05A. 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 suggest that additional information be provided to determine possible COUA require

Signed:  
Date: 9/10/93
The Honorable Keith W. Ahue  
State of Hawaii  
Department of Land and Natural Resources  
Commission of Water Resource Management  
P.O. Box 621  
Honolulu, Hawaii 96809  
Attn: Mr. Manabu Tagomori, Deputy  

Dear Mr. Ahue:  

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

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

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

Sincerely yours,

[Signature]

Clayton H.W. Hee  
Chairperson  

LM:sk
MEMORANDUM

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

FROM: Rae M. Loui, Deputy Director

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

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

Response: Contact person: ___________________________ Phone: ___________________________

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

Signed: ___________________________ Date: 9/7/93

LN:ky
Attachments
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.
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  
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LN:ky
Attachments
Response:  Contact person:  
( ) We have no comments  
( ) We have no objections  
( ) Comments attached  
( ) Additional information requested  
( ) Extended review period requested

Phone:  
Signed:  
Date:  

DOFAW HAS NO COMMENTS OR OBJECTIONS TO THE PROPOSED REQUEST
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 0354-09. 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.

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

Signed: _______________  
Date: 9/17/93

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

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

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

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

     Mr. Goro Hokama, Chair
     County Council
     County of Maui

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

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

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

Transmitted for your review and comment are copies of water use permit applications for T.T. MEYER, INC., Wayne Meyer, and the Henry R. Meyer Estate for Well Nos. 0354-02 to 0358. Public notice of these applications will be published in the Honolulu Star Bulletin issues of August 27, 1993 and September 3, 1993.

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

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

LN:ky
Attachments

Response: Contact person: ________________ Phone: ____________

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

Signed: ________________ Date: ____________
MEMORANDUM

TO: 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

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    County of Maui

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

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

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

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

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

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

LN:ky
Attachments

Response: Contact person: ________________ Phone: ____________

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

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

Dear Mayor Lingle:

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

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

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

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

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

Very truly yours,

[Signature]
KEITH W. AHUE

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

Phone: 587-0290

Signed: [Signature]

Date: 8/31/93

Attachments
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.
PUBLIC NOTICE

Applications for Water Use Permits
Ground Water Management Areas

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

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

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

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

(more)
Henry's Well (Well No. 0354-03)

Applicant: Henry R. Meyer Estate
P.O. Box 454
Kaunakakai, HI 96748

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

Written objections or comments on the applications for water use permits may be filed by any person who has property interest in any land within the hydrologic unit of the source of water supply, any person who will be directly and immediately affected by the proposed water use, or any other interested person. Written objections shall: (1) state property or other interest in the matter; (2) set forth questions of procedure, fact, law, or policy, to which objections are taken; and (3) state all grounds for objections to the proposed permits. Send written objections by September 20, 1993 to 1) the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809, and 2) a copy of the objection letter(s) to the applicant at the above address.

COMMISSION ON WATER RESOURCE MANAGEMENT

KEITH W. AHUE
Chairperson

Dated: AUG 24 1993

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

MEMORANDUM

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

FROM: Rae M. Loui, Deputy Director

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

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

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

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

LN:ky  
Attachments

Response:  
   Contact person: ________________________  
   Phone: ____________________

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

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

Dear Mr. Meyer:

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

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

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

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

Sincerely,

RAE M. LOUI  
Deputy Director

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

APPLICATION FOR WATER USE PERMIT

Permittee

SOURCE
Honolulu, Hawaii

PERMITTEE
Com влияние

PROJECT

APPLICANT

PROPOSED TOTAL

QUALITY

METHOD

LOCATION

EXISTING

PROPOSED

WELL

DIVERSION

QUANTITY

METHOD

USING

USE INFORMATION

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

(a) Proposed Use of water is: [ ] Existing [ ] New [ ] Both existing & new use

(b) Tax Map Key: [ ] Existing [ ] New: [ ] If location of use is over multiple TMKs, please complete Table 1 on back of application

(c) Address:

(d) Current Land Use District (check one):

(e) Current County Zoning Code:

QUANTITY OF WATER REQUESTED:

METHOD OF MEASUREMENT:

QUALITY OF WATER REQUESTED:

PROPOSED USE:

For questions 12 & 13: If multiple TMKs are involved, please complete Table 1 on back of application.

TOTAL NUMBER OF RESIDENCES TO BE SERVED:

TOTAL ACRES TO BE IRRIGATED AND TYPE OF CROP:

PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION:

APPLICANT MUST BRIEFLY DESCRIBE FOLLOWING POTENTIAL RESTRICTIONS ON WATER USE:

(a) Impact on Sustainable yield (?): [ ] None

(b) Instream Flow Standards affected (?): [ ] None

(c) Hawaiian Home Lands use affected (?): [ ] None

(d) Other existing legal uses affected (?): [ ] None

(e) Other (pending permits, EIS, etc.)?: [ ] None

REMARKS, EXPLANATIONS:

APPLICANT (print):

Signature:

Date:

LANDOWNER (print):

Signature:

Date:

For Official Use Only:

Hydrologic Unit No.

Diversions Works No.

State Well No.

4/13/93 WIPRA Form

91-01
Dear Mrs. Loui,

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

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

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

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

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

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

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

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

Thank you for your attention to these concerns.

Sincerely,

D. Wayne Meyer, Sr.
State of Hawaiʻi-DLNR
Division of Water Resource Management
ATTN: Rae M. Loui
P.O. Box 621
Honolulu, Hawaiʻi  96809

Dear Mrs. Loui,

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

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

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

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

Thank you for your attention to these concerns.

Sincerely,

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

Dear Mr. Loui:

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

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

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

Won't you please consider this request?

Sincerely,

[Signature]

Haunani Meyer  
c: Keith Ahue
P.O. Box 35
Kaunakakai, Molokai
Nov. 19, 1993

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

Gentlemen:

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

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

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

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

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

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

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

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

Thank you for your time.

Otto S. Meyer
Landowner
Ms. Rae Loui  
State of Hawaii, DLNR  
Commission on Water Resource Mgmt.  
P.O. Box 21  
Honolulu, HI 96209  

Dear Ms. Loui:

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

(Mrs.) Ottina Meyer Paoa

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

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

Gentlemen:

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

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

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

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

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

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

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

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

Thank you for your time.

Otto S. Meyer
Landowner
State of Hawaii  
Department of Land & Natural Resources  
Commission on Water Resource Management  
P. O. Box 621  
Honolulu, Hawai'i  96809  

ATTN: Rae Loui and Keith Ahu'e  

Dear Sirs:  

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

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

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

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

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

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

Sincerely,  

Jeanette Meyer Silva  

cc: File  
Attorney
gave to kay 9/18/93
(5) Well 0354-05 (Kamalo-TT Meyer #5):

1. Source: A dug well lined by a 4-foot diameter section of concrete pipe. Total depth of the well is 5-1/2 feet with 2 feet of water. No pump or motor installed in well.


3. Quantity: Not in use.

4. Location: Source, TMK: 5-5-1:28

Using the GPS: latitude = 21 deg 03 min 37.7 sec N
(Source location) longitude = 156 deg 54 min 51.9 sec W

5. This well was not registered in 1989.


7. Well index number 0354-05 (Kamalo-TT Meyer #5) will be assigned to this well.
PART I: USE OF WATER

1. Tax Map Key where the water is used: _________. Does the declarant own this land? _______ If not, who does? __________________________

2. What is the water used for? __________________________
   If for irrigation, how many acres are being irrigated by crop type? __________________________
   If for livestock, how many and what kind? __________________________
   If for drinking, at how many houses? __________________________ by how many people?

3. Is the quantity of water use being measured? _______ If yes, document the location of the measurement point and method of measurement; also get use records if these were not submitted previously.

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

PART II: WATER SOURCE

1. Where does the water come from / what kind of source is this? DUG WELL, LINED BY CONCRETE PIPE, 4" DIA, 5' PT TOTAL DEPTH, 2 FT WATER.
   Types of sources include:
   1) Wells (drilled/dug, tunnel)
   2) Diversions (ditch, pipe, pump, or livestock from a stream, spring, swamp, pond)
   3) Multi-source systems. (Declared use cannot be traced to a single well or diversion)
   NOTE: If a multi-user system: take from pipe or ditch (need to determine whether this is a multi-source or single-source system before the data can be input to the computer)
   4) Instream (i.e., crops planted along water edge)

2. Show the source location on maps, determine latitude and longitude, and document the nature of source development by measurements, sketches, and photographs. How is the water taken? GPS: LAT: 37°13'17"N, LONG: 118°50'51.4"W
   What is the capacity for taking (gpm)? NOT IN USE
   How often is it taken (used)? NOT IN USE

3. Tax Map Key at the source: 5-5-1:28. Determine declarant's relation to source. Does the declarant:
   1) Operate and maintain the source? _______ If not, who does? NOT IN USE
   2) Own the land at the source? _______ If not, who does? IT NEVER IS
   3) Use the water from this source? _______ If not, who does? NOT IN USE
   4) Own the land where the water is being used? _______ If so, why did they file?
   5) None of the above? _______ If so, why did they file?

4. Does any one else also use water from this source? _______ If yes, is their use included in this user's declaration? _______ Who are the other users? _______ Did they file?

VERIFIED BY: STELLING CHOW DATE: 11-23-92

WELL NOT REGISTERED IN 1989.
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, Noelanl Joy, DeGray Vanderbilt, William Kalesiomi, 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, NATWA WELL (WELL NO. 07055-05), MANAWAINUI GROUND WATER MANAGEMENT AREA, MOLOKAI**

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

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

Unanimously approved (Cox/Ing).

**ITEM 6**

**KUKUI (MOLOKAI), INC. APPLICATION FOR A WATER USE PERMIT, NATWA WELL (WELL NO. 07055-05), 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 918,600 gallons per day.

3. That the Commission defer action on the remaining observed usage of 240,200 gallons per day, for a period not to exceed 90 days, pending the following:
   a. Justification for additional allocation for existing uses in excess of 918,800 gallons per day.
   b. Development of a conservation plan or program that shall address, but not be limited to, the following:
      (1) Identifying and using efficient plants and drought tolerant plants for landscaping and quantifying their demands (xeriscape).
      (2) Use of efficiently designed landscaping and irrigation systems.

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

5. Defer other requests for future uses.

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

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

Additional testimonies were heard for informational purposes only.

Unanimously approved for deferral (Cox/Nakata).

ITEM 7
APPLICATIONS FOR WATER USE PERMITS, KAWELA GROUND WATER MANAGEMENT AREA, MOLOKAI

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

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

Unanimously approved as amended (Ing/Lewin).

ITEM 8
LOKO I'A KALO AFTER-THE-FACT APPLICATION FOR STREAM CHANNEL ALTERATION PERMIT, STREAM DIVERSION WORKS PERMIT, AND AMENDMENT TO THE INTERIM INSTREAM FLOW STANDARD, HONOUWIWAI 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:

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

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

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

Landowner:

Same

Same

Same

Background

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

Analysis & Issues

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

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

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

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

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

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

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

(1) Water availability - Although pending applications for existing uses reflect a total draft rate of 1.72 million gallons per day (mgd), the latest 12-month moving average of actual recorded water usage suggests that existing withdrawals may be less than 0.6 mgd. Staff finds that this is a more reasonable estimate of existing uses in the aquifer. The satisfaction of all reasonable and beneficial existing uses is therefore expected to require less than 15% of the total sustainable yield. An increase of about 3-4% in use at the major developments is projected through the year 2010. By this analysis, over 80% of the system’s sustainable yield remains available for other pending permits for continued existing uses and for new uses on lands that are currently undeveloped.

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

1a. Meyer Inc. #1 (Well No. 0354-01) - The applicant has not been reporting his water use on a regular basis, and the capacity of the pump could not be verified in the field. The well registration form lists the capacity at 20 gpm. It is assumed that the pump has not been replaced, since no application for a pump installation permit has been filed since the well was registered. Assuming that the pump is operated continuously at full capacity, the maximum possible yield from the well is 28,800 gallons per day. Based on the Maui County Domestic Consumption Guidelines, 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.
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:
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: NA
Elevations (msl = 0 ft.):
   Water Level: NA ft.
   Ground: NA ft.
   Bottom of Solid Casing: NA ft.
   Bottom of Perforated: NA ft.
   Bottom of Open Hole: -4 ft.
Total Depth: 15 ft.
Grouted Annulus Depth: NA ft.
Pump Capacity: 20 gpm

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

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

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

Total Depth:
Grouted Annulus Depth:

Pump Capacity

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

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:
Nearby Similar Water Usage:

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:
Nearby Similar Water Usage:

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

ATTACHMENT A
Chairperson and Members
Commission on Water Resource Management

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

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

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

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 described 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
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 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**

<table>
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<th>WUPA NO</th>
<th>APPLICANT</th>
<th>WELL NO</th>
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5 Applications Totaling 0.345

**MOLOKAI HAS 5 Applications Totaling 0.345**

**STATEWIDE THERE ARE 5 APPLICATIONS TOTALING 0.345**
Staff finds that the proposed permits for existing uses should not violate any of these recommendations made by the Molokai Working Group. No objections have been filed with the Commission.

RECOMMENDATION

Staff recommends:

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

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

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

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

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

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

Respectfully submitted,

Edwin T. Seboda
Deputy Director

APPROVED FOR SUBMITTAL:

KEITH W. AHUE, Chairperson
Mr. Henry Meyer  
P.O. Box 454  
Kaunakakai, HI 96748  

Dear Mr. Meyer:  

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

The Commission on Water Resource Management will be acting on your water use permit application for Henry’s Well (Well No. 0354-05) 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,  

[Signature]  
RAE M. LOUI  
Deputy Director  

LN:fc  
Attach.
NOTICE OF PUBLIC HEARING
for
WATER USE PERMITS APPLICATIONS
KAWEKA 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

Date Completed Application Received: June 8, 1993

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

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

Date Completed Application Received: January 21, 1993

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

DW3 (Well No. 0456-06)
DW2 (Well No. 0456-08)
DW1 (Well No. 0456-09)

Applicant: Kawela Plantation Homeowners Association
P.O. Box 698
Kaunakakai, HI 96748

Date Completed Application Received: January 21, 1993

Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: DW3, DW2, DW1 Wells, Well Nos. 0456-06, 0456-08, 0456-09, at Kawela, Molokai, Tax Map Key: 5-4-14:17

Quantity Requested: 300,000 gallons per day
Existing Water Use: Domestic use for 210 agricultural units

Place of Water Use: Kawela Plantation 1,2, & 3, Tax map Key: 5-4-14:various

AG #1 (Well No. 0457-04)

Applicant: Kawela Plantation Homeowners Association
P.O. Box 698
Kaunakakai, HI 96748

Date Completed Application Received: January 21, 1993

Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: AG #1 Well, Well No. 0457-04, at Kawela, Molokai, Tax Map Key: 5-4-15:33

Quantity Requested: 225,000 gallons per day
Existing Water Use: Irrigation of 300 acres over 139 lots
Place of Water Use: Kawela Plantation 2 & 3, Tax map Key: 5-4-15:various

Johnson Well (Well No. 0456-01)

Applicant: R.M. Granger
P.O. Box 371
Kaunakakai, HI 96748

Date Completed Application Received: July 6, 1993

Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: Johnson Well, Well No. 0456-01, near Kakahaia Pond, Molokai at Tax Map Key: 5-4-1:11

Quantity Requested: 25,000 gallons per day.
Existing Water Use: Irrigation of 4 acres of pasture & corn
Place of Water Use: Near Kakahaia Pond at Tax Map Key: 5-4-1:11

Kawela-Iaea #3 (Well No. 0456-16)

Applicant: John Wm. Iaea, Sr.
P.O. Box 405
Kaunakakai, HI 96748

Date Completed Application Received: July 1, 1993

Aquifer: Kawela System, Southeast Sector, Molokai
Well Source: Kawela-Iaea #3 Well, Well No. 0456-16, at Kawela, Molokai, at Tax Map Key: 5-4-1:52

Quantity Requested: 1,000 gallons per day.
Existing Water Use: Domestic supply for 3 homes and irrigation of 2 acres of flowers
Place of Water Use: Kawela, Molokai at Tax Map Key: 5-4-1:52

T.T. Meyer Inc #2 (Well No. 0354-02)
Applicant: T.T. Meyer, Inc.
P.O. Box 454
Kaunakakai, HI 96748

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

Henry's Well (Well No. 0354-03)
Applicant: Henry R. Meyer Estate
P.O. Box 454
Kaunakakai, HI 96748

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

T.T. Meyer Inc #4 (Well No. 0354-04)
Applicant: Wayne Meyer
P.O. Box 454
Kaunakakai, HI 96748

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

T.T. Meyer Inc #1 (Well No. 0354-05)
Applicant: T.T. Meyer, Inc.
P.O. Box 156
Kaunakakai, HI 96748

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

COMMISSION ON WATER RESOURCE MANAGEMENT

KEITH W. AHUE, CHAIRPERSON

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

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

Dated: OCT - 4 1993

October 14, 1993

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

Dear Mr. Ahue:

Withdrawal of Objections

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

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

Warmest aloha,

Hoaliku L. Drake, Chairman
Hawaiian Homes Commission

HLD:BH:ci/1608L.77
MEMORANDUM

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

FROM: Rae M. Loui, Deputy Director

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

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

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

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

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

Signed: [Signature]

Date: 9/22/93
MEMORANDUM

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

ATTN: Mr. William Tam, Deputy Attorney General

FROM: Rae M. Loui, Deputy Director

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

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

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

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

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

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

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

Please provide the following information:

1. NAME: Wilma Kamakana Grambusch  PHONE:  
2. ADDRESS: P.O. Box 614;  
   Kaunakakai, HI 96748
3. ATTORNEY (IF ANY): Williamson B. C. Chang, Esq.
4. ATTORNEY ADDRESS: 969 Ahuwale Place  
   Honolulu, HI 96821  
   PHONE: (808) 377-1205
5. SUBJECT MATTER: Objection to water permit applications
6. DATE OF PUBLIC HEARING/COMMISSION MEETING: September 15, 1993
7. LEGAL AUTHORITY: Intervention pursuant to Water Code
   section 174C-60 (contested Cases). Petitioner Grambusch has a
   property interest in the area in which permits are sought.
8. WHAT STATUTORY OR OTHER RIGHT OF YOURS IS BEING AFFECTED?
   Applicant's use will interfere with standard water use permit
   conditions 3(c) and 3(g) "existing legal right" to use water by
   members of the Kalamaula Homestead Association, including petitioner.
   (see Petition for Contested Proceeding 9/15/93 and letter of 9/13/93)
8. SPECIFIC LEGAL ISSUE: The Commission must protect Native Tenancy and
   Native Tenant's rights under the Water Code. Applicants have not
   shown a need for amounts requested and the Commission must protect
   the right of those who have not yet applied for water from the aquifer.
9. PROVIDE YOUR TAX MAP KEY AND THE TAX MAP KEY OF THE PROPERTY
CONSIDERED IN THIS ISSUE. ARE YOU AN ADJACENT OR NEIGHBORING PROPERTY OWNER? DESCRIBE THE NATURE AND EXTENT OF YOUR INTEREST IN THIS MATTER.

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

10. WHAT IS YOUR SPECIFIC DISAGREEMENT REGARDING THIS ISSUE?

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

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

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

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

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

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

Mrs. Wilma Kamakana Hambusch
Petitioner

DATED: Wilma Kamakana Hambusch
Petitioner
TAX MAP KEYS

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

Iaea and Granger
as above plus
5-4-01-18 1/2 owner
5-4-01-15 1/2 owner
5-4-01-14 1/2 owner

Curtis and Hawaiian Research
all Keys referenced above
BEFORE THE COMMISSION ON WATER RESOURCES MANAGEMENT

STATE OF HAWAII

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

PETITION TO INTERVENE
AND
CERTIFICATE OF SERVICE

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

STATE OF HAWAI'I

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

) Petition for Contested Proceeding on Applicants' Request for Water Permits
) Certificate of Service

PETITION TO INTERVENE

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

I. NATURE OF PETITIONERS STANDING AND STATUTORY OR OTHER RIGHT

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

II. REASONS FOR REJECTION OF PETITIONER'S REQUEST
1. THE NUMBER OF APPLICATIONS FOR GROUNDWATER FOR THE KAWELA
AQUIFER REQUIRE DEFERRING THE ISSUANCE OF ANY PERMITS UNTIL ALL
INFORMATION CAN BE OBTAINED.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VII. PRAYER FOR RELIEF

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

Dated: Molokai, Hawaii, September 14, 1993

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

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

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

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

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

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

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

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

Dated: September 15, 1993, Kaunakakai, Hi,

[Signature]
Michael Foulkes, for the Intervenor
Mrs. Wilma Grambusch
I. Request for Deferral of Several Matters scheduled for 1:30 until 6:00

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

II. Specific Objections to Applications:

a. Item 8 -- application of Curtis, et al, Kawela Plantation Homeowners Association. The Kalamaula Homeowners Association objects to the application of David Curtis et al on numerous grounds:
   1. The applicant’s use will interfere with the 3(c)
standard water use permit conditions) and 3(g) "existing legal right" to the use of water by members of the Kalamaula Homestead Association. The rights of Homesteaders are defined by both congressional and state law and the barrier to homesteading has been the inability to obtain water. The rights of the association extend island-wide and thus all uses other than those for homesteading are subordinate to the rights of homesteaders not able to live on their lands due to failure to supply water. The strength of this right is obvious, since it is repeated a number of times in different parts of the standard water use permit conditions, particularly in 9(g) and section 6. Any issuance of a water use permit on Molokai should be deferred until the public hearing on the proposed rule. Chronologically, only after the rule reserving waters is finalized, including the scope of aquifers which are affected, can water permits be issued on Molokai.

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

b. Item 9 --

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

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

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

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

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

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

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

DATED: September 13, 1993. Honolulu, Hawaii

Yours,

Williamson B.C. Chang
Counsel for Objector, Kalamauala Homestead Assn, Professor of Law, University of Hawaii
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

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: [Signature]
Phone: [Signature]

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

Signed: [Signature]
Date: 10/1/93
MEMORANDUM

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

FROM: Don Hibbard, Administrator

TMK 5-5-1: 11, 12, 28

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

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

AG:111
MEMORANDUM

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

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.

Response: Contact person: ELLEN KRAFSTOW
           Phone: [Redacted]

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

Signed: [Signature]
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 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.

Response: Contact person: ELLIE KAPTEIN

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

Signed: [Signature]

Date: Sept 14, 1993
The Honorable Keith W. Ahue, Chairperson
Commission on Water Resource Management
Department of Land and Natural Resources
P. O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Ahue:

Water Use Permits

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

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

Warmest aloha,

[Signature]

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, 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
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 06. 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: Gordon Akita Phone: 70227

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

Signed: MANABU TAGOMORI Bar: 9-9-93
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: Rac 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 05A 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:  Date: 9/10/93
The Honorable Keith W. Ahue  
State of Hawaii  
Department of Land and Natural Resources  
Commission of Water Resource Management  
P.O. Box 621  
Honolulu, Hawaii 96809  
Attn: Mr. Manabu Tagomori, Deputy  

Dear Mr. Ahue:  

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

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

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

Sincerely yours,  

Clayton H.W. Hee  
Chairperson  

LM:sk
MEMORANDUM

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

FROM: Rae M. Loui, Deputy Director

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

Transmitted for your review and comment are copies of water use permit applications for T.T. MEYER, INC., Wayne Meyer, and the Henry R. Meyer Estate for Well Nos. 0354-62 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.

LN:ky
Attachments

Response: Contact person: __________________________ Phone: __________

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

Signed: __________________________ Date: 9/7/93
MEMORANDUM

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

FROM: Henry Sakuda, Administrator, Division of Aquatic Resources


The applications are for an existing low elevation wells distributed above the Pahiomu Fish Pond to supply a total of approximately 340,000 gallons per day of brackish water for irrigation and industrial (cinder/rock quarry) use. There is no potential for any impact on surface water habitat. We have no objections from the aquatic biological resources standpoint.
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: ____________________________
() 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: ____________________________
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 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: 9/17/93

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

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

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

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

Mr. Goro Hokama, Chair
County Council
County of Maui

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

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

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

Transmitted for your review and comment are copies of water use permit applications for T.T. MEYER, INC., Wayne Meyer, and the Henry R. Meyer Estate for Well Nos. 0354-02 to 0354-06. 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:kly
Attachments

Response: Contact person: ________________ Phone: ____________

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

Signed: ____________________________ Date: ______________
MEMORANDUM

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

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

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

Mr. Goro Hokama, Chair
   County Council
   County of Maui

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

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

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

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

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

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

LN:ky
Attachments

Response: Contact person: ______________________ Phone: __________

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

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

Dear Mayor Lingle:

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

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

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

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

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

Very truly yours,

[Signature]
KEITH W. AHUE

Enc.
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: 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,

[Signature]

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, Kapuaokoolau, Molokai, at Tax Map Key: 5-5-1:11
Quantity Requested:  100,000 gallons per day
Existing Water Use:  Irrigation of 15.5 acres of citrus and mango trees and various other vegetables
Place of Water Use:  Kapuaokoolau, Molokai at Tax Map Key: 5-5-1:11

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

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

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

Written objections or comments on the applications for water use permits may be filed by any person who has property interest in any land within the hydrologic unit of the source of water supply, any person who will be directly and immediately affected by the proposed water use, or any other interested person. Written objections shall: (1) state property or other interest in the matter; (2) set forth questions of procedure, fact, law, or policy, to which objections are taken; and (3) state all grounds for objections to the proposed permits. Send written objections by September 20, 1993 to 1) the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809, and 2) a copy of the objection letter(s) to the applicant at the above address.

COMMISSION ON WATER RESOURCE MANAGEMENT

[Signature]
KEITH W. AHUE
Chairperson

Dated: AUG 24 1993

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.
PERMITTEE INFORMATION

1. (a) APPLICANT
   Firm/Name: Meyer R. Meyer Estate
   Contact Person: Wayne Meyer
   Address: 2940 Kaloko St. 29-355
   Honolulu, HI 96822

   (b) LANDOWNER OF SOURCE
      Firm/Name: Meyer R. Meyer
      Contact Person: Wayne Meyer
      Address: 2940 Kaloko St. 29-355
      Honolulu, HI 96822

SOURCE INFORMATION

2. WATER MANAGEMENT AREA: Kaneohe
   ISLAND: Oahu

3. (a) EXISTING WELL/DIVERSION NAME AND STATE NUMBER: Meyer's Well 0859-08
   (b) PROPOSED (NEW) WELL/DIVERSION NAME:

   (c) LOCATION: Address Kapupeccohanu Tax Map Key 5.5-1/28

   (d) LOCATION: Address: Kapupeccohanu Tax Map Key 5.5-1/28

   (e) LOCATION: Address: Kapupeccohanu Tax Map Key 5.5-1/28

4. SOURCE TYPE (check one): Stream □ Base □ Pipe-confined □ Parched □ Caprock

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

6. LOCATION OF PROPOSED WATER USE: (If possible, show on same map as source location. Otherwise, attach similar maps)
   (a) Proposed use of water is: □ Existing □ New □ Both existing & new uses
   (b) Tax Map Key: 5.5-1/28

   (c) Address:

   (d) Current Land Use District (check one): □ Urban □ Agriculture □ Conservation □ Rural

   (e) Current County Zoning Code: 000

7. QUANTITY OF WATER REQUESTED: 30,000 gallons per day

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

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

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

For questions 12 & 13: If multiple TMKs are involved, please complete Table 1 on back of application.

11. TOTAL NUMBER OF RESIDENCES TO BE SERVED: 1

12. TOTAL ACRES TO BE IRRIGATED AND TYPE OF CROP: 5.52 Coconut

13. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION: 7-10 AM (daytime hours of operation, est. 7 a.m. to 2 p.m.)

14. APPLICANT MUST BRIEFLY DESCRIBE FOLLOWING POTENTIAL RESTRICTIONS ON WATER USE:
   (a) Impact on Sustainable Yield (1): NONE
   (b) Instream Flow Standards affected (1): None
   (c) Hawaiian Home Lands use affected (1): None
   (d) Other existing legal uses affected (1): None
   (e) Other (pending permits, EIS, etc.) (1): None

15. REMARKS, EXPLANATIONS: No Public water Source of any Kind

NOTE: Signing below indicates that the applicant understands that, if a water use permit is granted by the Commission on Water Resource Management, the permit is subject to prior superior permitted uses, changes in water rights, and subsequent water standards, reserved uses as defined by the Commission, and Hawaiian Home Lands future uses. In addition, applicant understands that upon permit approval, a water shortage plan must be submitted should the Commission require one.

Applicant (print) Wayne Meyer Sr. Landowner (print) Meyer R. Meyer
Signature Wayne Meyer Sr. Signature Meyer R. Meyer
Date 7-13-93 Date 7-13-93

For Official Use Only:
Date Received
Date Accepted
Hydrologic Unit No.

Diversion Works No.
State Water No.

* completed by mrs. 91/01
Dear Mrs. Loui,

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

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

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

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

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

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

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

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

Thank you for your attention to these concerns.

Sincerely,

D. Wayne Meyer, Sr.
November 24, 1993

State of Hawai‘i-DLNR  
Division of Water Resource Management  
ATTN: Rae M. Loui  
P.O. Box 621  
Honolulu, Hawai‘i  96809

Dear Mrs. Loui,

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

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

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

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

Thank you for your attention to these concerns.

Sincerely,

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

Dear Mr. Loui:

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

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

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

Won't you please consider this request?

Sincerely,

Haunani Meyer

C: Keith Ahue
Gentlemen:

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

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

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

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

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

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

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

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

Thank you for your time.

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

Dear Ms. Loui:

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

(Mrs.) Ottina Meyer Paoa

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

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

Gentlemen:

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

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

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

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

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

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

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

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

Thank you for your time.

Otto S. Meyer
Landowner
State of Hawaii  
Department of Land & Natural Resources  
Commission on Water Resource Management  
P. O. Box 621  
Honolulu, Hawai'i  96809  

ATTN: Rae Loui and Keith Ahu'e  

Dear Sirs:  

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

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

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

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

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

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

Sincerely,  

Jeanette Meyer Silva  

cc: File  
Attorney
Gave to Kay 4/18/93
(5) Well 0354-05 (Kamalo-TT Meyer #5):

1. Source: A dug well lined by a 4-foot diameter section of concrete pipe. Total depth of the well is 5-1/2 feet with 2 feet of water. No pump or motor installed in well.


3. Quantity: Not in use.

4. Location: Source, TMK: 5-5-1:28
   Using the GPS: latitude = 21 deg 03 min 37.7 sec N
   (Source location) longitude = 156 deg 54 min 51.9 sec W

5. This well was not registered in 1989.


7. Well index number 0354-05 (Kamalo-TT Meyer #5) will be assigned to this well.
PART I: USE OF WATER

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

2. What is the water used for? _________.
   If for irrigation, how many acres are being irrigated by crop type? _________.
   If for livestock, how many and what kind? _________.
   If for drinking, at how many houses? _________. by how many people? _________.

3. Is the quantity of water use being measured? _________. If yes, document the location of the measurement point and method of measurement; also get use records if these were not submitted previously. _________.

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

PART II: WATER SOURCE

1. Where does the water come from? _________. what kind of source is this? _________.

   Types of sources include:
   1) Wells (drilled/dug/hunnel)
   2) Diversions (ditch, pipe, pump, or livestock from a stream, spring, swamp, pond)
   3) Multi-source systems. (Declared use cannot be traced to a single well or diversion)

   NOTE: If a multi-user system: take from pipe or ditch (need to determine whether this is a multi-source or single-source system before the data can be input to the computer)

   4) Instream (i.e., crops planted along water edge)

2. Show the source location on maps, determine latitude and longitude, and document the nature of source development by measurements, sketches, and photographs. How is the water taken? _________.
   What is the capacity for taking (gpm)? _________.
   How often is it taken (used)? _________.

3. Tax Map Key at the source: _________. Determine declarant's relation to source. Does the declarant:
   1) Operate and maintain the source? _________. If not, who does? _________.
   2) Own the land at the source? _________. If not, who does? _________.
   3) Use the water from this source? _________. If not, who does? _________.
   4) Own the land where the water is being used? _________.
   5) None of the above? _________. If so, why did they file? _________.

4. Does anyone else also use water from this source? _________. If yes, is their use included in this user's declaration? _________. Who are the other users? _________. Did they file? _________.

VERIFIED BY: _________. DATE: _________.

WELL NOT REGISTERED IN 1989.